Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Forest Hills District (FH)

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86-00 - GENERAL PURPOSES

LAST AMENDED
3/24/2009

The "Special Forest Hills District" established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity of Forest Hills. The general goals include, among others, the following specific purposes:

(a) to ensure that the form of new buildings is compatible with and relates to the built character of the Forest Hills neighborhood;

(b) to preserve, protect and promote the special character of Austin Street as a regional shopping destination;

(c) to create a graduated transition from the lower-scale character of Austin Street to the higher-scale character of Queens Boulevard;

(d) to support a broad and vibrant mix of commercial and residential uses throughout the Special District;

(e) to enhance the pedestrian setting of Austin Street through appropriate ground floor uses and structural requirements; and

(f) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

86-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

86-02 - General Provisions

LAST AMENDED
12/5/2024

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

86-03 - District Plan and Maps

LAST AMENDED
3/24/2009

The regulations of this Chapter are designed to implement the District Plan for the #Special Forest Hills District#. The District Plan includes the map of the #Special Forest Hills District#, which is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

86-10 - SPECIAL USE REGULATIONS

LAST AMENDED
3/24/2009

86-11 - Use Modifications Along Austin Street

LAST AMENDED
6/6/2024

Within C2 Districts fronting on Austin Street in the #Special Forest Hills District#, the #use# regulations shall be modified to permit #uses# listed under Use Groups VI and VIII, pursuant to the regulations applicable to C4 Districts.

86-12 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on the District Plan map in the Appendix to this Chapter shall be considered #Tier C street frontages#.

86-13 - Location of Uses in Mixed Buildings

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraphs (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#

86-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/24/2009

The applicable #bulk# regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-21 - Special Floor Area Regulations in C4-5X Districts

LAST AMENDED
3/24/2009

In C4-5X Districts within the #Special District#, the underlying #floor area ratio# for #commercial uses# shall not apply. In lieu thereof, the provisions of Section 33-122 (Commercial buildings in all other Commercial Districts) shall be modified to permit a maximum #floor area ratio# of 5.0.

86-22 - Waiver for Rear Yards

LAST AMENDED
3/24/2009

No #rear yards# shall be required for any #commercial# or #community facility# #use# permitted within a C2-3 District in the #Special Forest Hills District#.

86-23 - Height and Setback Regulations

LAST AMENDED
12/5/2024

#Buildings or other structures# within the Special District shall comply with the height and setback regulations of Section 35-63 (Height and Setback Requirements in Commercial Districts with R6 Through 12 Equivalency) except that within the C4-5X District west of 70th Road, the minimum base height of the #street wall# shall be 40 feet.

86-30 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED
2/2/2011

For any #zoning lot# within the #Special Forest Hills District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, other than #floor area ratio# provisions, provided the Commission shall find that such:

(a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) #use# modification will encourage a lively pedestrian environment along Austin Street;

(c) modification is the only practicable way to achieve the programmatic requirements of the development;

(d) modification will enhance the distribution of #bulk# on the #zoning lot#;

(e) modification of #bulk# will permit adequate access of light and air to surrounding #streets# and properties; and

(f) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

86-40 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
3/24/2009

The applicable parking and loading regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-41 - Parking Regulations for Commercial Uses

LAST AMENDED
6/6/2024

For all #commercial# #uses# located within the #Special Forest Hills District#, the parking requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified as follows:

(a) #uses# in parking requirement category (PRC) A shall be required to provide one parking space per 400 square feet of #floor area# for all such #uses#;

(b) #uses# in PRC-B shall be required to provide one parking space per 12 persons rated capacity; and

(c) for #transient hotels#, the #floor area# used for sleeping accommodations (PRC-F2) shall be required to provide one parking space per 12 guest rooms or suites.

86-42 - Location of Off-site Accessory Parking Spaces for Residential Uses

LAST AMENDED
12/5/2024

The applicable regulations for the location of permitted off-site #accessory# parking spaces for #residential uses# in Sections 36-42 (Off-site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall not apply in the #Special Forest Hills District#. In lieu thereof, such off-site parking spaces, which are #accessory# to a #residential use#, may also be located on any #zoning lot# within the Special District other than the #zoning lot# to which they are #accessory#.

86-43 - Modification of Parking Requirement Waivers

LAST AMENDED
12/5/2024

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#.

For any #commercial# or #community facility# #use# permitted in the Special District, the modification waiver provisions for a C4-4 or C4-5 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-21 (General Provisions) shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the regulations of Section 36-21, is fewer than 40 spaces.

The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall apply only to #zoning lots# existing both on March 24, 2009, and on the date of application for a building permit.

86-44 - Location of Access to the Street

LAST AMENDED
3/24/2009

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), pertaining to location of access shall be modified within the #Special Forest Hills District#, as follows:

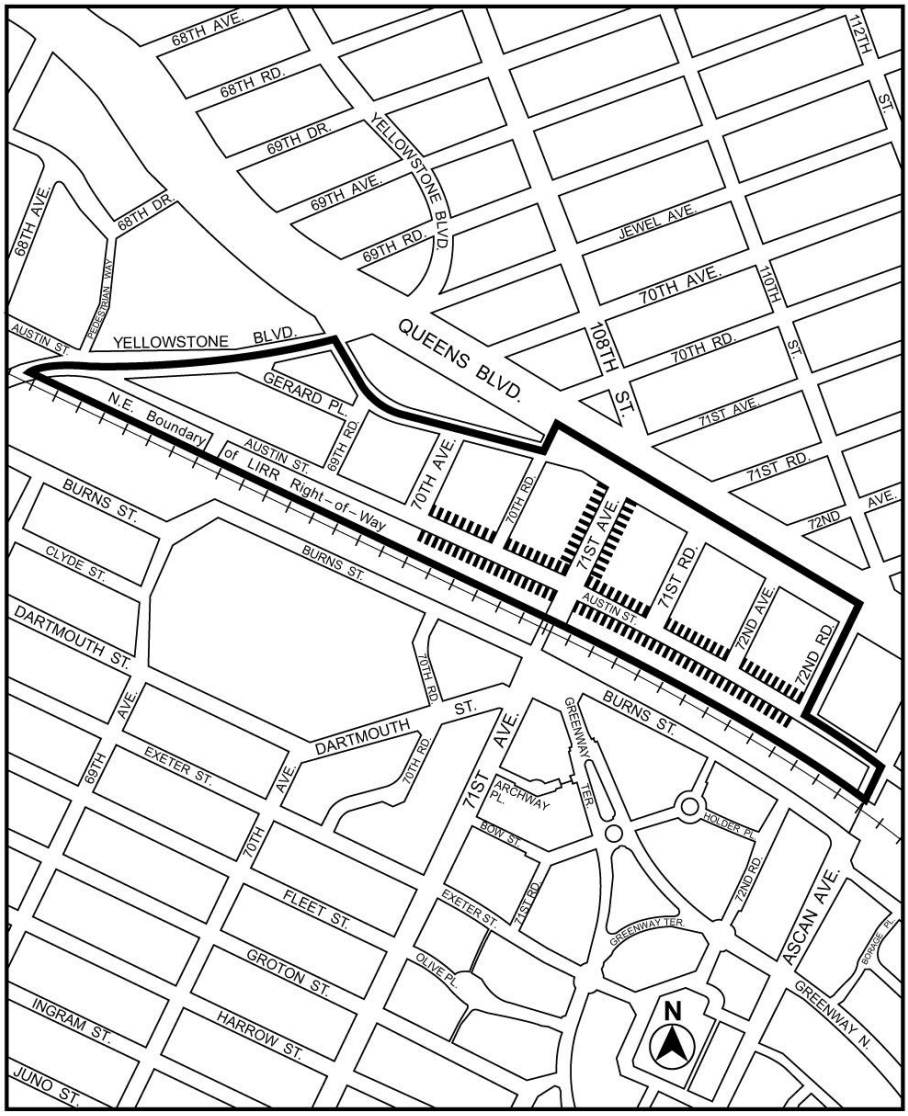
(a) curb cuts for permitted or required #accessory# off-street parking and loading spaces along Austin Street from 70th Avenue to Ascan Avenue and along 71st Avenue from Austin Street to Queens Boulevard, as shown on the map in the Appendix to this Chapter, shall not be allowed. The Chairperson of the City Planning Commission, however, may certify to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that a curb cut in that location would not be hazardous to traffic safety and would, if granted, be no wider than 20 feet; and

(b) an application for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Appendix - Special Forest Hills District Plan

LAST AMENDED3/24/2009



Special Forest Hills District Boundary

Retail Continuity Street