



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Article X - Special Purpose Districts

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Chapter 1 - Special Downtown Brooklyn District (DB)

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Chapter 1 - Special Downtown Brooklyn District (DB)

101-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2011

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

- (a) to strengthen the business core of Downtown Brooklyn by improving the working and living environments;
 - (b) to foster development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate;
 - (c) to create and provide a transition between the Downtown commercial core and the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights;
 - (d) to encourage the design of new buildings that are in character with the area;
 - (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the vitality of Downtown Brooklyn;
 - (f) to improve the quality of development in Downtown Brooklyn by fostering the provision of specified public amenities in appropriate locations;
 - (g) to improve visual amenity by establishing special sign regulations within the Fulton Mall and Atlantic Avenue Subdistricts; and
 - (h) to promote the most desirable use of land and building development for Downtown Brooklyn and thus conserve the value of land and buildings and thereby protect the City's tax revenues.
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101-01 - Definitions

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LAST AMENDED

12/6/2023

For purposes of this Chapter, matter in *italics* is defined in Section [12-10](#) (DEFINITIONS), Section [101-702](#) (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Development or to develop

For purposes of this Chapter, "development" includes a *#development#*, an *#enlargement#* or an *#extension#*.

To "develop" is to create a *#development#*.

101-02 - General Provisions

LAST AMENDED

10/7/2021

The provisions of this Chapter shall apply within the *#Special Downtown Brooklyn District#*. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. 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#* or *#qualifying transit improvement 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.

Whenever a #zoning lot# is divided by the boundary of the #Special Downtown Brooklyn District#, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the #Special Downtown Brooklyn District#.

101-021 - Applicability of Inclusionary Housing Program

LAST AMENDED

9/7/2017

In #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the provisions of Sections [23-154](#) (Inclusionary Housing) and [23-90](#) (INCLUSIONARY HOUSING), shall apply, except as superseded, supplemented or modified by the provisions of this Chapter.

101-03 - District Plan and Maps

LAST AMENDED

4/30/2008

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following seven maps:

- Map 1 Special Downtown Brooklyn District and Subdistricts
- Map 2 Ground Floor Retail Frontage
- Map 3 Ground Floor Transparency Requirements
- Map 4 Street Wall Continuity and Mandatory Sidewalk Widening
- Map 5 Curb Cut Restrictions
- Map 6 Height Limitation Areas
- Map 7 Subway Station Improvement Areas

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

101-04 - Subdistricts

LAST AMENDED

6/28/2004

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply that do not apply within the remainder of the #Special Downtown Brooklyn District#. The subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E of this Chapter. Special regulations set forth in Sections [101-60](#) through [101-632](#), inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections [101-70](#) through [101-75](#) and Appendices A, B, C and D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

101-05 - Applicability of Special Permits by the Board of Standards and Appeals

Within the #Special Downtown Brooklyn District#, Section [73-68](#) (Height and Setback and Yard Modifications) shall not be applicable.

101-10 - SPECIAL USE REGULATIONS

101-11 - Special Ground Floor Use Regulations

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line#, shall be limited to #commercial# #uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. Libraries, museums and non-commercial art galleries shall be permitted. In addition, all non-residential #uses# permitted by the underlying district shall be permitted for buildings fronting on Myrtle Avenue between Ashland Place and the continuation of Prince Street. However, this minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate a vertical circulation core, or structural columns associated with upper #stories# of the #building#.

A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with the provisions of Section [37-33](#) (Maximum Width of Certain Uses). However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter.

The regulations of this Section are modified as follows:

(a) Fulton Mall Subdistrict

For #buildings# in the Fulton Mall Subdistrict, Use Group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use Group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use Groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off-track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #building# along the #street line# of Fulton Street. Any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(b) Atlantic Avenue Subdistrict

Automotive service stations are not permitted. No bank, loan office, business or professional office or individual #use# in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any #buildings# #developed# after June 28, 2004, or portions of #buildings# #enlarged# on the ground floor level after June 28, 2004, on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial# #uses# in Use Groups 6, 7 or 9, except that this requirement shall not apply to any #development# occupied entirely by #community facility use#.

In any #building# within the Atlantic Avenue Subdistrict, the provisions of Section [32-421](#) (Limitation on floors occupied by commercial uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first #story# ceiling in any #building# occupied on one of its upper #stories# by #residential# or #community facility uses#, shall not apply.

In lieu thereof, such non-residential uses shall not be located above the level of the second story ceiling.

101-12 - Transparency Requirements

LAST AMENDED

2/2/2011

Map 3 (Ground Floor Transparency Requirements) in Appendix E of this Chapter specifies locations where the following transparency requirements apply.

For any buildings developed after June 28, 2004, or portions of buildings enlarged on the ground floor level after June 28, 2004, each ground floor street wall shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

101-13 - Sign Regulations

LAST AMENDED

6/28/2004

In the Special Downtown Brooklyn District, except as modified by the provisions of Section 101-131 (Permitted projection), the regulations of Section 32-60, et seq., pertaining to signs, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set forth in Section 101-60, inclusive, and Section 101-70, inclusive.

101-131 - Permitted projection

LAST AMENDED

6/28/2004

The provisions of Section 32-652 (Permitted projection in all other Commercial Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

No permitted sign shall project across a street line more than 12 inches, except as otherwise provided in this Section.

Banners for theaters may project across a street line for a maximum distance of four feet, provided such banners are separated at least 25 feet apart, and further provided that such banners are located between 12 feet and 40 feet above curb level.

For each establishment located on the ground floor, non-illuminated double-faced signs may project perpendicularly across a street line for a maximum distance of 40 inches, provided that no more than two such signs, separated at least 25 feet apart, are permitted along each street on which such establishment fronts, and further provided that any such sign shall not exceed a surface area of 24 by 36 inches, and shall not be located above the sill level of the second story windows.

101-20 - SPECIAL BULK REGULATIONS

LAST AMENDED

10/7/2021

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Within Mandatory Inclusionary Housing areas, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

In addition, for developments or enlargements on qualifying transit improvement sites, a floor area bonus for mass transit station improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

101-21 - Special Floor Area and Lot Coverage Regulations

R7-1 C6-1 C6-4.5 C6-6 C6-9

(a) In R7-1 Districts

In R7-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section [23-151](#) (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent.

(b) In C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section [23-151](#) shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent. For #Quality Housing buildings#, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential# #floor area ratio# shall be 9.0. However, in #Mandatory Inclusionary Housing areas# mapped after October 21, 2021, the maximum #residential floor area ratio# shall be 12.0. No #floor area# bonuses shall be permitted, except in accordance with the provisions of Section [66-51](#), where applicable.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0. In addition, #residential# #floor area ratio# may be increased only pursuant to the applicable provisions of Section [23-154](#) (Inclusionary Housing).

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential# #floor area ratio# shall be 9.0. On a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area# #ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk#

regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

No #floor area# bonuses shall be permitted except as authorized granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements).

101-22 - Special Height and Setback Regulations

LAST AMENDED
2/2/2011

The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Section [101-221](#) (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#.

In R7-1, C5-4, C6-1, C6-4 and C6-9 Districts, except C6-1A Districts, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the provisions of Section [101-222](#) (Standard height and setback regulations) or, as an option where applicable, Section [101-223](#) (Tower regulations). #Buildings or other structures# within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas shall comply with the provisions of Section [101-30](#) (SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS). However, the underlying height and setback regulations shall apply to any #Quality Housing building#, except that Quality Housing height and setback regulations shall not be applicable within any R7-1 District mapped within a C2-4 District.

101-221 - Permitted Obstructions

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LAST AMENDED
12/6/2023

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts).

101-222 - Standard height and setback regulations

LAST AMENDED
11/16/2016

C2-4/R7-1 C6-1 C6-4.5 C6-6 C6-9

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS IN C2-4/R7-1, C6-1, C6-4.5, C6-6 AND C6-9 DISTRICTS

	Maximum Base Height		Maximum #building# Height	
District	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#

C2-4/R7-1	85	85	160	160
C6-1	125	150	185	210
C6-4.5 C6-6 C6-9	125	150	250	250

C5-4 C6-4

In the districts indicated, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section [23-662](#) (Maximum height of buildings and setback regulations) for an R10 District. For #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section [23-664](#) for an R10 District. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

101-223 - Tower regulations

LAST AMENDED
11/16/2016

C5-4 C6-1 C6-4 C6-6 C6-9

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provisions of Section [101-222](#) (Standard height and setback regulations).

(a) Setback requirements for #residential# towers

For #buildings# that contain #residential# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. Such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, or for any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential# #floor area#.

(c) #Lot coverage# requirements for towers

All #buildings#, or portions thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above a height of 150 feet, up to a height of 300 feet. Above a height of 300 feet, all #buildings#, or portions thereof, shall have a maximum

#lot coverage# of 50 percent of the #lot area# of the #zoning lot#. However, any portion of a #building# containing #residential# #floor area# above a height of 150 feet shall have a maximum #lot coverage# of 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the table in this Section:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in sq. ft.)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

(d) Maximum #building# height

In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4, C6-4, C6-6 or C6-9 District.

101-30 - SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

LAST AMENDED
2/2/2011

The provisions of this Section shall apply within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas, as shown on Map 6 in Appendix E of this Chapter.

(a) Flatbush Avenue Extension Height Limitation Area

Within the Flatbush Avenue Extension Height Limitation Area, no #building or other structure# shall exceed a height of 400 feet.

(b) Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:

(1) #Public plaza# prohibition

No #public plazas# shall be permitted within Area B of Map 6.

(2) Height and setback regulations

The tower provisions of Section [101-223](#) shall not apply. The standard height and setback regulations of Section [101-222](#) shall apply within Area A of Map 6, and are modified to limit maximum #building# height to 140 feet within Area B, and to permit a maximum #building# height of 250 feet within Area C of Map 6. For #Quality Housing buildings#, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 6 or as specified pursuant to the Quality Housing Program, whichever is less.

(3) #Rear yard# modification

The provisions of Sections [23-532](#) (Required rear yard equivalents) or [23-533](#) (Required rear yard equivalents for Quality Housing buildings), as applicable, shall not apply to any #through lot#. In lieu thereof, an open area with a minimum depth of 60 feet, midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided. Such #rear yard# shall be unobstructed from its lowest level to the sky, except as provided in Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

101-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
6/28/2004

101-41 - Special Street Wall Location Regulations

LAST AMENDED
11/16/2016

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widening) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

(a) Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, the #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #street line# for that portion of the #building# within the Subdistrict, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Sections [101-222](#) (Standard height and setback regulations) or [101-223](#) (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict, the underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height of 16 feet above #curb level# and, in a C2-4 District mapped within an R6A District, a maximum height of 50 feet above #curb level# or, in a C2-4 District mapped within an R7A District, a maximum height of 60 feet above #curb level#.

(c) Willoughby Square

For #buildings# fronting upon Willoughby Square, at least 70 percent of the #street wall# of that portion of the #building# fronting upon Willoughby Square shall be located on the #street line# and extend to a minimum height of 80 feet and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section [101-223](#) shall apply.

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

101-42 - Mandatory Sidewalk Widening

LAST AMENDED
2/2/2011

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widening) in Appendix E of this Chapter specifies locations where the sidewalk widening regulations of this Section apply. Such regulations shall apply to all #developments# and to those horizontal #enlargements# where the #enlarged# portion of the #building# contains a #floor area ratio# of 3.0 or more.

All #buildings# that front upon the southerly #street line# of Willoughby Street between Adams Street and the Flatbush Avenue Extension shall provide a five foot deep sidewalk widening along the full frontage of the #zoning lot# along Willoughby Street. Such sidewalk widening shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. For the purposes of applying the height and setback regulations of Section [101-22](#), inclusive, and the #street wall# location requirements of Section [101-41](#), the sidewalk widening line shall be considered to be the #street line#.

101-43 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. For the purposes of this Section, a #development# shall not include an #extension#. The new entrance or entrances shall be provided in accordance with the provisions of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E of this Chapter.

Station	Line
Court Street-Borough Hall	Eastern Parkway/Montague Street Tunnel
DeKalb Avenue	4th Avenue/Brighton
Hoyt Street	Eastern Parkway
Hoyt-Schermerhorn Street	Crosstown/Fulton Street
Jay Street-MetroTech	Culver/Fulton Street
Lawrence Street	Montague Street Tunnel

Nevins Street	Eastern Parkway
Atlantic Avenue-Pacific Street	4th Avenue

101-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/10/2012

The provisions of Article II, Chapter 5, and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except that the #accessory# parking requirements of Section [25-23](#) (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 20 percent of the total number of new #dwelling units#. However, such modification shall not apply in R6B Districts.

101-51 - Curb Cut Restrictions

LAST AMENDED
12/10/2012

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a #street# specified on Map 5, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

101-52 - Reservoir Spaces

LAST AMENDED
6/28/2004

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

(a) Attended parking facilities

Attended #accessory# parking facilities, #public parking garages# or #public parking lots# with more than 25 parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

- (1) for parking facilities with more than 25 parking spaces and up to 50 parking spaces: five percent of the total number of parking spaces;
- (2) for parking facilities with more than 50 parking spaces and up to 100 parking spaces: 10 percent of the total number of parking spaces;
- (3) for parking facilities with more than 100 parking spaces and up to 200 parking spaces: 10 parking spaces; and
- (4) for parking facilities with more than 200 parking spaces: five percent of the total number of parking spaces. However, such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of

this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Self-parking facilities

For self-parking #accessory# parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop at a mechanically operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

101-53 - Garages

LAST AMENDED
12/10/2012

101-531 - Public parking garages

LAST AMENDED3/22/2016

#Public parking garages# with 225 or fewer spaces shall be permitted as-of-right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

101-532 - Off-site accessory parking spaces in public garages

LAST AMENDED3/22/2016

Section [36-57](#) (Accessory Off-street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage# #developed# after December 10, 2012, provided such off-site spaces comply with the provisions of Section [101-55](#) (Location of Off-site Parking Spaces).

101-533 - Pedestrian safety

LAST AMENDED3/22/2016

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

- (a) a 'stop' sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:
 - (1) span the entire width of such exit lane;

- (2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and
- (3) be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

101-534 - Special permit for public parking garages

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LAST AMENDED
12/6/2023

Section [74-52](#) (Parking Garages or Public Parking Lots in High Density Central Areas) shall not apply to #public parking garages#. In lieu thereof, the City Planning Commission may permit:

- (a) a #public parking garage# that does not comply with the provisions of Section [101-531](#) (Public parking garages), provided that such garage complies with all other applicable regulations set forth in Section [101-50](#) (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and
- (b) floor space on one or more #stories#, up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section [12-10](#).

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find that:

- (1) such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;
- (3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by #commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen, at least six feet high, within three years. Where such screening is not desirable, a total of at least 50 percent of the exterior #building# wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;
- (4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;
- (5) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (6) such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and
- (7) if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

101-54 - Restrictions on Use of Accessory Off-street Parking Spaces

LAST AMENDED
12/10/2012

The provisions of Section [36-46](#) (Restrictions on Use of Accessory Off-street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

101-55 - Location of Off-site Parking Spaces

LAST AMENDED
12/10/2012

Sections [25-50](#) and [36-40](#) (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections [25-521](#) and [36-421](#) (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are #accessory#.

101-60 - FULTON MALL SUBDISTRICT

LAST AMENDED
6/28/2004

101-601 - General purposes of the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

The general goals of the Fulton Mall Subdistrict include, among others, the following purposes:

- (a) to foster and promote the orderly expansion of retail development so that Downtown Brooklyn will enhance its position as a major regional shopping center, provide an increasing number of employment opportunities and encourage the development of a desirable shopping and working environment;
 - (b) to complement public improvements in the area implemented either directly or indirectly by the City of New York by encouraging private investment in signs, facades and new development that will enhance the visual appearance and character of structures in the vicinity of Fulton Mall;
 - (c) to create an attractive shopping environment in the vicinity of the Fulton Mall, the construction of which will implement a plan for improved pedestrian and vehicular circulation; and
 - (d) to encourage a desirable urban design relationship between each building and the Fulton Mall.
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101-602 - General provisions for the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section [101-10](#), the special #sign# regulations of Section [101-61](#), inclusive, and the special transparency provisions of Section [101-12](#).

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections [101-61](#), inclusive, and [101-12](#) and [101-62](#), inclusive, governing #signs#, transparency and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this

101-61 - Special Sign Regulations for the Fulton Mall Subdistrict

LAST AMENDED

6/28/2004

Any erection of a new #sign#, or alteration (including a change in graphic representation on an existing #sign#), reconstruction or replacement of an existing #sign#, shall be subject to the special #sign# regulations of this Section, inclusive.

101-611 - Area of permitted signs

LAST AMENDED

6/28/2004

Except for projecting #signs# that comply with the provisions of Section [101-131](#) (Permitted projection), all permitted #signs# in the Fulton Mall Subdistrict shall be subject to the applicable provisions of Section [32-64](#) (Surface Area and Illumination Provisions), Section [101-612](#) (Sign band) and this Section.

101-612 - Sign band

LAST AMENDED

2/2/2011

(a) #Sign# located within the #sign# band

A #commercial# establishment located on the ground floor of a #building# may have one #sign# located on each #street# frontage within a #sign# band as defined in this Section.

The #sign# band shall have a lower limit of 10 feet above #curb level# and an upper limit coincident with the bottom of the lowest window sill on the second floor of a #building#, but in no event more than 15 feet above #curb level#. A #sign# located within the #sign# band may be applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be entirely within the #sign# band, shall be mounted horizontally, shall have a uniform color over its entire surface excluding perimeter frame or trim and shall extend the full length of the #street wall# of the establishment to which it is #accessory#, except that such #sign# board may be interrupted by vertical architectural elements such as columns, pilasters or other integral architectural elements. Any background material shall be considered as a #sign# board, unless it extends the full length of the #street wall# of a #building# (or that portion of a #building# occupied by the establishment) and the full height of the #building# up to the topmost cornice. On #corner lots#, a #sign# or #sign# boards shall be the same vertical dimension and shall be mounted at the same height above the #curb level# on both #street# frontages.

If more than one #commercial# establishment is located on the ground floor of a #building#, the #signs# located within the #sign# band #accessory# to each such establishment shall consist of letters and symbols of approximately the same size for each establishment, either applied directly to the surface of the #building# or to a common #sign# board affixed to the surface of a #building#.

As of March 16, 1978, the owner or lessee of a #building# with more than one ground floor establishment shall be responsible (unless the #sign# is applied directly to the surface of the #building#) for specifying the requirements of a common #sign# board, which shall include, but are not limited to, vertical dimension, mounting height, background color, material, whether illuminated and method of illumination (if applicable) which shall be the same for each establishment and shall be adhered to by each establishment employing a #sign# board.

A #sign# #accessory# to #uses# on the upper floors of a #building# may be located within the #sign# band when it directs attention to a ground floor entrance of an establishment located on the upper floors of a #building#.

(b) #Signs# located below the #sign# band

#Signs# #accessory# to #commercial# establishments located on the ground floor of a #building# may be located between #curb level# and 10 feet above #curb level#. #Signs# in #show windows#, on doors, or on transoms above doors, shall not occupy more than 20 percent of the total area of such #show windows#, doors or transoms above doors in which they are displayed, and are limited to writing (including letter, word or numeral) not more than eight inches high. Such #sign# shall be applied directly to #show windows#, doors or transoms above doors, without background, or to a transparent panel hung behind the plane of the #show window# surface, door or transom above a door. Non-flashing #illuminated signs# (such as neon, etc.) shall be permitted providing that such #signs# are essentially transparent, i.e., without background or enclosure.

Incidental #signs#, identifying store name, address and hours of operation shall not exceed 10 square feet (including background) for an individual #sign# and shall not exceed, in aggregate (square feet), one-fifth the #street# frontage of the establishment but in no event more than 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

An establishment located above the ground floor of a #building# that has an entrance on the ground floor may have one #sign# directing attention to the entrance.

(c) #Signs# located above the #sign# band

#Signs# #accessory# to #commercial# establishments which occupy space above the ground floor of a #building# may be located between 20 feet and 40 feet above #curb level#. Such establishments may have #signs# in windows provided that such #sign# does not occupy more than 30 percent of the window to which it is applied, that the remainder of the window is transparent, and that all such #signs# for an establishment have similar size and style of writing, pictorial representation, emblem or any other figure of similar character. #Commercial# establishments which occupy space above the ground floor may have one #sign# located above the #sign# band which is applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be mounted horizontally, shall have a uniform color over its entire surface, excluding perimeter frame and trim, and shall not be located between windows. The total #surface area# of all #signs# located above the #sign# band shall not exceed three times the #street# frontage of the #zoning lot# (in feet) but in no event more than 200 square feet on each frontage.

No #sign# or #sign# board shall extend above the parapet wall or shall obscure any cornice or window.

101-613 - Special sign content regulations

LAST AMENDED
6/28/2004

Except as further defined by the regulations of the #Special Downtown Brooklyn District#, permitted #signs# are limited to the following message:

store name;

symbol or logo;

address;

date of establishment; and

description of product or service offered.

101-614 - Sign illuminations

LAST AMENDED
6/28/2004

#Signs# may be illuminated by either:

- (a) internal illumination; or
- (b) an external source that shall be so arranged that it projects no more than 12 inches from the #sign# it illuminates, and so that no direct rays of light are projected into adjoining #buildings# or the #street#. No #flashing signs# are permitted nor are flashing or rotating light sources except #illuminated signs# that indicate the time, temperature, weather or other similar information, pursuant to the definition of #flashing sign# in Section [12-10](#).

101-615 - Temporary signs

LAST AMENDED
6/28/2004

Temporary #signs# relating to sales or events of limited duration not to exceed 45 days may be displayed in a #show window# of a #building#. Such #signs# must be removed after the last day of the sale or event to which they pertain. Temporary #signs# shall not occupy more than 20 percent of the surface area of the window in which they are displayed.

101-616 - Removal of existing signs with change of use

LAST AMENDED
6/28/2004

When a change of #use# or occupancy occurs within the Fulton Mall Subdistrict, all #signs# pertaining to the previous #use# or occupancy shall be removed within 45 days of the date such change takes place.

101-617 - "For sale" or "for rent" signs

LAST AMENDED
6/28/2004

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted.

101-618 - Termination of certain non-conforming signs

LAST AMENDED
6/28/2004

In the Fulton Mall Subdistrict, Section [52-80](#) (REGULATIONS APPLYING TO NON-CONFORMING SIGNS) shall not apply. In lieu thereof, certain #non-conforming# #signs# may be continued until June 30, 1980, providing that after that date such #non-conforming# #signs# shall terminate and shall be removed in their entirety, including any supporting structure, frame or device. Such #signs# shall include:

- #advertising signs#;
- #flashing signs#;
- #signs# located more than 40 feet above #curb level#;
- roof #signs#;
- #signs# extending above a parapet;
- #signs# obscuring cornices and windows;
- double or multi-faced #signs#; and
- #signs# that project across a #street line# more than 12 inches.

Any #sign#, as of January 1, 1978, that forms an integral part of the surface of a #building or other structure# (such as a #sign# carved in

stone, cast in metal or molded in terra cotta on a #building# whose facade is of such material) shall not be subject to the provisions of this Section.

101-62 - Special Bulk Regulations

LAST AMENDED
6/28/2004

101-621 - Special regulations concerning building facades

LAST AMENDED
6/28/2004

Any alteration to, or reconstruction of, the facade of an existing #building# shall be subject to the regulations of this Section, inclusive, but only to the extent of such work.

101-622 - Special provisions for building facades above the ground floor

LAST AMENDED
6/28/2004

Any alteration, #incidental alteration# or minor work done to the #street wall# of any #building# or portion of any #building# shall be accomplished in such matter that:

- (a) such #street wall# is treated with consistent materials, color and texture from the top of any ground floor windows or #sign# board to the top or the parapet, or to the bottom of a cornice if a cornice exists (access doors or panels, grilles or similar features shall be as inconspicuous as possible); and
- (b) where such #street wall# treatment covers any window opening, it shall completely cover all window openings in the #street wall#; or
- (c) where window openings remain uncovered, all windows shall be treated in a similar manner or, if sealed, all windows shall be covered by a panel set at least two inches behind the plane of the wall. Except where the material used to seal window openings is the same as the wall of the #building#, the window panel shall have a single color over its entire surface. All such window panels shall have the same color.

101-63 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The parking regulations of Section [101-50](#) (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply, except as set forth in this Section, inclusive.

101-631 - Restricted access and prohibition on curb cuts

LAST AMENDED
6/28/2004

In no case shall vehicular access and egress for #accessory# off-street parking, public parking facilities, permitted or required #accessory# off-street loading berths or the service entrance to a #building#, be located within 50 feet of Fulton Street or DeKalb Avenue within the Fulton Mall Subdistrict. No curb cuts are permitted within the Fulton Mall Subdistrict within 50 feet of Fulton Street or DeKalb Avenue.

101-632 - Waiver of off-street parking and loading requirements

LAST AMENDED

6/28/2004

The Commissioner of Buildings may waive any requirement in this Chapter that #accessory# off-street parking or loading berths be provided where the Commissioner finds that the required parking or loading cannot be provided consistent with Section [101-631](#) (Restricted access and prohibition on curb cuts).

101-70 - ATLANTIC AVENUE SUBDISTRICT

LAST AMENDED

6/28/2004

101-701 - General purposes

LAST AMENDED

6/28/2004

The general goals of the Atlantic Avenue Subdistrict include, among others, the following purposes:

- (a) to protect the existing scale and form of development on Atlantic Avenue, characterized by three- and four-story attached buildings with shops, built in the 19th century;
- (b) to preserve and enhance street life by maintaining a mix of residential and commercial uses, encouraging a variety of retail and service uses while limiting automotive service uses; and
- (c) to protect desirable architectural features of certain buildings by establishing design guidelines for renovation or alteration.

101-702 - Definitions specific to the Atlantic Avenue Subdistrict

LAST AMENDED

6/28/2004

For purposes of Sections [101-70](#) through [101-75](#), inclusive, concerning the Atlantic Avenue Subdistrict, matter in italics is defined in Section [12-10](#) (DEFINITIONS), Section [101-01](#) or in this Section.

Specified building type

Any #building# within the Atlantic Avenue Subdistrict erected prior to 1900, that has:

- (a) a front wall for the full width of the #zoning lot# for a height of from two to five #stories#;
- (b) a front wall of brick or stone, erected coincident with, or within five feet of, the #street line#, with windows at each #story# and a cornice at the parapet level; and
- (c) a storefront at the #basement# or ground floor.

A list of the #buildings# within the Atlantic Avenue Subdistrict that conform to the definition of #specified building type# appears in Appendix A of this Chapter.

Specified storefront type

Any storefront which is part of a #building# of the #specified building type# that has:

- (a) #show windows# projecting beyond the front wall of the #building#, occupying a total area of at least 35 square feet and a sill height of not more than three feet and a total height of not less than eight feet, measured from #curb level#; and
- (b) a projecting cornice above the storefront for its full width.

A list of #buildings# within the Atlantic Avenue Subdistrict having storefronts that conform to the definition of #specified storefront type#

appears in Appendix B of this Chapter.

101-71 - Sign Regulations

LAST AMENDED

6/28/2004

In order to enhance the visual quality of the Atlantic Avenue Subdistrict, the following additional regulations shall apply to all #signs# within the Subdistrict.

101-711 - Total surface area of signs

LAST AMENDED

6/28/2004

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section [101-712](#) (Area of non-illuminated signs).

101-712 - Area of non-illuminated signs

LAST AMENDED

2/2/2011

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each #commercial# establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed three feet. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section [101-131](#) (Permitted projection).

101-713 - Area of illuminated signs

LAST AMENDED

6/28/2004

The total #surface area# (in square feet) of #illuminated signs# on a #zoning lot# shall not exceed two times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#. The vertical dimension on any #illuminated sign# shall not exceed 2 feet, 6 inches, nor shall #illuminated signs# project more than 10 inches from the surface to which they are affixed.

101-714 - Permanent window graphics

LAST AMENDED

6/28/2004

Permanent window graphics may not occupy more than 20 percent of the total area of the window in which they are displayed. If such a permanent window graphic has letters more than three inches high, it shall count as a #sign#.

101-715 - Location of signs

LAST AMENDED

6/28/2004

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs# #accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section [101-131](#) (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

- (a) if #accessory# to #uses# on the ground floor of a #building#, the #sign# or common #sign# board shall be located within a band extending the full length of the #street wall#, which band shall have a lower limit of eight feet above the ground floor and an upper limit coincident with the bottom of the lowest window sill on the second floor, but in no event more than 16 feet above #curb level#;
- (b) if #accessory# to #uses# on the upper floor of a #building#, the #sign# or common #sign# board shall be located between the highest window lintel of the floor on which the #use# is located and the lowest window sill of the floor above, but in no case more than 25 feet above #curb level#;
- (c) no #sign# may be located so as to obscure any cornice, except that a non-#illuminated sign# may be attached to a cornice if such #sign# consists of individual letters, emblems or figures mounted on open metal mesh attached to the cornice and finished to match the cornice, provided that the cornice remains visible; and
- (d) no #sign# or common #sign# board shall extend above the parapet wall or roof of the #building# on which it is displayed.

101-716 - Sign materials and colors

LAST AMENDED
6/28/2004

#Signs# may be fabricated of any opaque material that does not have a glossy or reflective surface, except that glossy translucent material may be used:

- (a) in areas where the intent is to imitate or replace glass, as in transoms; or
- (b) for individual letters in internally lit #illuminated signs#.

Background colors for #signs# or common #sign# boards shall be limited to black, navy blue, dark green, maroon or bronze.

101-72 - Modification of Bulk Regulations

LAST AMENDED
6/28/2004

101-721 - Height and setback

LAST AMENDED
2/2/2011

The underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height above #curb level# of 16 feet and, in a C2-4 District mapped within an R6A District, a maximum height above #curb level# of 50 feet or, in a C2-4 District mapped within an R7A District, a maximum height above #curb level# of 60 feet.

101-73 - Special Provisions

LAST AMENDED
6/28/2004

101-731 - Special provisions for certain existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work (including any change in, addition to, or removal from, the parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

- (a) Alteration or reconstruction of storefronts shall comply with the provisions of Section 101-734.
- (b) Front walls which are replaced shall be erected to the same height and at the same location as the original walls. Replacement or repair of front walls shall be done with the same material as the original walls, except that stone may be replaced by another material finished in such a manner as to match the appearance of the original walls. Finishes and colors of front walls shall be of an approved type, as indicated in Appendix C of this Chapter.
- (c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section [101-733](#) (Special provisions for development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section [101-733](#) are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.
- (d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice that must be removed shall be replaced by a new cornice having the same height, length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

101-732 - Special provisions for other existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work done to the front wall of any #building# not of the #specified building type#, shall comply with the following standards:

- (a) alteration or replacement of storefronts shall comply with the provisions of Section [101-734](#); and
- (b) alteration or replacement of front walls shall comply with the provisions of Sections [101-721](#) (Height and setback) and [101-733](#) (Special provisions for development and enlargement).

101-733 - Special provisions for development and enlargement

LAST AMENDED
2/2/2011

The front wall of any #development# or #enlargement#, or the front wall of any #building# where the height or width of a #street wall# is proposed to be increased, shall be built to comply with the following standards:

- (a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces permitted pursuant to Section [101-744](#) (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two #street lines# forming an angle of 100 degrees or less.
- (b) Windows shall occupy at least 35 percent of the wall area at the level of any #story# above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#.)
- (c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D of this Chapter.

101-734 - Special provisions for storefronts

LAST AMENDED

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

New storefronts installed in any existing or new #building# shall comply with Section [101-12](#) (Transparency Requirements) and the following standards:

- (a) A storefront installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.
- (b) Storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#. A minimum of 50 percent of the door area shall be transparent glazed.
- (c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of two feet.
- (d) All framing elements, trim elements, doors, etc., of the storefront shall be finished in an approved manner, as indicated in Appendix D.
- (e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

101-74 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The provisions of Section [101-50](#) (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

101-741 - Accessory off-street parking

LAST AMENDED
2/2/2011

No #accessory# off-street parking facilities are required for any #residential# or #commercial# #development#, or portion thereof, within the Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#. All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of private passenger motor vehicles used by the occupants of such #residences#.

In no case shall curb cuts for vehicular access be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Atlantic Avenue Subdistrict.

The parking requirements set forth in Sections [25-31](#) or [36-21](#) shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

101-742 - Screening

LAST AMENDED
6/28/2004

Any permitted #accessory# off-street parking area, regardless of size or location, shall be screened from all adjoining #zoning lots# and #streets# by screening that complies with the provisions of Section [36-56](#) (Screening) and which, in the case of a wall or barrier or uniformly painted fence, is finished in an approved color as indicated in Appendix D of this Chapter.

101-743 - Accessory off-street loading

LAST AMENDED
2/2/2011

Curb cuts for vehicular access to #accessory# off-street loading berths shall not be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. However, the City Planning Commission may, by authorization, permit a curb cut on Atlantic Avenue, provided that:

- (a) such curb cut is a relocation of an existing curb cut on the #zoning lot#; and
- (b) such curb cut will not unduly inhibit surface traffic and pedestrian flow along Atlantic Avenue.

The loading berth requirements of Section [25-72](#) or [36-62](#) shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required loading berths with access to a #street# in conformity with the provisions of this Section.

All #accessory# off-street loading berths shall be enclosed within a #building#.

101-744 - Special permit for public parking garages or public parking lots

LAST AMENDED
2/2/2011

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections [36-53](#) (Width of Curb Cuts and Location of Access to the Street), [36-55](#) (Surfacing) and [36-56](#) (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section [12-10](#) (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less; and
- (c) where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

101-75 - Special Provisions for Demolition of Buildings

LAST AMENDED
2/2/2011

Except in the case of #buildings# that are unsafe and the demolition of which is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code, no demolition permit shall be issued by the Department of Buildings for any #development# within the Subdistrict until:

- (a) the owner of the property has obtained a building application approval for the new #development# or #enlargement#; and
- (b) the owner shall have presented evidence of having a commitment from a domestic bank, insurance company or real estate investment

company, for construction financing, which shall be in the form of a letter trust.

101-80 - SPECIAL PERMITS

LAST AMENDED

6/17/2013

101-81 - Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

LAST AMENDED

3/13/2019

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility# #floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section [101-41](#), and the height and setback regulations of Section [23-641](#) as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

For the purposes of this Section, “cultural use” shall be defined as public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable #uses# and space occupied by such cultural #use# shall qualify as #community facility# #floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) of this Section shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

(1) A letter from the Office of the Mayor shall be submitted certifying that:

- (i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural #uses# and for the construction of the core and shell of such cultural facility by the applicant; and
- (ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural #uses#; and

(2) A legal commitment in the form of a declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural #uses# to cultural #use# for the life of the related #development#, provided that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not-for-profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.

(b) In order to grant such permit, the Commission shall find that:

- (1) the #building#, including such cultural #uses#, is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural #uses# from surrounding #streets#;
- (2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;
- (3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;
- (4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and

(5) any modifications to #sign# regulations will result in greater visibility for the cultural #uses# provided on the #zoning lot#.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural #uses# minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that a deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:

- (1) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;
- (2) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and
- (3) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

101-82 - Modification of Bulk Regulations for Certain Buildings on Irregular Sites

LAST AMENDED 10/21/2021

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped after October 21, 2021, for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

- (a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;
- (b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications are limited to the minimum needed to relieve such difficulties;
- (d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

Appendix A - Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type

LAST AMENDED
6/28/2004

The following is a list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that conform to the definition of #specified building type# contained in Section 101-702.

Atlantic Avenue (NS): 305, 311, 313, 315, 317, 321, 323, 325, 327, 329

Block 177

Atlantic Avenue (NS): 347, 349, 351, 355, 365-7, 369, 371, 373, 375, 377, 377A, 385, 387, 389, 395

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 455, 457, 477, 479, 481, 483, 485, 487, 491, 495, 497, 499, 501

Third Avenue (ES): 31-31A

Block 180

Atlantic Avenue (NS): 565, 567, 569, 571, 573

Times Plaza: 2, 6, 8, 10, 12

Flatbush Avenue: 112, 114, 116, 118, 122

Block 181

Atlantic Avenue (SS): 214, 220, 228, 232, 234

Block 182

Atlantic Avenue (SS): 294, 296, 298, 300, 302, 304-6, 308, 320, 322, 324, 326, 334, 336, 338, 340

Block 183

Atlantic Avenue (SS): 348, 352, 356, 358, 360, 362, 364-64A, 370, 372, 374, 376, 378, 380, 394, 396, 398, 400, 402

Block 184

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 414, 416, 418, 420, 426, 442, 444, 446, 448, 450

Block 185

Atlantic Avenue (SS): 490, 492, 514

Block 186

Atlantic Avenue (SS): 558, 560

Block 278

Atlantic Avenue (SS): 278, 290

Court Street (ES): 141, 143, 145

(SS) - south side

(NS) - north side

(ES) - east side

Appendix B - Atlantic Avenue Subdistrict: Storefronts Conforming to the Specified Storefront Type

LAST AMENDED

6/28/2004

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that contain storefronts conforming to the definition of #specified storefront type# contained in Section 101-702.

Block 177

Atlantic Avenue (NS): 371, 375, 377, 377A

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 483, 501, (easterly of 2 storefronts)

Block 181

Atlantic Avenue (SS): 232

Block 182

Atlantic Avenue (SS): 302 (westerly of 2 storefronts), 322, 340

Block 183

Atlantic Avenue (SS): 358, 360, 362, 364-364A, 370, 372, 394, 396, 398, 402

Block 189

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 416, 420, 426

Block 185

Atlantic Avenue (SS): 492

Block 278

Atlantic Avenue (SS): 278

(SS) - south side

(NS) - north side

(ES) - east side

Appendix C - Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls

LAST AMENDED
2/2/2011

Brick: New brick shall be red or dark brown, unglazed, with normal variation in color permitted. Existing brick shall either be cleaned and left unfinished or painted one of the colors listed below.

Stucco: Stucco shall have a smooth troweled finish and shall be painted one of the colors listed below.

Stone: Stone shall be left natural or painted one of the colors listed below.

Paint Colors: Paints shall be limited to the colors listed.

White Limestone

Red Brick

Green

Blue

Light Yellow

Dark Yellow

Appendix D - Atlantic Avenue Subdistrict: Permitted Trim Finishes (for storefronts, cornices, window sash, shutters or trim)

LAST AMENDED
2/2/2011

Wood: All wood should be painted one or more of the colors listed below.

Metal: All metal should be painted one or more of the colors listed below, except that aluminum may have a dark bronze or black duranodic finish.

Paint Colors: Paints shall be limited to the colors listed, and should be of the semi-gloss low luster variety.

White Cream

Dark Red

Ochre

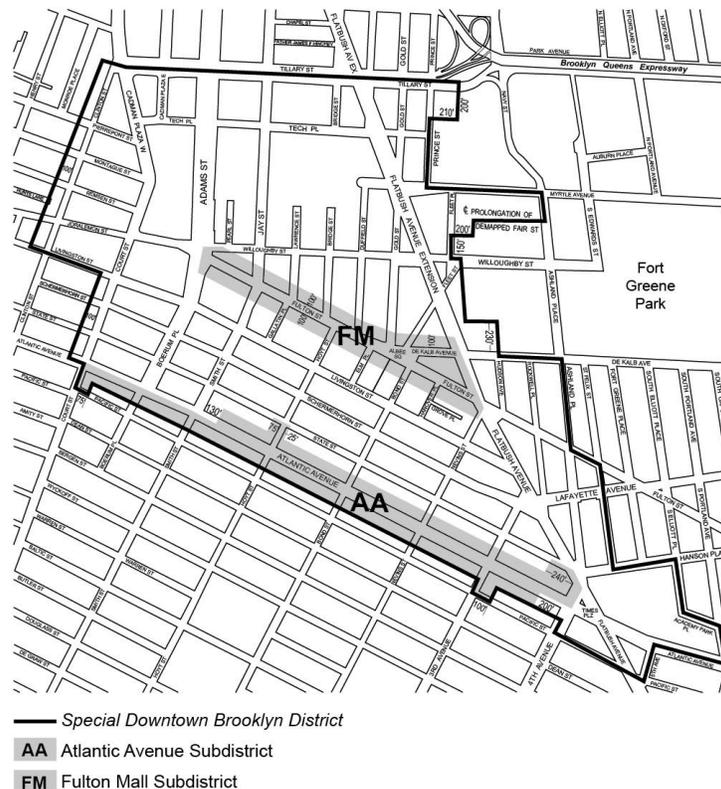
Dark Blue

Dark Brown

Appendix E - Special Downtown Brooklyn District Maps

LAST AMENDED
2/2/2011

Map 1 — Special Downtown Brooklyn District and Subdistricts (12/10/19)

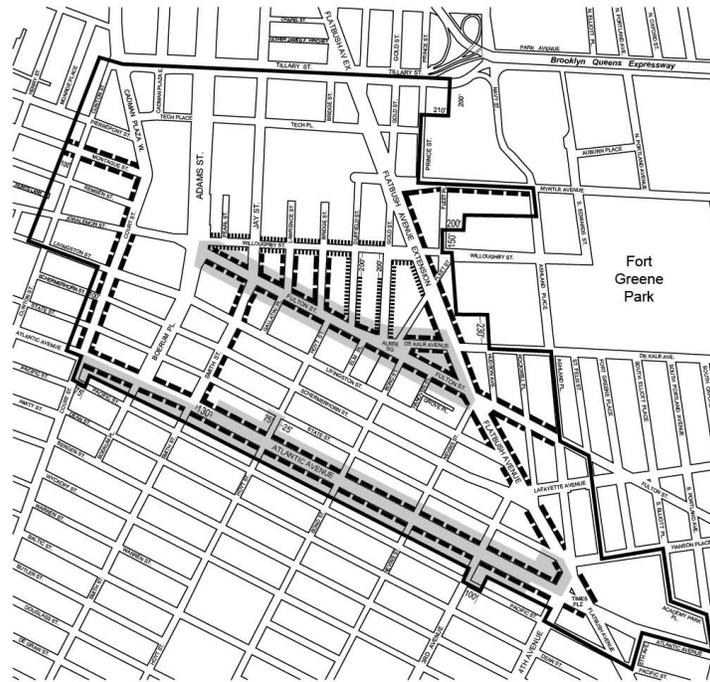


Map 2 — Ground Floor Retail Frontage (5/12/21)



- Special Downtown Brooklyn District
- - - Retail Continuity Required
- Non-Residential Requirement
- Subdistricts

Map 3 — Ground Floor Transparency Requirements (12/10/19)



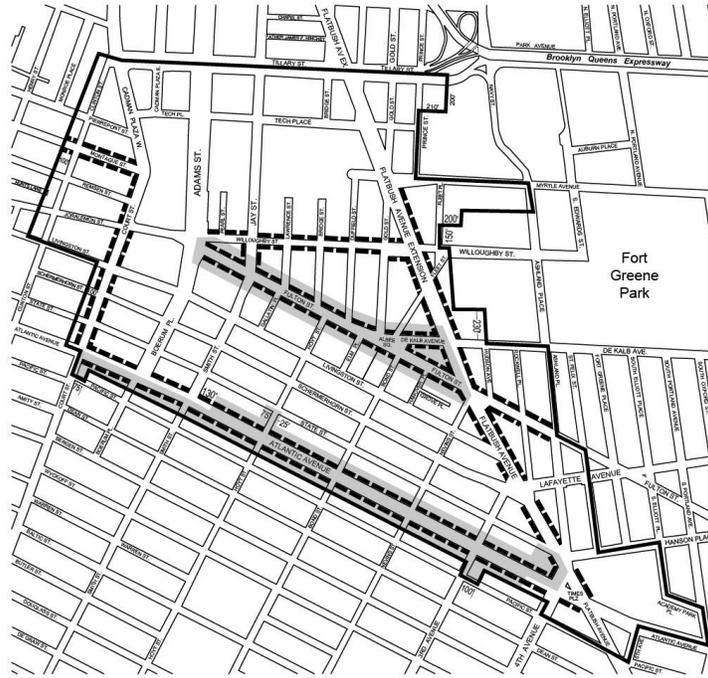
- Special Downtown Brooklyn District
- - - 50% of the Area of the Ground Floor Street Wall to be Glazed
- ▨ 70% of the Area of the Ground Floor Street Wall to be Glazed
- Subdistricts

Map 4 — Street Wall
Continuity
and
Mandatory
Sidewalk
Widenings
(12/10/19)



- Special Downtown Brooklyn District
- - - Street Wall Continuity Required
- ▬ Street Wall Continuity Required, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict
- ▨ Street Wall Continuity and Sidewalk Widening Required

Map 5 — Curb Cut Restrictions (12/10/19)



- Special Downtown Brooklyn District
- - - Curb Cut Prohibition
- - - Curb Cut Prohibitions, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict

Map 6 — Height Limitation Areas (12/10/19)



- Special Downtown Brooklyn District
- (A) Schermerhorn Street Height Limitation Area: Height Restriction of 210 Feet
- (B) Schermerhorn Street Height Limitation Area: Height Restriction of 140 Feet
- (C) Schermerhorn Street Height Limitation Area: Height Restriction of 250 Feet
- Flatbush Avenue Extension Height Limitation Area: Height Restriction of 400 Feet

Map 7 — Subway Station Improvement Areas (12/10/19)



- | | |
|--|---|
| <ul style="list-style-type: none"> — Special Downtown Brooklyn District ■ Subway Station ● Subway Entrance ① Court St.-Borough Hall Station ② DeKalb Ave. Station ③ Hoyt St. Station ④ Hoyt-Schermerhorn Streets Station ⑤ Jay St.-Metro Tech Station ⑥ Nevins St. Station ⑦ Atlantic Ave.-Pacific St. Station | <ul style="list-style-type: none"> — 6th Ave. Line — Broadway-60th St. Line — 4th Ave. Line — Brighton Line — Crosstown Line — Culver Line — Fulton St. Line — Montague St. Tunnel Line — Eastern Parkway Line |
|--|---|



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 2 - Special Scenic View District (SV-1)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 2 - Special Scenic View District (SV-1)

102-00 - GENERAL PURPOSES

LAST AMENDED
10/24/1974

The "Special Scenic View District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to preserve, protect and prevent obstruction of outstanding scenic views as seen from a mapped public park or an esplanade or a mapped public place directly accessible to the public; and
- (b) to promote the most desirable use of land and direction of building development, to assure the maintenance and enhancement of the aesthetic aspects of scenic views, to conserve the value of land and buildings and to protect the City's tax revenues.

102-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section [12.10](#) (DEFINITIONS).

Scenic view

A "scenic view" is an outstanding or unique view from a mapped #public park# or an esplanade or a mapped public place which is protected by the regulations of this Chapter. #Scenic views# shall be limited to:

- (a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;
- (b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or
- (c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

The minimum horizontal distance between the #scenic view# and a #view reference line# shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this #Special Scenic View District# shall be described and made part of this Chapter.

View framing line

The "view framing line" is a line or lines which establish the outer edge of the #scenic view# to be protected. For each #scenic view#, the #view framing line# or #lines# and their elevation are to be located and identified and made part of this Chapter.

View plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a #Special Scenic View District# unless authorized by the City Planning Commission. Position of the #view plane# may be conical surfaces. Such #view plane# or #planes# are established by joining the #view reference line# with the #view framing lines# as illustrated below:

#View planes# and their elevation, length and slopes applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

View reference line

The "view reference line" is a line within a mapped #public park# or an esplanade or a mapped public place from which at any point an outstanding #scenic view# may be observed. A #view reference line#

and its elevation applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

The mapped #public park# or an esplanade or a mapped public place in which such #view reference line# is located shall be directly accessible from a #street#.

102-02 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Scenic View District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as so modified, all the

applicable regulations of the underlying districts shall be in effect.

#Special Scenic View Districts# may be mapped only in areas where the control of the height of a #building or other structure#, including #signs#, is necessary to preserve outstanding #scenic views# from a mapped #public park# or an esplanade or a mapped public place.

102-021 - Requirement for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for a special permit pursuant to Section [102-30](#), shall include maps, plans or other documents showing topography, elevations, and site plans showing arrangement and spacing of #buildings or other structures#, and other information necessary to determine the impact of the proposal on the #scenic view# to be protected.

102-023 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the proposal will interfere with a public improvement project (including highways, public #buildings# and facilities), redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate, the City Planning Commission, or the Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

102-10 - HEIGHT REGULATIONS FOR BUILDINGS, SIGNS OR STRUCTURES

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, no portion of any #building or other structure# hereafter

constructed, or of any #sign# hereafter erected, or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed, shall penetrate a #view plane# unless authorized by the City Planning Commission, pursuant to Section [102-30](#) (SPECIAL PERMIT PROVISIONS).

102-11 - Damage, Destruction or Demolition

LAST AMENDED
10/24/1974

If an existing #building or other structure# which penetrates the #view plane# of a #Special Scenic View District# is damaged, destroyed or demolished by any means, such #building or other structure# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance#.

102-20 - MANDATORY LANDSCAPING PLAN

LAST AMENDED
10/24/1974

The requirements of this Section shall apply to #zoning lots#, any portion of whose finished ground elevation is within 30 feet of the elevation of the #view plane# located above the #zoning lot#. At the time of filing with the Department of Buildings, for any application for an excavation permit or a building permit for a #development# or #enlargement# or site improvement on such

#zoning lots# within a #Special Scenic View District#, a landscaping plan shall be submitted to the City Planning Commission indicating that future landscaping on the site will not impair #scenic views# from the #view reference line#. Such plan shall indicate existing topography, trees, shrubs, #buildings or other structures# and proposed landscaping. All future landscaping on the site shall be in accordance with the approved landscaping plan on file with the Commission. The Commission shall submit a copy of the approved landscaping plan to the Department of Buildings or other appropriate city agency having jurisdiction.

102-30 - SPECIAL PERMIT PROVISIONS

LAST AMENDED
2/2/2011

On all #zoning lots# located entirely or partially within a

#Special Scenic View District#, the City Planning Commission, by special permit, may allow penetration by a #sign# or #building or other structure# of a #view plane# and grant minor modifications of #open space#, #lot coverage#, #yards# and height and setback regulations of the underlying district. As a condition for such modifications, the Commission shall find:

- (a) that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter;
- (b) that any penetration of a #view plane# will cause the minimal obstruction consistent with reasonable development and #bulk# distribution on the #zoning lot#; and
- (c) that any #bulk# modifications on a #zoning lot# will not affect adversely any other #zoning lots# outside the development, by restricting access of light and air.

In reaching a determination for such modifications, the Commission shall be guided by the description of the #scenic view# to be made part of this Chapter at the time of the designation of a #Special Scenic

View District#.

The Commission may prescribe appropriate conditions and safeguards to protect the #scenic view# and to minimize the adverse effects on the character of the surrounding areas.

102-40 - SPECIAL DISTRICT DESIGNATION ON PUBLIC PARKS

LAST AMENDED
10/24/1974

When a #Special Scenic View District# is designated on a #public park# or portion thereof, any future landscaping, erection of new #signs# or #buildings# or other structures#, thereon, shall not penetrate a #view plane# unless authorized by the City Planning Commission. As a condition for such authorization, the Commission shall find that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter.

102-50 - SPECIAL PROVISIONS FOR CITY-OWNED LANDS

LAST AMENDED
10/24/1974

For any #development# or site improvement on a city-owned #zoning lot# located within a #Special Scenic View District#, the provisions of this Chapter shall apply except that modifications permitted under Section [102-30](#) (SPECIAL PERMIT PROVISIONS) may be approved by authorization of the City Planning Commission.

102-60 - SPECIAL SCENIC VIEW DISTRICTS SPECIFIED

LAST AMENDED
10/24/1974

102-61 - SV-1 Brooklyn Heights Scenic View District

LAST AMENDED
10/24/1974

The SV-1 "Brooklyn Heights Scenic View District" is hereby established. The regulations of Sections [102-00](#) to [102-50](#), inclusive, as well as the regulations of this Section, inclusive, shall be applicable in this Special District.

102-611 - District boundary description

LAST AMENDED
10/24/1974

The boundaries of the SV-1 District as shown on the #zoning maps# shall be interpreted in accordance with the following description.

The SV-1 District is bounded by:

- (a) the #view reference line# located along the westerly face of the Brooklyn Heights Promenade;
- (b) the northwesterly edge of the #view plane# which forms an angle of 160 degrees measured in a horizontal plane with respect to the #view reference line# at point A;
- (c) the southwesterly edge of the #view plane# which forms an angle of 145 degrees, measured in a horizontal plane, with respect to the #view reference line# at point A1; and
- (d) the pierhead line which is located between the intersection of the northwesterly and southwesterly #view framing lines# and the pierhead line.

102-612 - View reference line

LAST AMENDED
10/24/1974

The #view reference line# of the SV-1 Special District is a line at an elevation of 66 feet located along the westerly vertical face of the Brooklyn Heights Promenade and which is approximately four feet above the Promenade. The #view reference line# is formed by joining two end points, A and A1, as shown in Diagram 1.

Point A is located at the intersection of the westerly face of the Promenade and the prolongation of the north side of Orange Street.

Point A1 is located 50 feet north of the intersection of the westerly face of the Promenade and the prolongation of the north side of Remsen Street.

102-613 - View framing line

LAST AMENDED
10/24/1974

The #view framing line# of the SV-1 Special District is a line which establishes the outer edge of the #scenic view# to be protected. The two extreme ends of the #view framing line# are points B1 and B4 (Diagram 1).

The elevation of the #view framing line# at all points between B1 and B4 is 2.5 feet as shown in Diagram 2.

102-614 - View plane

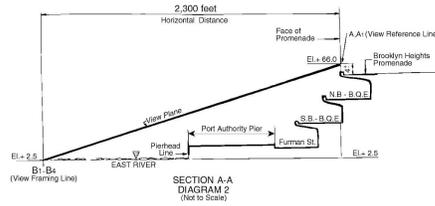
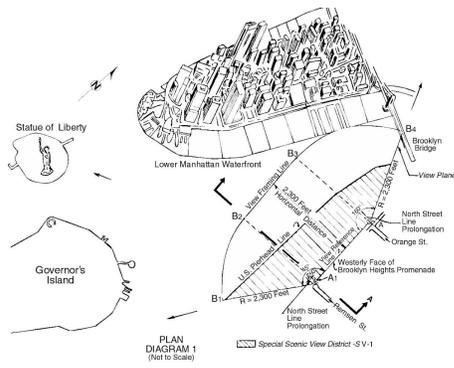
LAST AMENDED
10/24/1974

The #view plane# of the SV-1 Special District is an imaginary plane formed by joining the elevation of the #view reference line# with the elevation of the #view framing line# as shown in Diagram 2. The horizontal distance between the #view reference line# and the #view framing line# is 2,300 feet. Those portions of the plane formed by points A, B3, B4 and A1, B1, B2 are conical surfaces.

102-615 - Description of scenic view

LAST AMENDED
10/24/1974

The #scenic view# to be protected pursuant to the provisions of this Section includes: the panoramic view of the lower Manhattan skyline which includes such landmarks as the Brooklyn Bridge archway, the South Street Seaport, the Whitehall Ferry Terminal, and the vistas of the Statue of Liberty and Governors Island.



SV-1 BROOKLYN HEIGHTS SCENIC VIEW DISTRICT



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 3 - Special Planned Community Preservation District (PC)

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Chapter 3 - Special Planned Community Preservation District (PC)

103-00 - GENERAL PURPOSES

LAST AMENDED

6/10/2009

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
- (b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;
- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;
- (d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
- (e) to guide development within each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-01 - Establishment of Special Planned Community Preservation District

LAST AMENDED

2/2/2011

The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:

- (a) have a land area of at least 1.5 acres;
- (b) contain a minimum of three #buildings#;
- (c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and
- (d) include considerable clustered #open space# and related #commercial# #uses# available to all residents of the District.

The Commission has found that existing site plans resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned residential community.

103-02 - Special Planned Community Preservation District Areas

LAST AMENDED

7/18/1974

The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the

#zoning maps#:

Fresh Meadows in the Borough of Queens

The Harlem River Houses in the Borough of Manhattan

Parkchester in the Borough of the Bronx

Sunnyside Gardens in the Borough of Queens.

103-10 - GENERAL PROVISIONS

LAST AMENDED

5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections [103-11](#) (Special Permit for Bulk and Parking Modifications) and [103-12](#) (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections [103-11](#) and [103-12](#).

In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.

Special regulations for the Sunnyside Gardens area are set forth in Section [103-20](#), inclusive.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

103-11 - Special Permits for Bulk and Parking Modifications

LAST AMENDED

2/2/2011

- (a) For any #development# or #enlargement#, either of which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:
- (1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
 - (2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
 - (3) minor variations in the #yard# regulations required by the applicable district regulations;
 - (4) minor variations in the height and setback regulations required by the applicable district regulations;
 - (5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section [23-](#)

[71](#) (Minimum Distance Between Buildings on a Single Lot); or

- (6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the development, without regard to #zoning lot lines# or the provisions of Sections [25-621](#) (Location of parking spaces in certain districts) and [25-631](#) (Location and width of curb cuts in certain districts), subject to the findings of Section [78-41](#) (Location of Accessory Parking Spaces).
- (b) In order to grant such special permits, the City Planning Commission shall make the following findings:
- (1) that the #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the community;
 - (2) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that currently exists, consistent with the scale and design of the existing development, the landscaping surrounding the new landscaping arrangement, and conditions of the community;
 - (3) that the #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and
 - (4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.
- (c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the Commission shall authorize waiver of all or part of the required parking.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform to the intentions of the #Special Planned Community Preservation District#.

103-12 - Special Permit for Landscaping and Topography Modifications

LAST AMENDED
6/10/2009

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

103-13 - Requirements for Application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial modification of landscaping or topography to be made within the Special District, shall include the

existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14 - Recordation

LAST AMENDED

2/2/2011

At the time of any transfer of development rights which has been authorized by special permit under Section [103-11](#), the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further development of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

103-20 - SPECIAL REGULATIONS FOR SUNNYSIDE GARDENS

LAST AMENDED

6/10/2009

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable.

The special permit provisions of Sections [103-11](#) (Special Permit for Bulk and Parking Modifications) and [103-12](#) (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

103-21 - Special Bulk Regulations

LAST AMENDED

2/2/2011

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residence# and #Commercial Districts#, or modified within the Special District, are hereby further modified to the extent set forth in this Section, inclusive.

103-211 - Special floor area regulations

LAST AMENDED

2/2/2011

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#,

#commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of 0.9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

103-212 - Special density regulations

LAST AMENDED
2/2/2011

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the density factor for #dwelling units# shall be 900.

103-213 - Special height regulations

LAST AMENDED
2/2/2011

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residence# and #Commercial Districts#.

103-214 - Special yard regulations

LAST AMENDED
2/2/2011

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residential# and #Commercial Districts#.

103-22 - Special Parking Regulations

LAST AMENDED
6/10/2009

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section [103-23](#) pertaining to curb cuts.

103-23 - Curb Cuts

LAST AMENDED
6/10/2009

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 4 - Special Manhattanville Mixed Use District (MMU)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 4 - Special Manhattanville Mixed Use District (MMU)

104-00 - GENERAL PURPOSES

LAST AMENDED

7/26/2001

The “Special Manhattanville Mixed Use District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;
- (b) to support a variety of community facility, commercial and manufacturing uses;
- (c) to provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;
- (d) to strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th Avenue;
- (e) to facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;
- (f) to improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (g) to strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;
- (h) to expand local employment opportunities;
- (i) to recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;
- (j) to promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

104-01 - Definitions

LAST AMENDED

12/19/2007

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS).

Lower street wall

“Lower street wall” is that portion of the #street wall# of a #building# that extends from grade to the height set forth in Section [104-33](#), paragraph (a).

Mandatory widened sidewalk

A “mandatory widened sidewalk” is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. #Mandatory widened sidewalks# are shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter.

Mandatory widened sidewalk line

A “mandatory widened sidewalk line” is the line shown on Map 3 in Appendix A of this Chapter.

Upper street wall

“Upper street wall” is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

104-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. 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, in #flood zones#, or 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 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

104-03 - District Plan and Maps

LAST AMENDED
12/19/2007

The regulations of this Chapter are designed to implement the #Special Manhattanville Mixed Use District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendix A of this Chapter:

- Map 1 Special Manhattanville Mixed Use District and Subdistricts
- Map 2 Subdistrict A Block Plan
- Map 3 Widened Sidewalk Lines
- Map 4 Street Wall Types and Locations
- Map 5 Parcel Designation and Maximum Building Heights
- Map 6 Ground Floor Use and Frontage
- Map 7 Mandatory Open Areas

The District Plan includes the following table in Appendix B of this Chapter:

Base Plane and Building Height Table

These maps, diagrams and table are hereby incorporated and made part of this Resolution for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

104-04 - Subdistricts

LAST AMENDED
12/19/2007

In order to carry out the provisions of this Chapter, three subdistricts are established, as follows:

- Subdistrict A – Academic Mixed Use Area
- Subdistrict B – Waterfront Area

Subdistrict C – Mixed Use Development Area

The location of the subdistricts of the #Special Manhattanville Mixed Use District# is specified on Map 1 in Appendix A of this Chapter.

104-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/19/2007

The #use# regulations of the underlying C6 Districts are modified in Sections [104-11](#) through [104-18](#), inclusive.

104-11 - Residential Use Modifications

LAST AMENDED
2/2/2011

The #residential use# regulations of the underlying C6-1 District are modified, as follows.

In Subdistrict A, a #residential use# may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section [104-132](#) (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section [104-14](#).

104-12 - Community Facility Use Modifications

LAST AMENDED
2/2/2011

The #community facility use# regulations of the underlying C6-1 and M1-2 Districts are modified, as follows:

- (a) in Subdistrict A, a #community facility use# with sleeping accommodations, as listed in this Section, may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section [104-132](#) (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section [104-14](#):

College or school student dormitories or fraternity or sorority student houses

#Long-term care facilities#

Monasteries, convents or novitiates

Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#

Non-profit or voluntary hospitals and related facilities

Philanthropic or non-profit institutions with sleeping accommodations;

- (b) in Subdistrict B, #uses# listed in Use Groups 3 and 4 permitted in the underlying M1-2 District, pursuant to Sections [42-10](#) (USES PERMITTED AS-OF-RIGHT) and [74-921](#) (Use Groups 3A and 4A community facilities), shall be limited to 5,000 square feet of #floor area# per establishment.

104-13 - Commercial and Manufacturing Use Modifications

LAST AMENDED
12/19/2007

In Subdistricts A and C, the #commercial# and #manufacturing use# regulations of the underlying C6 Districts are modified as set forth in Section [104-132](#) (Use Groups 16, 17 and 18).

In Subdistrict B, the #commercial# #use# regulations of the underlying M1 District are modified as set forth in Section [104-131](#) (Use Group 6A).

104-131 - Use Group 6A

†

LAST AMENDED
12/6/2023

In Subdistrict B, the provisions of Section [42-12](#) (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 8, 9B, 10A, 10B, 11, 12A, 12C, 12D, 13, 14 and 16), shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

104-132 - Use Groups 16, 17 and 18

LAST AMENDED
2/2/2011

In Subdistricts A and C, the following #uses# in Use Groups 16, 17 and 18 are permitted, subject to the performance standards for an M1 District set forth in Section [42-20](#).

Such #uses# may locate in the same #building#, or in an #abutting# #building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section [104-12](#) (Community Facility Use Modifications), only in accordance with the certification provisions of Section [104-14](#).

From Use Group 16A:

- Animal hospitals or kennels
- Automobile, motorcycle, trailer or boat sales, enclosed only
- Carpentry, custom woodworking or custom furniture making shops
- Motorcycle or motor scooter rental establishments, enclosed only
- Trade schools for adults

From Use Group 16B:

- Automobile, truck, motorcycle or #trailer# repairs
- Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than 10 automobiles per washing lane
- #Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C:

- Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps
- Public transit yards, open or enclosed, including #accessory# motor fuel pumps

From Use Group 16D:

- Moving or storage offices, with no limitation as to storage or #floor area# per establishment
- Warehouses
- Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A:

Produce or meat markets

From Use Group 17B:

Advertising displays

Apparel or other textile products, from textiles or other materials, including hat bodies or similar products

Ceramic products, including pottery, small glazed tile or similar products

Food products, except slaughtering of meat or preparation of fish for packing

Leather products, including shoes, machine belting or similar products

Luggage

Musical instruments, including pianos or organs

Optical equipment, clocks or similar precision instruments

Perfumes or perfumed soaps, compounding only

Printing or publishing, with no limitation on #floor area# per establishment

Scenery construction

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Toys

Wood products, including furniture, boxes, crates, baskets, cooperage works or similar products

From Use Group 17C:

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

From Use Group 18A:

Manufacturing of beverages, alcoholic or breweries

104-14 - Certification Requirements

LAST AMENDED

2/2/2011

In Subdistrict A, a #use# listed in Section [104-132](#) (Use Groups 16, 17 and 18) and a #residential use# or a #community facility use# with sleeping accommodations listed in Section [104-12](#) (Community Facility Use Modifications) may locate in the same #building#, or in an #abutting# #building#, only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the #commercial# or #manufacturing use#:

- (a) does not have a New York City or New York State environmental rating of “A,” “B” or “C” under Section [24-153](#) of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

104-15 - Ground Floor Use and Frontage Regulations

LAST AMENDED

12/19/2007

For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the

finished level of the adjacent sidewalk, or the adjacent #mandatory widened sidewalk#, as applicable. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and frontage regulations of this Section shall apply to any #development# or change of #use# located on the ground floor level of a #building or other structure#, or any #enlargement# that increases the #floor area# of the ground floor level of a #building# by more than 25 percent.

A minimum of 75 percent of the length of a #street wall# on the ground floor level shall be limited to #uses# listed in Section [104-16](#) (Use Group MMU) and shall comply with the minimum depth provisions of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses). Such #uses# shall be located at the #street wall#. In no event shall the length of #street# frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

All such #developments#, #enlargements# and changes of #use# on the ground floor of a #building or other structure# (other than a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A) shall comply with the transparency requirements of Section [104-41](#).

104-16 - Use Group MMU

LAST AMENDED
12/19/2007

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

From Use Group 3:

Libraries, museums or non-commercial art galleries

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities

Community centers or settlement houses

Non-commercial recreation centers

From Use Group 6A:

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Hardware stores

Laundry establishments, hand or automatic self-service

Liquor stores, package

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

From Use Group 6B:

Veterinary medicine for small animals, provided all activities are conducted within a #completely enclosed building#

From Use Group 6C:

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile supply stores, with no installation or repair services

Banks

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment

Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops
Medical or orthopedic appliance stores
Millinery shops
Music stores
Newsstands, open or enclosed
Optician or optometrist establishments
Paint stores
Pet shops
Photographic equipment or supply stores
Photographic studios
Picture framing shops
Record stores
Seed or garden supply stores
Sewing machine stores, selling household machines only
Shoe stores
Sporting or athletic stores
Stamp or coin stores
Telegraph offices
Television, radio, phonograph or household appliance
stores, limited to 10,000 square feet of #floor area# per establishment
Toy stores
Travel bureaus
Typewriter stores
Wallpaper stores
Watch or clock stores or repair shops

From Use Group 7B:

Bicycle rental or repair shops
Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment
Refreshment stands
Sign painting shops, limited to 2,500 square feet of #floor area# per establishment
Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment

From Use Group 8A:

All #uses#

From Use Group 8B:

Lumber stores, limited to 5,000 square feet of #floor area# per establishment, exclusive of that #floor area# used for office and display areas, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size

Television, radio, phonograph or household appliance repair shops

Upholstering shops dealing directly with consumers

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms, without repair facilities

Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

Studios, art, music, dancing or theatrical

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

From Use Group 10A:

Clothing or clothing accessory stores, limited to 20,000 square feet of #floor area# per establishment

Office or business machine stores, sales or rental

Variety stores, limited to 20,000 square feet of #floor area# per establishment

From Use Group 12B:

Antique stores

Art gallery, commercial

Book stores

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Gift shops

Jewelry or art metal craft shops

Music stores

Newsstands

Photographic equipment stores

Record stores

Stationery stores

Toy stores

From Use Group 17A:

Produce or meat markets, wholesale

From Use Group 17B:

Ceramic products, including pottery, small glazed tile, or similar products

#Accessory# #uses# to all the above #uses# are permitted.

104-17 - Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)

LAST AMENDED

12/19/2007

The provisions of Section [74-48](#) (Scientific Research and Development Facility) shall not apply in the #Special Manhattanville Mixed Use District#.

104-20 - SPECIAL BULK REGULATIONS

LAST AMENDED

2/2/2011

In Subdistricts A, B and C, the #bulk# regulations of the underlying C6 and M1 Districts, as modified in this Chapter, shall apply.

The #floor area ratio#, #open space ratio# and #lot coverage# regulations applicable in the underlying C6 Districts are modified as set forth in Sections [104-21](#) through [104-25](#).

The #floor area ratio# regulations applicable in the underlying M1 District are modified as set forth in Section [104-22](#). No #floor area# bonuses shall be permitted.

Special provisions regulating change of #use# in #non-complying# #buildings# are set forth in Section [104-26](#).

The height and setback regulations of the underlying C6 Districts are superseded as set forth in Sections [104-30](#) through [104-34](#), inclusive.

The special maximum #building# height regulations for the M1-2 District are set forth in Section [104-31](#).

Notwithstanding the special #bulk# regulations of this Chapter, any #development# containing #dwelling units#, or college or school student dormitories as listed in Use Group 3, on Parcel H, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, shall comply with the height and setback regulations for an R8A District as set forth in Article II of this Resolution.

104-21 - Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses

LAST AMENDED

12/19/2007

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply.

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02.

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot

coverage# shall be 100 percent.

The provisions of Section [23-70](#) (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

104-22 - Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses

LAST AMENDED

12/19/2007

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0. #Lot coverage# requirements for #community facility uses# shall not apply.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

104-23 - Maximum Floor Area Ratio for Commercial Uses

LAST AMENDED

12/19/2007

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial# #uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# in Use Group 16 listed in Section [104-132](#) (Use Groups 16, 17 and 18) shall be 2.0.

104-24 - Maximum Floor Area Ratio for Manufacturing Uses

LAST AMENDED

12/19/2007

In Subdistricts A and C, the maximum #floor area ratio# permitted for #manufacturing uses# shall be 2.0.

104-25 - Maximum Floor Area Ratio for Multiple Uses on a Zoning Lot

LAST AMENDED

2/2/2011

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on such #zoning lot# shall not exceed the maximum permitted for such #use#, as set forth in Sections [104-21](#) through [104-24](#), inclusive, provided that the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

104-26 - Change of Use

LAST AMENDED

2/2/2011

(a) Change to #residential use#

Notwithstanding the provisions set forth in Section [34-222](#) (Change of use) and in the last paragraph of Section [35-31](#) (Maximum Floor Area Ratio) regarding the applicability of #floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such #conversions# of non-#residential buildings# shall be permitted only if such #buildings# comply with all of the #bulk# regulations for #residential# or #mixed buildings#.

(b) Change to non-#residential use#

In Subdistrict A, the provisions of Section [54-31](#) (General Provisions) shall not apply. In lieu thereof, a #use# listed in Use Groups 16, 17 or 18 located in a #non-complying# #building or other structure# may be changed to:

- (1) a #use# listed in Section [104-132](#) (Use Groups 16, 17 and 18), subject to the performance standards for an M1 District set forth in Section [42-20](#), and subject to Section [104-14](#) (Certification Requirements), if applicable; or

(2) a #community facility use#, or an office #use# listed in Use Group 6B.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section [104-40](#) (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in paragraph (b) of this Section.

The provisions of paragraph (b) of this Section shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of paragraph (b) of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section [104-40](#), shall apply to the changes of #use# set forth in paragraph (b) of this Section.

104-30 - SPECIAL HEIGHT AND SETBACK REQUIREMENTS

LAST AMENDED
5/12/2021

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section [104-31](#), et seq.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section [12-10](#) (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, such line shall be used instead of the #street line# for all purposes of Section [104-30](#), et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section [104-60](#) (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

104-31 - Maximum Building Height

LAST AMENDED
2/2/2011

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter and specified in Appendix B of this Chapter. In Subdistricts B, C and the Other Area east of Broadway, the maximum #building# heights are shown on Map 5. No #building# shall exceed the maximum #building# height set forth in such Map or Appendix B of this Chapter.

104-32 - Rooftop Regulations

LAST AMENDED
12/19/2007

The special rooftop regulations of Section [104-32](#), inclusive, shall apply in Subdistricts A and C.

104-321 - Rooftop equipment

†

LAST AMENDED
12/6/2023

#Energy infrastructure equipment# and #accessory# mechanical equipment, other than solar or wind energy systems, may be located on the roof of a #building# in accordance with the following provisions:

- (a) #Energy infrastructure equipment# and #accessory# mechanical equipment shall not exceed the maximum height for rooftop equipment specified for each Parcel as set forth in Appendix B of this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.
- (b) Such equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104-322. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.
- (c) Such equipment shall not overhang any recess in the #building# wall that is open to the sky.

104-322 - Permitted obstructions

†

LAST AMENDED
12/6/2023

The obstructions set forth in Section [33-42](#), other than the rooftop equipment permitted pursuant to Section [104-321](#), as well as the following obstructions, may penetrate the applicable maximum #building# height and the applicable maximum height for rooftop equipment set forth in Appendix B of this Chapter, and may also penetrate the #sky exposure plane# set forth in Section [104-321](#) (Rooftop equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of rooftop equipment as set forth in Section [104-321](#). Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

- (a) Antennae and structural support thereto;
- (b) Pipes and supporting structures;
- (c) Railings.

104-33 - Mandatory Street Walls

LAST AMENDED
2/2/2011

Six types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections [104-331](#) through [104-336](#). Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Heights), in Appendix A of this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet, such #street wall# may in its entirety comply with the rules for an #upper street wall#.

- (a) #Lower street wall#
 - (1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum

height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;

- (2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;
- (3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130th Street.

(b) #Upper street wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B or the height of the #building#, whichever is less.

- (c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.
- (d) Where a #building# is located on more than one Parcel, the requirements of Sections [104-331](#) through [104-336](#), with respect to the locations of the #upper street wall# and the #lower street wall#, may apply to the entire #street frontage# of the Parcels.
- (e) On Parcels C3 and C4, the applicable #lower street wall# provision may be applied to the entire #building#.
- (f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street wall# requirements shall be those provisions applicable to Parcel D2.

104-331 - Type 1 street wall location

LAST AMENDED
12/19/2007

Type 1 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.
- (c) No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of a Parcel.
- (d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.
- (e) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-332 - Type 2 street wall location

LAST AMENDED 12/19/2007

Type 2 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of either paragraph (a) or (b) of this Section.

- (a) The #street wall# shall be located within two to five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable, and shall rise without setback to a minimum height of 45 feet. A #street wall# fronting on West 125th Street shall extend along at least 70 percent of the length of the #street line# of the Parcel; a #street wall# fronting on West 130th Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line#. No #street wall# location regulation shall apply to the remaining 30 percent

of the #street# frontage of the Parcel on West 125th Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130th Street; or

- (b) Where the #lower street wall# is set back from the #upper street wall#:
- (1) the provisions of Section [104-334](#) (Type 4 street wall location) shall apply to #street walls# facing West 130th Street;
 - (2) the provisions of Section [104-331](#) (Type 1 street wall location) shall apply to #street walls# facing West 125th Street; and
 - (3) for #street walls# facing 12th Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

104-333 - Type 3 street wall location

LAST AMENDED
12/19/2007

Type 3 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located within two feet of the 12th Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12th Avenue #widened sidewalk line# by a minimum distance of either:
- (1) 20 feet, if such setback area faces both 12th Avenue and a #narrow street#; or
 - (2) 10 feet, if such setback area faces only 12th Avenue.
- (b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to the remaining portion of the #lower street wall# frontage of a Parcel.
- (c) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-334 - Type 4 street wall location

LAST AMENDED
12/19/2007

Type 4 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable, and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.
- (c) No #street wall# location regulation shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

104-335 - Type 5 street wall location

LAST AMENDED
12/19/2007

Type 5 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of paragraph (a) or (b) of this Section:

- (a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building#, whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or
- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section [104-334](#) (Type 4 street wall location) shall apply.

No #street wall# location regulations shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

104-336 - Type 6 street wall location

LAST AMENDED
12/19/2007

Type 6 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

104-34 - Street Wall Recesses

LAST AMENDED
12/19/2007

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section.

For portions of the #lower street wall# required pursuant to the provisions of Section [104-33](#), the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section [104-33](#), and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet, set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.

104-40 - SPECIAL URBAN DESIGN REGULATIONS

LAST AMENDED
12/19/2007

The special urban design regulations of this Chapter include ground floor transparency requirements, and requirements for six different types of open areas that are accessible to the public, as described in Sections [104-42](#) and [104-43](#), inclusive, and shown on Maps 3 (Widened Sidewalk Lines) and 7 (Mandatory Open Areas) in Appendix A of this Chapter.

104-41 - Street Wall Transparency Requirements

LAST AMENDED
12/19/2007

Within Subdistrict A, the transparency requirements of paragraph (a) of this Section, subject to the modifications of paragraph (b) of this Section, as applicable, shall apply to #developments#, changes of #use# on the ground floor of a #building or other structure#, and #enlargements# that increase the #floor area# of the ground floor by more than 25 percent, but shall not apply to a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter.

- (a) On all #streets#, at least 70 percent of the surface of the #street wall# shall be glazed, and at least 50 percent of the area of each such #street wall# shall be transparent to a minimum height of the ceiling of the ground floor, or not less than 15 feet above the finished level of the adjacent sidewalk, whichever is lower. The glazing material shall be highly transparent, with low reflectivity. Above this height, and to the top of the #lower street wall#, the #street wall# surface shall be at least 50 percent glazed and at least 30 percent transparent. Door or window openings within such walls shall be considered as transparent. Each such opening shall have a minimum width of two feet.
- (b) For #street walls# where the provisions of Section [104-332](#) (Type 2 street wall location) apply, the required glazing at the ground floor shall

apply to the minimum height of the ceiling of the ground floor, or not less than 20 feet above the finished level of the adjacent sidewalk, whichever is lower.

104-42 - Open Areas

LAST AMENDED
12/19/2007

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section [104-33](#) (Mandatory Street Walls) shall comply with the urban design regulations of Sections [104-42](#) through [104-43](#), inclusive, and shall be open and unobstructed except as specified.

104-421 - Mandatory widened sidewalks and adjacent areas

LAST AMENDED
12/19/2007

- (a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks# shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the #street line#. #Mandatory widened sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.
- (b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. #Mandatory widened sidewalks# shall be considered #streets# for the purposes of applying the provisions of the New York City Building Code governing cornices, eaves, sills and other architectural elements that project over #streets#. However, no fences shall be permitted, no planters shall be higher than two feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.
- (c) Adjacent area at grade between #lower street wall# and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

- (d) Additional regulations shall apply to the following areas and conditions:

- (1) #Narrow streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

- (2) 12th Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7 in Appendix A of this Chapter, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

- (i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.
- (ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of the market area per #zoning lot#, such as carts, kiosks or pavilions, open or enclosed; market umbrellas; retail structures, open; and seating and other street furniture.

104-422 - Midblock Open Areas

LAST AMENDED
2/2/2011

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of 20 percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than two feet above the finished level of the nearest adjoining sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area. However, up to 10 feet of the width of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, #building# walls fronting on such Midblock Open Areas shall be transparent for at least 50 percent of the area of each such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

104-423 - East/West Open Area

LAST AMENDED
2/2/2011

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East/West Open Area shall have:

- (a) a minimum width of 60 feet and shall be open to the sky;
- (b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a non-skid material, whether wet or dry; and
- (c) a minimum of 20 percent of its area improved with landscape treatment, including planting and other amenities. No walls or planters shall be higher than two feet above the finished level of the adjacent sidewalk.

Air intake grilles, flush to grade, shall be permitted, provided such intake grilles do not exceed 10 percent of the area of the East/West Open Area, and are concealed from public view by planting or other design features.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area.

104-424 - The Square

LAST AMENDED
2/2/2011

Area of the Square

If Block D is developed as a single #zoning lot#, an open area known as “the Square,” with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130th and 131st Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

#Building# transparency

The bounding #building# wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished

level of the adjacent pavement to the height of the ceiling of the second #story#.

Circulation and access

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed element, within 15 feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

Elevation of the Square

The elevation of the Square shall generally follow the adjacent topography. Within 15 feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond 15 feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the nearest sidewalk or natural topography. Paved areas shall not be higher than two feet above the level of the nearest sidewalk.

Permitted obstructions

No walls or planters shall be higher than 2 feet, 6 inches above the finished level of the nearest adjoining sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

Seating

A minimum of one linear foot of seating shall be provided for each 50 square feet of the Square. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every two and one-half linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

- (a) fixed seating may be provided in the form of double-sided benches, which shall be a minimum of 36 inches deep;
- (b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;
- (c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth of 18 inches measured from the edge to the back; and
- (d) all seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least one inch radius.

However, other types of seating, such as the edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets# and the adjacent Midblock Open Area, and arranged to encourage a variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square

may be exempt from this requirement.

General requirements for trees and planting

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

Trees

A minimum of 38 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade. The requirements of this paragraph, (a), shall be in addition to the requirements of Section [104-422](#) (Midblock Open Areas).

Planting

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

Other required amenities

Racks shall be provided for a minimum of 16 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 25 gallons each. There shall be 10 containers, at least three of which shall be for used for recycling paper, plastic and metal waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Permitted amenities

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

Public space signage

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution. Information about the Square may be provided on the entry plaques.

Vents facing the square

On any #building# wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

Vents and stairs in the Square

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

- (a) the top of the exhaust or intake vent shall be a minimum of 20 feet above the finished level of the adjacent grade;
- (b) no single element shall be more than 200 square feet; and
- (c) the aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

In order to grant such authorization, the Commission shall find that:

- (1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and
- (2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

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

104-425 - The Small Square

LAST AMENDED
2/2/2011

If Block C is developed as a single #zoning lot#, an open area known as the “Small Square,” with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129th and West 130th Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding #building# walls on all #buildings# #abutting# the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

104-426 - The Grove

LAST AMENDED
2/2/2011

If Block A is developed as a single #zoning lot#, an open area known as “the Grove,” with a minimum area of 400 square feet, shall be provided as a passive open space connecting West 125th and West 129th Streets. It shall contain seating at the western portion of the Block and a grove of trees with a minimum of four trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls or planters are permitted in the Grove.

104-43 - Open Area Standards

LAST AMENDED
12/19/2007

104-431 - Access and hours of public accessibility

LAST AMENDED
12/19/2007

All open areas shall be accessible directly from an adjoining public sidewalk, except as otherwise provided in this Chapter. No fences or gates shall be permitted anywhere within the open areas, except as permitted in Section [104-42](#) (Open Areas).

All open areas except the Square and the East/West Open Area shall be accessible to the public 24 hours per day, seven days a week.

The Square and the East/West Open Area shall be accessible to the public seven days per week, from the hours of 7:00 a.m. to 8:00 p.m., from November 1 through April 14, and from 7:00 a.m. to 11:00 p.m. from April 15 through October 31.

All open areas may be closed not more than one day each year, on a non-holiday weekend day in January, to preserve the private ownership of such areas, except the Square and the East/West Open Area may each be closed by its respective owner for private events and activities for a maximum of 12 days in each calendar year, which days shall not include public holidays. Advance notice of such closing shall be posted at the perimeter of the Square and the East/West Open Area and shall be provided to the Chairperson of the City Planning Commission not less than 24 hours prior to each such closing.

104-432 - Lighting

LAST AMENDED
12/19/2007

All paved areas shall be illuminated with a minimum level of illumination not less than two horizontal foot candles (lumens per foot) throughout. All other areas shall have a minimum level of illumination not less than 0.5 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of the open space.

104-433 - Maintenance and operation

LAST AMENDED
12/19/2007

The owner of each open area within Subdistrict A shall be responsible for its maintenance and operation. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner of an open area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent Parcels. The owner may establish and enforce rules of conduct for the use of the open areas and standards for permits for events and activities in an open area. Rules and regulations for the open areas will be subject to review and approval by the Chairperson of the City Planning Commission.

No vehicles shall be stored on any of the open areas.

104-44 - Street Trees on Narrow Streets and Broadway

LAST AMENDED
12/19/2007

On #narrow streets# and Broadway, #street# trees with a minimum caliper of four inches shall be provided for the entire length of the #street# frontage of the #zoning lot#, except adjacent to the Midblock Open Areas and the Grove. Such trees shall be planted at maximum intervals of 25 feet on center. The location and/or spacing of trees may be waived by the Commissioner of Parks and Recreation to the extent that these requirements are determined to be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreation, and shall be located within a soft surface, landscaped strip at least five feet wide adjacent to the curb, which landscaped strips need not be continuous. Other planted landscape treatment and amenities may be permitted within such landscaped strip. Such trees shall be maintained by the owner of the adjacent #development# or #enlargement#.

104-50 - PERMITTED TRANSFER OF FLOOR AREA

LAST AMENDED
2/2/2011

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a “granting site” shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, or the portion of the #block# identified as Block H on Map 2, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a “receiving site” shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

- (a) by notice, in accordance with the provisions of Section [104-52](#) (Transfer of Floor Area by Notice);
- (b) by authorization, in accordance with the provisions of Section [104-53](#) (Transfer of Floor Area by Authorization); or
- (c) by special permit, in accordance with the provisions of Section [104-60](#) (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), where the proposed #development# or #enlargement# on the receiving site requires modification of the #bulk# regulations of Section [104-30](#) (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

104-51 - General Requirements for Transfer

LAST AMENDED

12/19/2007

For any transfer of #floor area# by notice or by authorization pursuant to Section [104-50](#), inclusive, the requirements of this Section shall apply.

(a) Notification

Prior to any transfer of #floor area#, pursuant to Sections [104-52](#) (Transfer of Floor Area by Notice) or [104-53](#) (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

(b) Notices of restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

(c) #Floor area#

The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for #community facility uses#, pursuant to Section [104-12](#) (Community Facility Use Modifications), less the total floor area of all existing #buildings# on such #block#. The transfer of #floor area#, once completed, shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.

(d) #Use#

#Floor area# transferred pursuant to the provisions of Section [104-50](#) through [104-53](#), inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

104-52 - Transfer of Floor Area by Notice

LAST AMENDED

12/19/2007

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections [104-50](#) and [104-51](#) shall apply as well as the following:

- (a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section [104-51](#) shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;
- (b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section [104-40](#) (SPECIAL URBAN DESIGN REGULATIONS); and
- (c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to the provisions of Sections [104-424](#) (The Square), [104-425](#) (The Small Square) or [105-426](#) (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

104-53 - Transfer of Floor Area by Authorization

LAST AMENDED

12/19/2007

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections [104-50](#) and [104-51](#), provided the Commission finds that such transfer:

- (a) will permit better site planning; and
- (b) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

104-60 - MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT

LAST AMENDED

12/19/2007

The City Planning Commission may, by special permit:

- (a) modify the special height and setback requirements of Section [104-30](#) (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds that such modifications are necessary to:
 - (1) meet programmatic and mechanical requirements;
 - (2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets#, #buildings# and properties;
 - (3) provide flexibility of architectural design and encourage more attractive #building# forms; and
 - (4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.
- (b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section [104-30](#), inclusive, provided the Commission finds:
 - (1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section [104-51](#);
 - (2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and

- (3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section [104-52](#) (Transfer of Floor Area by Notice).

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

104-70 - PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

LAST AMENDED
12/19/2007

In the #Special Manhattanville Mixed Use District#, the #accessory# off-street parking and loading regulations of the underlying zoning districts shall apply, except as set forth in this Section, inclusive.

104-71 - Accessory Off-street Parking

LAST AMENDED
12/19/2007

In Subdistrict B, the regulations regarding required #accessory# off-street parking spaces set forth in Section [44-20](#), shall not apply.

In Subdistrict A, the #accessory# off-street parking and loading regulations in Article III, Chapter 6, pertaining to the underlying C6 District shall be modified, as follows:

- (a) #accessory# parking spaces at or above grade shall be completely enclosed;
- (b) #accessory# parking garages at or above grade shall not be located:
- (1) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;
 - (2) on Parcels E2 or G2; or
 - (3) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within 10 feet of any such Mandatory Open Area, except that access to and egress from #accessory# parking garages shall be permitted in such areas; and
- (c) parking spaces provided below grade shall not be subject to the provisions of Section [36-12](#) (Maximum Size of Accessory Group Parking Facilities).

104-711 - Accessory parking below grade

LAST AMENDED
12/19/2007

Required and permitted #accessory# off-street parking spaces may be located below grade, without regard to #zoning# #lot lines#.

- (a) Such #accessory# group parking facilities shall not exceed the following maximum number of spaces:
- Blocks C, D and E combined: up to 1,800 spaces in total
- Block F: up to 1,000 spaces in total
- Blocks G and H combined: up to 600 spaces in total
- (b) Such #accessory# group parking facilities are subject to the following requirements:
- (1) the location of the curb cuts shall be subject to the provisions of Section [104-73](#);
 - (2) such #accessory# off-street parking spaces shall not be located further than 1,000 feet from the nearest boundary of the #zoning lot# to which they are #accessory#; and

- (3) such #accessory# off-street parking facilities shall provide adequate reservoir spaces at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir spaces be required for more than 50 automobiles at each entrance.

104-72 - Public Parking Garages

LAST AMENDED
12/19/2007

In Subdistrict A, #public parking garages# shall not be located:

- (a) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;
- (b) on Parcels E2 or G2; or
- (c) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter, or within 10 feet of any such Mandatory Open Area.

104-73 - Permitted Curb Cut Locations

LAST AMENDED
12/19/2007

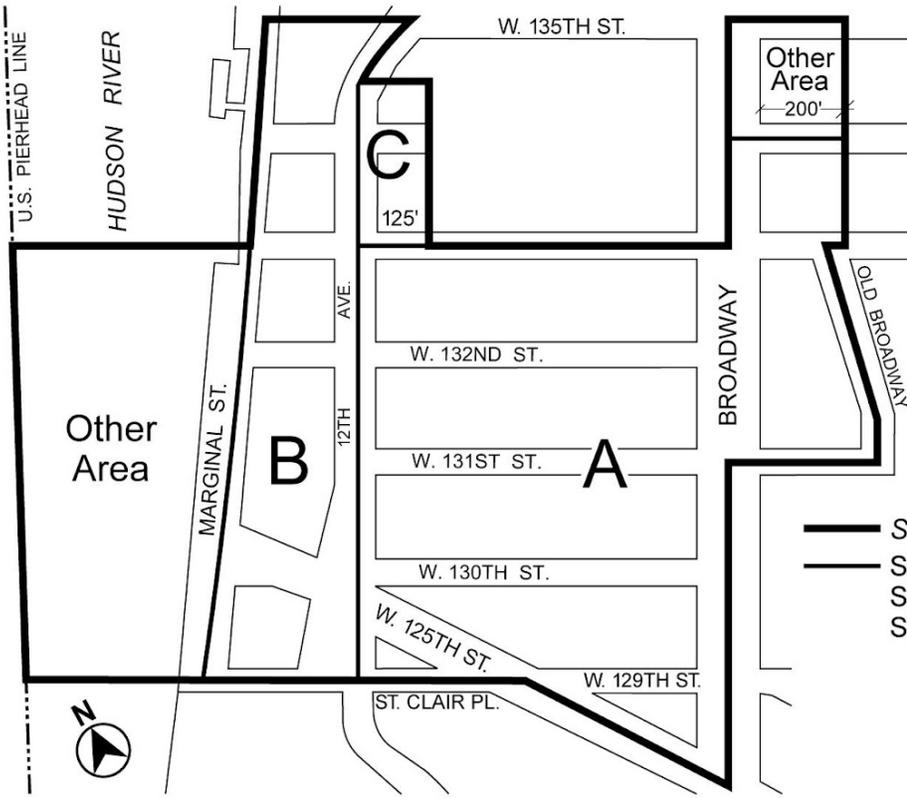
The following curb cut regulations shall apply to any #development# or #enlargement#:

- (a) existing curb cuts on #wide streets# may remain until such time as a #community facility use# is located on that portion of the #zoning lot#;
- (b) no new curb cuts are permitted on #wide streets# or within 50 feet of the intersection of any two #street lines#. Furthermore, no curb cuts are permitted on Block B. However, curb cuts may be permitted in such areas where the Commissioner of Buildings determines there is no alternative means of access to off-street parking spaces or required loading berths from other #streets# bounding the #block# or #zoning lot#;
- (c) new curb cuts shall not be greater than 30 feet in width;
- (d) there shall be no more than two new curb cuts per #street# frontage on a #zoning lot#, except on Block F where three curb cuts per #street# frontage are permitted, and except as provided in paragraph (f) of this Section;
- (e) there shall be a minimum distance of 30 feet between curb cuts on a #street# frontage of a #zoning lot#; and
- (f) in order to access the Square, as described in Section [104-424](#), one curb cut, not to exceed 15 feet in width, shall be permitted along each #street# frontage of the sidewalk adjacent to the Square. Such curb cuts shall be in addition to the two curb cuts permitted on Block D, pursuant to paragraph (d) of this Section.

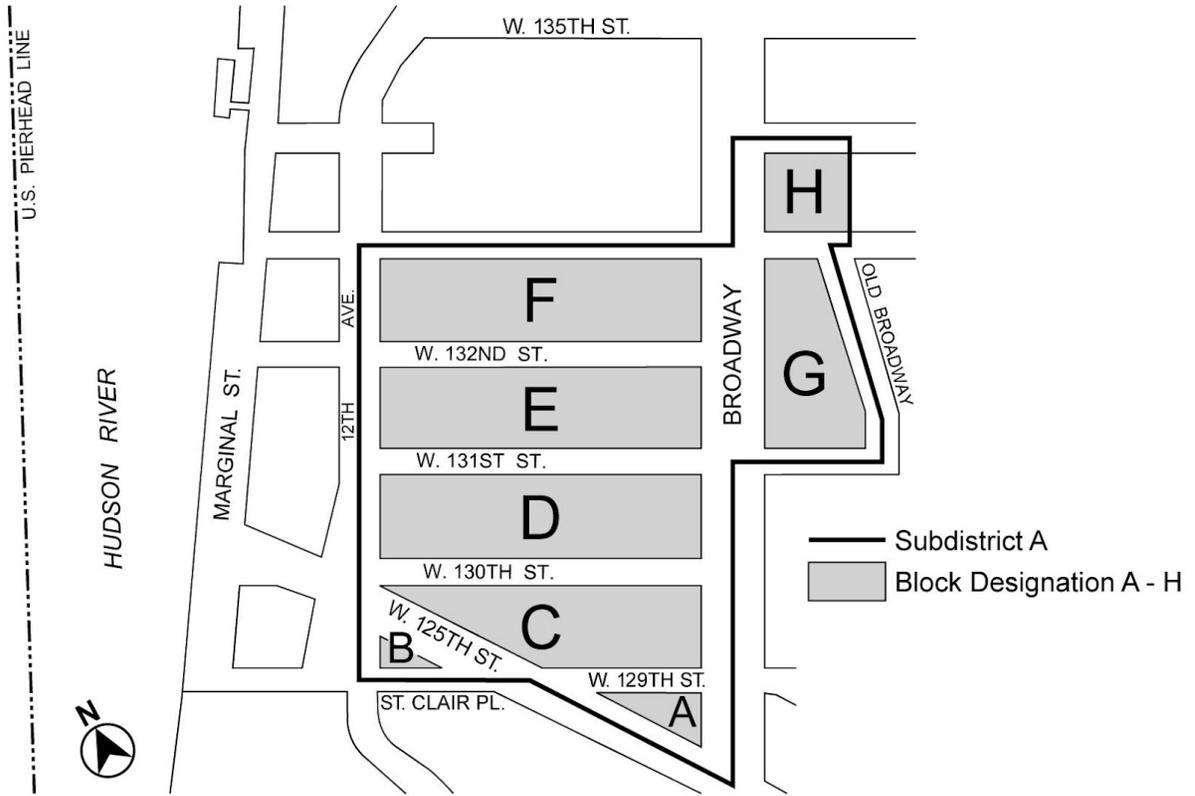
Appendix A - Special Manhattanville Mixed Use District Plan

LAST AMENDED
12/19/2007

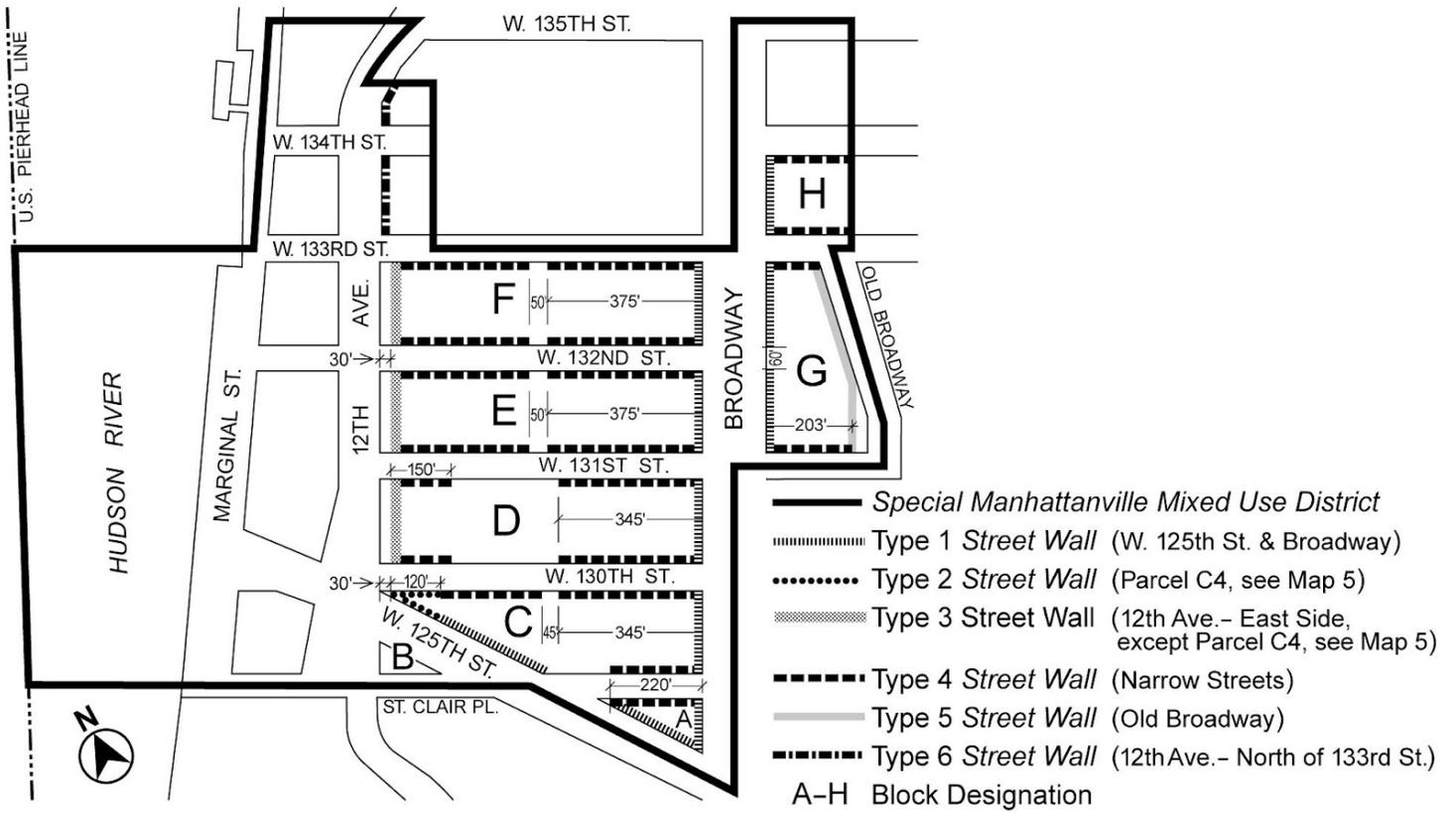
Map 1 - Special Manhattanville Mixed Use District and Subdistricts (12/19/07)



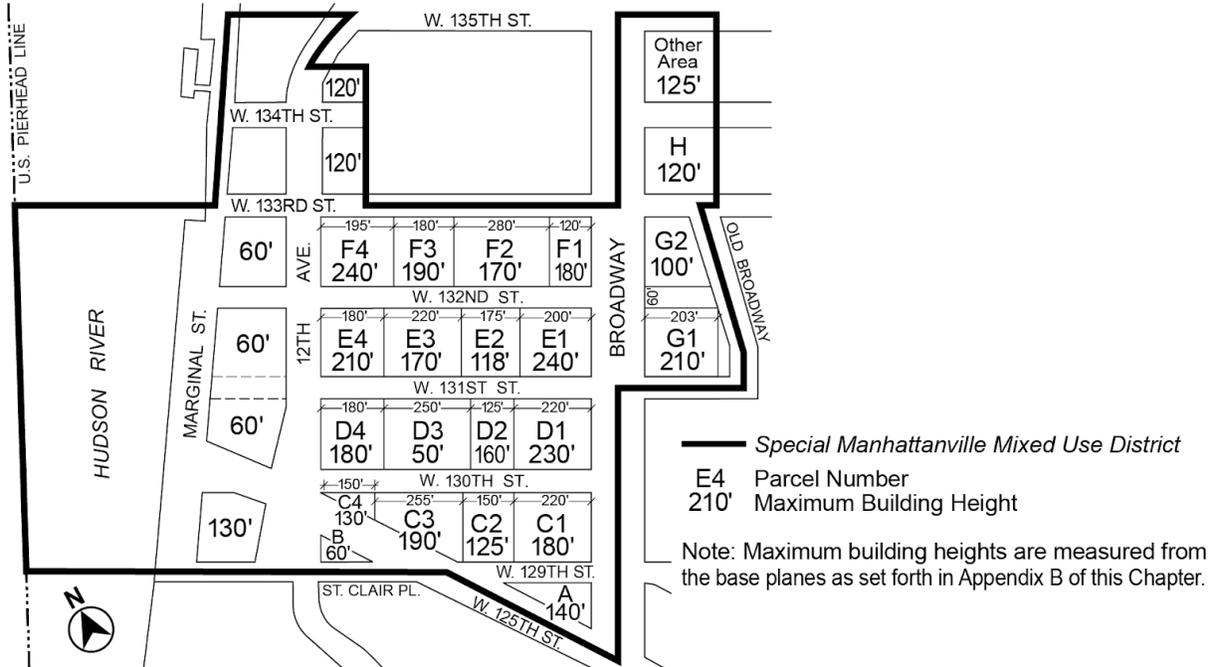
- Special Manhattanville Mixed Use District
- Subdistrict A- Academic Mixed Use Area
- Subdistrict B- Waterfront Area
- Subdistrict C- Mixed Use Development Area



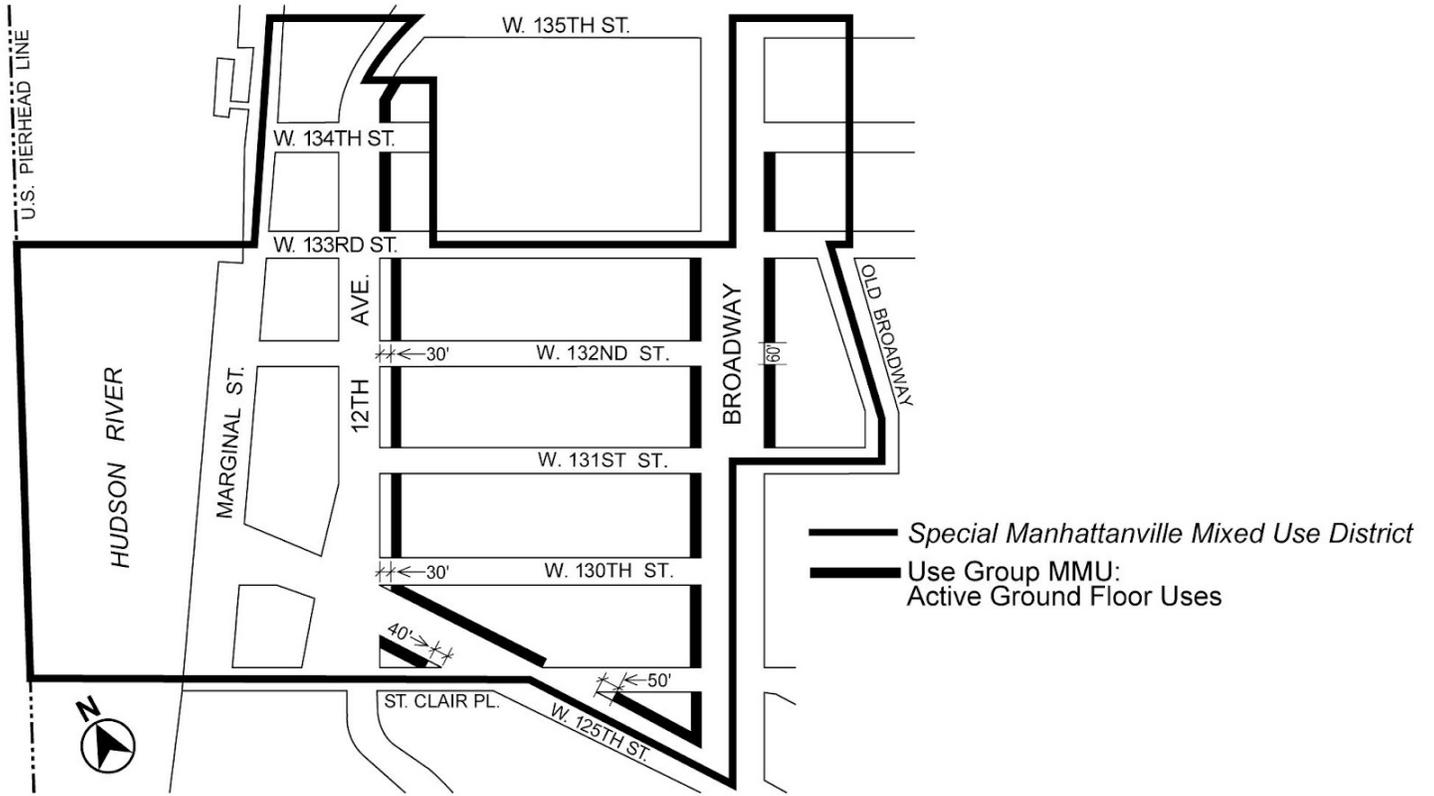
Map 4 - Street Wall Types and Locations (12/19/07)



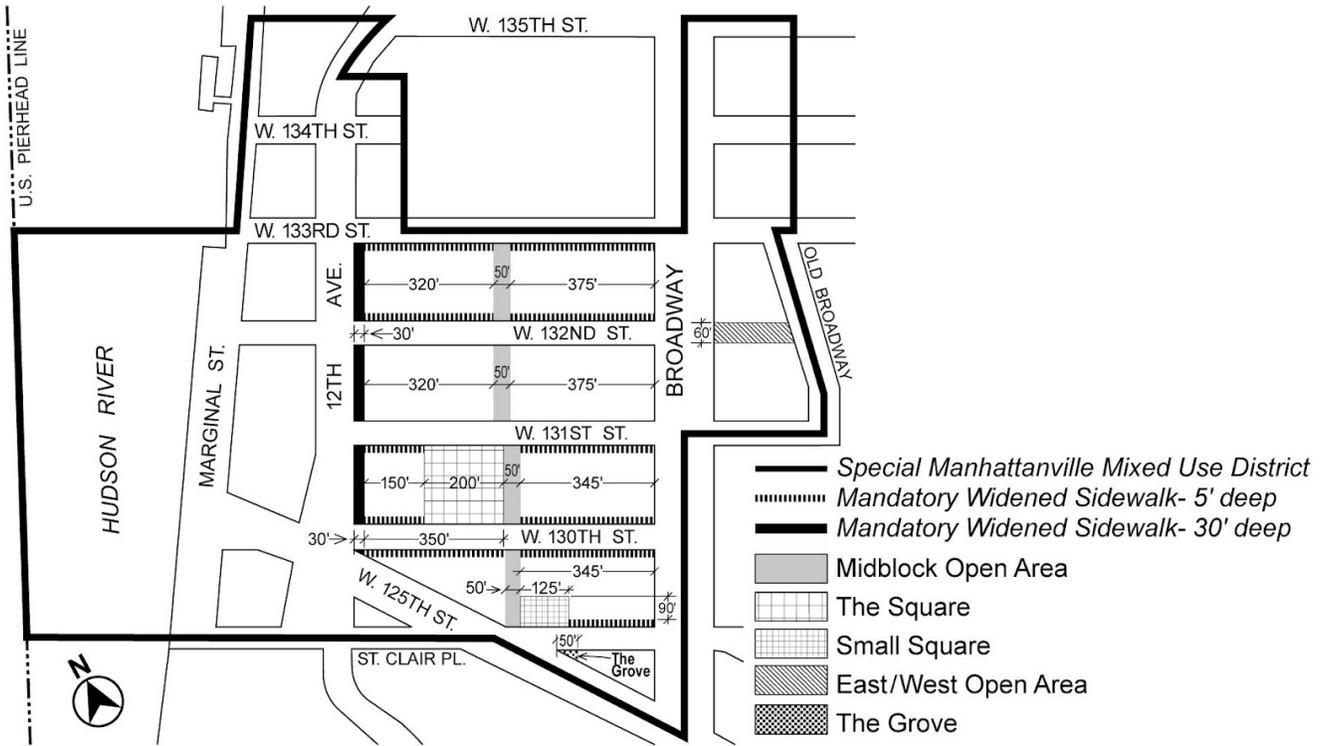
Map 5 - Parcel Designation and Maximum Building Heights (3/22/16)



Map 6 - Ground Floor Use and Frontage (12/19/07)



Map 7 - Mandatory Open Areas (12/19/07)



Note: Dimensions of open areas denote minimum requirements. All other dimensions are maximums.

Appendix B - Base Plane and Building Height Table

LAST AMENDED
12/19/2007

Parcel*	#Base Plane#** (in feet)	Maximum #Building# Height** Above #Base Plane# (in feet)	Maximum Height of Rooftop Equipment (in feet)
A	21.6	140	40
B	10.37	60	20
C1	20.74	180	60
C2	19.29	125	40
C3	15.19	190	40
C4	9.36	130	40
D1	26.68	230	60
D2	23.25	160	60
D3	15.85	50	N/A
D4	9.05	180	40
E1	32.42	240	60
E2	23.38	118	40
E3	14.82	170	60
E4	10.11	210	60
F1	46.0	180	40
F2	34.92	170	60
F3	25.63	190	60
F4	11.97	240	60
G1	44.92	210	60

G2	55.62	100	40
H	66.61	120	20

* Parcels are shown on Map 5 in Appendix A

** These numbers reflect measurement in feet above Manhattan Datum, which is 2.75 feet above Sea Level



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 5 - Special Natural Area District (NA)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 5 - Special Natural Area District (NA)

105-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2005

The "Special Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;
- (b) to preserve land having qualities of exceptional recreational or educational value to the public;
- (c) to protect aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) to preserve hillsides having unique aesthetic value to the public; and
- (f) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

105-01 - Definitions

†

LAST AMENDED

12/6/2023

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS).

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces, including any surfaces with permeable paving. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where: S - #average percent of slope#

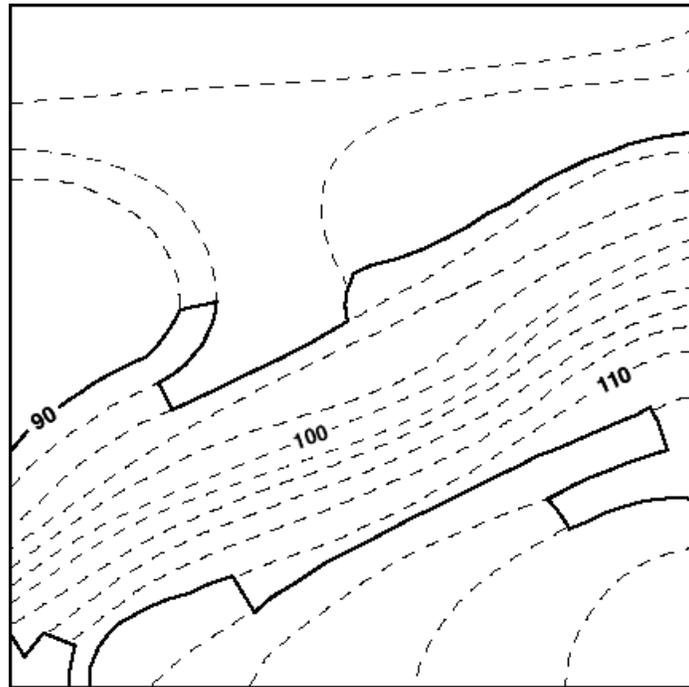
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT
(ILLUSTRATIVE EXAMPLE)



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch. Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section [105-10](#) (NATURAL FEATURES) and existing within a #Special Natural Area District#.

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures# which includes land contour work, topographic modifications, removal of #topsoil#, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other #natural features#, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

Staging area

A "staging area" is any area on a #zoning lot# used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# with an incline of 25 percent or greater. However, a portion of a #zoning lot# with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more that is counted towards a tree preservation requirement or a credit for a newly planted tree of three-inch #caliper# or more that is counted towards a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

- (a) a survey of the current condition and health of such trees of six-inch #caliper# or more;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) a schedule for site monitoring during construction;
- (d) a procedure to communicate protection measures to contractor and workers; and
- (e) post-construction treatment.

105-02 - General Provisions

LAST AMENDED

10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

- (a) any #development#, #enlargement# or #site alteration#;
- (b) any subdivision of a #zoning lot# existing on the effective date of the Special District designation into two or more #zoning lots#; and

- (c) any public improvement projects located within the #Special Natural Area District#, which shall be subject to the provisions of Sections [105-92](#) (Special Provisions for City-owned Land) and [105-93](#) (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings or other City or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings or other City or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section [105-40](#) (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section [105-40](#), as specified in Section [105-021](#) (Actions not requiring special review).

Any authorization or special permit granted by the City Planning Commission after July 18, 1995, pursuant to the provisions of this Chapter, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted, subject to the provisions of Sections [11-42](#) (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and [11-43](#) (Renewal of Authorization or Special Permit).

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an application shall be submitted to the Commission for review and approval pursuant to Section [105-90](#) (FUTURE SUBDIVISION).

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.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

105-021 - Actions not requiring special review

LAST AMENDED
2/2/2005

The special review requirements of Section [105-40](#) (SPECIAL REVIEW PROVISIONS) of this Chapter shall not apply to the following:

- (a) a #site alteration# on a #zoning lot# containing #buildings or other structures#, or a #development# or #enlargement# on any #zoning lot#, provided that such #zoning lots# shall have:
- (1) not more than 10,000 square feet of #lot area#;
 - (2) an #average percent of slope# of less than 10 percent;
 - (3) no significant #natural features#, and the resulting #development#, #enlargement# or #site alteration# can satisfy the requirements of Section [105-30](#) (PRESERVATION OF NATURAL FEATURES), inclusive;
 - (4) the resulting #development#, #enlargement# or #site alteration# not exceed 2,500 square feet of #lot coverage#;
and
 - (5) no Notice of Restriction or Restrictive Declaration recorded against the title of such property;

- (b) any #site alteration#, on a #zoning lot# containing a #residential building# in existence on the effective date of the Special District designation, involving a structure that does not require a permit from the Department of Buildings, including, but not limited to swimming pools, garden sheds and fences, provided that:
- (1) any modification of topography for the footprint, foundation or grading around the footprint of such structure shall not exceed two feet of cut or fill; and
 - (2) no tree of six-inch #caliper# or greater shall be removed and the #critical root zone# of such tree shall be an #area of no disturbance# on any #zoning lot#.

105-022 - Requirements for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within any #Special Natural Area District#, shall include the following:

- (a) a survey map prepared by a registered surveyor showing topography at two-foot contour intervals and indicating the #average percent of slope#, the existing slope of the land, as it occurs, in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#, location of geologic features, aquatic features and botanic environments, as en-umerated in Section [105-11](#) (Description of Natural Features);
- (b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for each #Special Natural Area District#;
- (c) a site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone# and in addition, for #Tier II sites#, the location of any other #area of no disturbance#;
- (d) a drainage plan and soil report prepared by a professional engineer, when necessary to assess whether or not there will be major impact on #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989;
- (e) a grading plan showing all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;

- (f) a landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings;
- (g) any other information necessary to evaluate the request; and
- (h) for #developments#, #enlargements# and #site alterations# on #Tier II sites#, the application shall also include:
 - (1) an alignment and paving plan for any #private road# with a typical cross-section; and
 - (2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation.

For a #site alteration#, #enlargement# or #development# within any #Special Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through (h) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in identifying the #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a permit is required for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

105-023 - Relationship to public improvement projects

LAST AMENDED
2/2/2005

In all cases, the City Planning Commission shall deny an application, whenever the #development#, #enlargement# or #site alteration# will interfere with a public improvement project (including highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) that has been approved by the City Council or the City Planning Commission.

105-03 - District Plan

LAST AMENDED
1/19/2016

The regulations of this Chapter are designed to implement the #Special Natural Area District# Plan. The District Plan includes the following:

Appendix A - Special Natural Area District Plan Maps

Appendix B – Glossary

Appendix C - Selection List for Ground Covers and Shrubs

Appendix D - Tree Selection List for On-site Trees

Appendix E - Tree Selection List for Street Trees

These maps and lists are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

105-10 - NATURAL FEATURES

LAST AMENDED
12/19/1974

105-11 - Description of Natural Features

LAST AMENDED
2/2/2005

All #natural features# shall be significant in terms of age, size, composition, function, structure, history, association, location, ecological value or educational interest.

The protection of one #natural feature# may require the protection of another which is closely linked to it. The preservation of #natural features# may also be necessary to avoid such adverse conditions as flooding, erosion or hazards to private property. All vegetation is part of a botanic environment or part of an aquatic feature and shall be considered as a #natural feature# protected by the regulations of this District. For the purposes of this Chapter, vegetation includes all forms of plant material, including, but not limited to, trees, shrubs, vines, ferns, grasses, herbs and other plant life.

All #natural features# defined in this Section and further described in Appendix B of this Chapter shall be protected by the provisions of this Chapter.

(a) Geologic features

(1) Rock outcrop

A rock outcrop is the portion of a rock formation which appears at the surface of the earth.

(2) Geologic deposit

A geologic deposit is a mass of material which has been placed, shaped or created by the actions of wind, water, ice, gravity, vulcanism, pressure or temperature, either alone or in combination. Such deposits are to include erratic boulders, glacial formations, mineral deposits or semi-precious stones.

(b) Topographic features

(1) #Steep slope#

(2) Existing natural topography

Existing natural topography is the ground elevation of land.

(3) #Topsoil#

#Topsoil# is generally the top six inches of soil containing undisturbed humus and organic matter capable of

sustaining vigorous plant growth.

(c) Aquatic features

Wetlands, including, but not limited to State and Federal, mapped or designated, freshwater or tidal wetlands:

(1) Laminarian zone

A laminarian zone is that land under the surface of salt water from the mean low tide mark to the depth of 15 fathoms. The portion of laminarian zone to be protected by the provisions of this Special District extends to the pierhead line or to the shore line where no pierhead line has been established.

(2) Beach

A beach is a tract of relatively flat, sandy or gravelly land, without visible vegetation, forming the shore of a large body of water.

(3) Tidal wetland and saltwater littoral zone

A tidal wetland or saltwater littoral zone is that land which is regularly covered by tidal waters and its spray.

(4) Swamp

A swamp is a wet woodland, the soil of which is typically waterlogged or often covered with water.

(5) Marsh

A marsh is a wet prairie that has waterlogged soil during the growing season (from last spring frost to first fall frost) and is often covered with shallow water.

(6) Bog

A bog is a tract of waterlogged land without natural drainage.

(7) Meadow

A meadow is a tract of land that is waterlogged to within a few inches of the surface and may have temporary ponds during the non-growing season (between the first fall frost and first spring frost).

(8) Creek, stream or brook

A creek, stream or brook is a free flowing fresh watercourse on soil, gravel or rock that drains a watershed.

(9) Lake or pond

A lake or pond is a body of fresh or salt water standing year round.

(10) Natural spring

A natural spring is a point source of water exiting from the surface of the earth or rock.

(d) Botanic environments

(1) Primary succession community area

A primary succession community area is a tract of land characterized by species that can tolerate extreme environmental conditions and provide initial protection for less tolerant forms of life. These species are usually annuals and herbaceous.

(2) Secondary succession community area

A secondary succession community area is a tract of land characterized by short-lived trees and shrubs as well as grasses and herbaceous material. These species are less tolerant than primary succession community species but provide a greater diversity and range of protection from the sun, wind and rain.

(3) Climax community area

A climax community area is a stable association of plants and animals that will perpetuate itself indefinitely with minor variation in the group of associated plants. The climax community area in New York City is the glaciated oak-chestnut association, which is part of the eastern hardwood deciduous forest.

(4) Dune or heathland

A dune or heathland is a tract of windblown and wind- or water-shaped sandy land with such characteristic species as beach grass and beach heather.

(5) Wild grassland

A wild grassland is an area whose vegetation is primarily of wild grass species.

The #natural features# defined in this Section are described in Appendix B of this Chapter.

105-20 - PROTECTION OF NATURAL FEATURES

LAST AMENDED
2/2/2005

All #natural features# within a #Special Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections [105-02](#) (General Provisions), [105-30](#) (PRESERVATION OF NATURAL FEATURES) and [105-50](#) (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

Except for any existing #natural feature# that is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #natural features# described in Section [105-11](#) (Description of Natural Features) shall be removed, destroyed or altered unless permitted by certification, authorization or special permit of the City Planning Commission, pursuant to Section [105-40](#) (SPECIAL REVIEW PROVISIONS), or allowed pursuant to Section [105-021](#) (Actions not requiring special review).

105-30 - PRESERVATION OF NATURAL FEATURES

LAST AMENDED
2/2/2005

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Natural Area District#, pursuant to Section [105-02](#) (General Provisions). When pursuant to Sections [105-41](#) (Certification) or

[105-021](#) (Actions not requiring special review), it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the #natural feature# preservation requirements of this Section, inclusive.

105-31 - Botanic Environment and Tree Preservation Requirements

LAST AMENDED

2/2/2005

To the maximum extent possible, existing trees and vegetation shall be retained. Trees of six-inch #caliper# or more and vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

- (a) such trees or vegetation are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;
- (b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;
- (c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more, designated for preservation and belonging to a species listed in Appendix D (Tree Selection List for On-site Trees) of this Chapter; or
- (d) an authorization pursuant to Section [105-425](#) (Modification of botanic environment and tree preservation and planting requirements) has been granted by the City Planning Commission approving the removal of such trees or vegetation.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section [105-32](#) (Botanic Environment and Tree Planting Requirements).

105-32 - Botanic Environment and Tree Planting Requirements

LAST AMENDED

2/2/2005

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternative vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

- (a) Tree planting

For the purposes of this Section, the following minimum standard shall apply for tree planting:

- (1) For any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, trees of at least three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one

tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

- (2) For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. Trees newly planted to meet this requirement shall be of a species selected from Appendix D of this Chapter, and acceptable from the standpoint of hardiness, appearance and habit of growth suitable to the site.

The Commission may grant a waiver of the tree planting requirements by certification to the Department of Buildings, where the Commission finds that the ecology of the site is such that the substitution of other plant material would be more appropriate than the tree planting requirements and a detailed plan for planting has been filed with the Commission for its approval.

(b) Botanic Environment Planting

For the purposes of this Section, the following minimum standard shall apply for the planting of vegetation.

Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed pursuant to the regulations of Sections [105-31](#) (Botanic Environment and Tree Preservation Requirements) or [105-425](#) (Modification of botanic environment and tree preservation and planting requirements), shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, plantings shall be provided of the size and number indicated in paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix C (Selection List for Ground Covers and Shrubs) of this Chapter. Species of on-site trees shall be selected from Appendix D (Tree Selection List for On-site Trees) of this Chapter.

- (1) Ground cover shall be planted one at one-foot-on-center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and
- (2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or
- (3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or
- (4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

The planting of species shall not be limited to woody plant materials, but shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses and other associated vegetation. All vegetation to be planted shall be either of the species which characterized the area's biological community prior to #site alteration#, #enlargement# or #development#, or of an alternative biologic community found in the area. Species selection shall give particular attention to the relationship of the species to each other and to the surrounding plant community and to the quality of the soil and the vertebrate and invertebrate populations associated with and dependent upon the proposed plants.

Authorization Pursuant to Section 105-422

LAST AMENDED
2/2/2005

The maximum permitted percentage of #lot coverage# for #residences# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A TIER II ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

	#Residence District#*						
						R6	
#Average Percent of Slope#	R1	R2	R3	R4	R5	1-2 Family	Other
10–14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15–19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20–24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section [105-422](#), the maximum permitted percentage of #lot coverage# for such #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT OR PORTION OF ANY ZONING LOT WITH A STEEP SLOPE GRANTED AN AUTHORIZATION PURSUANT TO SECTION [105-422](#)

#Residence District#*						
					R6	
R1	R2	R3	R4	R5	1-2 Family	Other

12.5	12.5	12.5	20.0	25.0	27.0	18.0
------	------	------	------	------	------	------

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

105-34 - Grading Controls for Tier II Sites

LAST AMENDED
2/2/2011

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.
- (d) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T99 or ASTM D698.
- (e) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.
- (f) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on February 2, 2005, should be rounded in a vertical arc with a radius of not less than five feet.
- (g) Tops and toes of cut and fill slopes and retaining walls shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures for a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet.

105-35 - Tier II Site Requirements for Driveways and Private Roads

LAST AMENDED
2/2/2011

The provisions set forth in this Section and Section [105-34](#) (Grading Controls for Tier II Sites) shall apply to driveways and to #private roads# that provide access to #buildings# #developed# after February 2, 2005. The provisions for #private roads# set forth in Article II, Chapter 6, shall not apply.

- (a) Driveways
 - (1) The maximum grade of a driveway shall not exceed 10 percent.
 - (2) The paved width of a driveway shall not exceed 18 feet.

- (3) The maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.
- (b) #Private roads#
- (1) The maximum grade of a #private road# shall not exceed 10 percent.
 - (2) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back.
 - (3) The paved width of a #private road# shall not exceed 34 feet.
 - (4) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb.
 - (5) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#.
 - (6) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays.
 - (7) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.
 - (8) Along the entire length of a #private road#, trees shall be provided and maintained at the rate of one tree for every 25 feet of #private road# frontage and shall comply with the requirements set forth in Section [105-32](#) (Botanic Environment and Tree Planting Requirements).
 - (9) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section.

The City Planning Commission may by authorization pursuant to Section [105-434](#) (Modification of requirements for private roads and driveways), allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

105-36 - Controls During Construction

LAST AMENDED
2/2/2005

The following requirements must be met during construction and identified on the construction plan:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading

plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.

- (d) The #staging area# shall be located in an area that would most minimize destruction of the #natural features# of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.
- (e) #Topsoil# shall be used in the area to be replanted as soon as construction is complete.
- (f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

105-37 - Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites

LAST AMENDED
2/2/2011

Any #development#, #enlargement# or #site alteration# that is on a #Tier II site# and requires an authorization shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements set forth in Section [105-40](#) (SPECIAL REVIEW PROVISIONS) that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of this Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer or landscape architect and submitted to the City Planning Commission.

(a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

105-38 - Special Submission Requirements for Authorizations on Tier II Sites

LAST AMENDED
2/2/2011

When a #development#, #enlargement# or #site alteration# is on a #Tier II site#, an application to the City Planning Commission for an authorization shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section [105-40](#) (SPECIAL REVIEW PROVISIONS).

- (a) A drainage plan and soil report prepared by a professional engineer to protect #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.
- (b) An erosion and sedimentation plan as described in Section [105-37](#) (Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites).
- (c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.
- (d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

105-40 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a #Special Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or #site alteration# is approved pursuant to Sections [105-41](#), [105-42](#), [105-43](#) or [105-44](#), inclusive.

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments), shall apply to a #large-scale residential development#, as modified by the provisions of Section [105-701](#) (Applicability of large-scale residential

development regulations).

105-41 - Certification

LAST AMENDED

2/2/2005

When it is not necessary for the applicant for a #development#, #enlargement# or #site alteration# to apply for an authorization or special permit, the City Planning Commission shall certify to the Department of Buildings that such #development#, #enlargement# or #site alteration# complies with the regulations of this Chapter, and that no authorization or special permit is required pursuant to this Chapter.

Where #natural features# are to be protected and maintained under Section [105-60](#) (MAINTENANCE OF NATURAL FEATURES), the Commission shall indicate in the certification specific conditions and safeguards appropriate to the designated area.

105-42 - Authorizations to Alter Natural Features

LAST AMENDED

2/2/2005

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of topographic features including existing natural topography and #topsoil# pursuant to Section [105-421](#) (Modification of topographic features on Tier I sites) and modification of #steep slopes# pursuant to Section [105-422](#) (Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer);
- (b) modification of geologic features including the relocation of erratic boulders, and the alteration of rock outcrops pursuant to Sections [105-423](#) and [105-424](#);
- (c) modification of botanic environment, pursuant to Section [105-425](#);
- (d) alteration of aquatic features, pursuant to Section [105-426](#) in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

105-421 - Modification of topographic features on Tier I sites

LAST AMENDED

2/2/2005

The topographic features, including natural topography and #topsoil#, existing at the time of designation of a #Special Natural Area District# may be modified by the City Planning Commission, provided that the Commission finds that:

- (a) #development#, #enlargement# and #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification, including any removal of #topsoil#, will not disturb the drainage pattern and soil conditions in the

area;

- (c) such modification of topography has minimal impact on the existing topographic features of the surrounding area and blends harmoniously with it;
- (d) such modification is the least modification required to achieve the purpose for which it is granted; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Where permits are required from a City agency, the Commission shall request a report from such agency, and the provisions of Section [105-93](#) (Inter-agency Coordination) shall apply.

105-422 - Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer

LAST AMENDED
2/2/2011

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #Tier II site# or on portions of a #zoning lot# having a #steep slope# or #steep slope buffer#.

In order to grant such authorizations, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the modification will not disturb the drainage patterns and soil conditions of the area; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

The #lot coverage# regulations of Table II of Section [105-33](#) (Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section [105-422](#)) shall apply to any #residential# #development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of this Chapter for which an authorization or special permit has not been obtained.

105-423 - Relocation of erratic boulders

LAST AMENDED
2/2/2005

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a #Special Natural Area District# to another location within the Special District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following

circumstances:

- (a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;
- (b) where the boulder's continued existence in its present location would create hazards or dangers; or
- (c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

105-424 - Alteration of rock outcrops

LAST AMENDED
2/2/2005

The City Planning Commission may authorize the alteration of a rock outcrop, provided that:

- (a) the #development# or #enlargement# is not feasible without such alteration, or that the requested alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or
- (b) such alteration is necessary to protect the health and safety of the site occupants; and
- (c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

105-425 - Modification of botanic environment and tree preservation and planting requirements

LAST AMENDED
2/2/2005

The City Planning Commission may authorize modifications to the provisions of Sections [105-31](#) (Botanic Environment and Tree Preservation Requirements), [105-32](#) (Botanic Environment and Tree Planting Requirements) and paragraph (b)(8) of Section [105-35](#) (Tier II Requirements for Driveways and Private Roads).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as

the botanic preservation or planting requirements being modified; and

- (d) in order to modify requirements relating to tree preservation, planting or removal, the Commission shall also find that:
- (1) such tree is located in areas which require excessive cut or fill of land deemed inimical to plant survival; or
 - (2) the continued presence of such tree would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning.

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

105-426 - Alteration of aquatic features

LAST AMENDED

No portion of an aquatic feature shall be altered or land operations affecting aquatic features undertaken by or on behalf of present or future applicants for permits except in compliance with the provisions of this Section. The City Planning Commission may permit the alteration of aquatic features, provided that:

- (a) the #development# or #enlargement# is not feasible without such alteration or where such alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or
- (b) such alteration is necessary to protect the health and safety of the site occupants; and
- (c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district; and
- (d) such modification shall not disturb the drainage patterns in the area.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a City agency for any work affecting #natural features#, the Commission shall request a report from such agency and the provisions of Section [105-93](#) (Inter-agency Coordination) shall apply.

In the event alteration of an aquatic feature is found inappropriate, the Commission may treat an application under this Section as an application for modification of #yard# and height and setback regulations under Section 105-432.

105-43 - Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

LAST AMENDED

1/19/2016

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of #lot coverage# controls in accordance with the provisions of Section [105-431](#);

- (b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of Section [105-432](#) (Modification of yard, height and setback regulations, and parking location regulations);
- (c) modification of grading controls in accordance with the provisions of Section [105-433](#); and
- (d) modification of requirements for driveways and private roads on #Tier I sites# and #Tier II sites# in accordance with the provisions of Section 105-434.

105-431 - Modification of lot coverage controls

LAST AMENDED
2/2/2011

For any #development# or #enlargement# on a #Tier II site# or within a #steep slope# or a #steep slope buffer# on a #Tier I site#, the City Planning Commission may authorize variations in the #lot coverage# controls set forth in Section [105-33](#).

In order to grant such authorization, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;
- (b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;
- (c) such modification is the least modification required to achieve the purpose for which it is granted;
- (d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (e) the modification will not disturb the drainage pattern and soil conditions of the area; and
- (f) the modification does not impair the essential character of the surrounding area.

105-432 - Modification of yard, height and setback regulations, and parking location regulations

LAST AMENDED
2/2/2011

For any #development# or #enlargement# that does not qualify under provisions of Section [105-701](#) (Applicability of large-scale residential development regulations), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, parking lot landscaping or maneuverability requirements, location of parking, driveways or curb cuts and required space between #buildings# on the same #zoning lot#, and may modify height and setback regulations for the purpose of preserving #natural features#, provided the Commission finds that:

- (a) the proposed placement of #buildings# and arrangement of #open space# will not have significant adverse effects upon the light, air and privacy for existing #buildings# in adjacent areas or the opportunities therefore in future #development#; and
- (b) will preserve significant #natural features#.

The Commission may condition such authorizations upon the joint submission of acceptable plans for #development# or

#enlargement# of two or more adjacent #zoning lots# by the owners thereof.

105-433 - Modification of grading controls

LAST AMENDED

2/2/2011

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section [105-34](#).

In order to grant such authorization, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
 - (b) such modification is the least modification required to achieve the purpose for which it is granted;
 - (c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
 - (d) the modification will not disturb the drainage pattern and soil conditions of the area;
 - (e) the modification does not impair the essential character of the surrounding area; and
 - (f) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area.
-

105-434 - Modification of requirements for private roads and driveways

LAST AMENDED

1/19/2016

For any #development#, #enlargement# or #site alteration#:

- (a) the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section [105-35](#) (Tier II Site Requirements for Driveways and Private Roads), as well as the requirements of Sections [25-621](#) (Location of parking spaces in certain districts) and [25-631](#) (Location and width of curb cuts in certain districts) provided that:
 - (1) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
 - (2) such modification is the least modification required to achieve the purpose for which it is granted;
 - (3) the modification will not disturb the drainage pattern and soil conditions of the area;
 - (4) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
 - (5) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; or

- (b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section [26-20](#) (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section [26-27](#) (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section [26-30](#) (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through [26-35](#) (Screening), inclusive, provided that such modification or waiver:
- (1) results in greater environmental conservation or preservation of existing natural features;
 - (2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;
 - (3) results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;
 - (4) enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;
 - (5) will not impair the essential character of the Historic District and the surrounding area;
 - (6) is the least required to achieve the purpose for which it is granted; and
 - (7) will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.

105-44 - Special Permit

LAST AMENDED
2/2/2005

For any #development#, #enlargement# or #site alteration# within the #Special Natural Area District#, the City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Sections [105-441](#) and 105-442.

105-441 - Modification of use regulations

LAST AMENDED
2/2/2011

In addition to any #use# modifications which may be granted under the provisions of Section [105-701](#) (Applicability of large-scale residential development regulations), the City Planning Commission may permit #semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts.

Furthermore, except in the #Special Natural Area District#-1 (NA-1), the Commission may permit #semi-detached# or #attached# #single-family residences# in R1-2 Districts provided that the #development# or #enlargement# is on a tract of land of at least four acres, and provided the Commission finds that:

- (a) the preservation of #natural features# requires the permitted #development# to be concentrated to the extent feasible in the remaining portion of the tract;

- (b) for such concentration of #development#, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #residential building# types;
- (c) the change of housing type constitutes the most effective method of preserving #natural features#;
- (d) the #aggregate width of street walls# of a number of #residential buildings# separated by party walls shall not exceed 100 feet;
- (e) the proposed #street# system for the tract of land to be #developed# is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area; and
- (f) the existing topography, vegetation and proposed planting effectively screen all #attached# #single-family residences# from the #lot lines# along the perimeter of the tract of land to be #developed#.

105-442 - Natural area dedicated for public use

LAST AMENDED
2/2/2005

Where commonly or separately owned areas containing #natural features# of exceptional recreational, cultural or educational value to the public are dedicated to the City, without any cost to the City, pursuant to Section [105-701](#) (Applicability of large-scale residential development regulations), the City Planning Commission may by special permit allow, where appropriate, such portion of the #zoning lot# to be included in the zoning computation for #floor area#, #open space#, #lot coverage# and density regulations and other #bulk# computations.

105-45 - Certification of Restoration Plans

LAST AMENDED
2/2/2005

On any #zoning lot# to which the provisions of Section [105-02](#) (General Provisions) apply, no #natural features# as described in Section [105-11](#) (Description of Natural Features) or any other vegetation shall be removed, altered, relocated or replaced without prior approval by the City Planning Commission, as set forth in Section [105-40](#) (SPECIAL REVIEW PROVISIONS).

In the event that any such features are removed, altered, relocated or replaced from a #zoning lot# without prior approval by the Commission, the Commission may specify the manner of their replacement or restoration. If trees are to be planted, the Commission may require that they be three inches in #caliper#.

A copy of the restoration plan certified by the Commission specifying requirements for the replacement or restoration of the #natural features# shall be issued to the owner of the #zoning lot# containing such violations and to the Department of Buildings.

Upon receipt of the Commission's certified restoration requirements, the Department of Buildings shall require the owner of the #zoning lot# to remove the violations in accordance with the requirements set forth by the Commission. If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to terminate the violations. For compliance with new planting requirements to remove violations, the Department of Buildings may allow an additional 90 days.

No building permit or certificate of occupancy shall be issued by the Department of Buildings for any #development#, #enlargement#, #site alteration# or #use# on such #zoning lot# until the violations are removed from the #zoning lot# in accordance with the restoration plan certified by the Commission.

105-50 - REGULATIONS FOR PROTECTION OF NATURAL FEATURES

LAST AMENDED
2/2/2011

The provisions of this Section establish regulations for City Planning Commission review of #development#, #enlargement# or #site alteration# plans from the standpoint of the adequacy of protection for #natural features# within a #Special Natural Area District#. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

These regulations are to be used by the Commission in reaching a determination whether to approve #development#, #enlargement# or #site alteration# plans filed pursuant to Sections [105-41](#) (Certification), [105-42](#) (Authorizations to Alter Natural Features), [105-43](#) (Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations) or [105-44](#) (Special Permits).

The Commission, where appropriate, shall be guided by the reports from other city agencies involved in land contour work, storm water drainage systems and similar operations affecting #natural features#.

In determining the necessary alteration of #natural features# or extent of modifications involved in a #development#, #enlargement# or #site alteration#, the Commission shall be guided by the effect of any alteration of a #natural feature# on the total ecological process of the surrounding natural environment including the following: the effect of such alteration on the existing topography, soil conditions, erosion, natural flow of water and drainage, water quality, and animal, plant and marine life.

Further guidelines for the protection of #natural features# are:

- (a) No #natural feature# shall be moved, removed, covered, diminished, broken or disfigured, unless permitted pursuant to the provisions of Sections [105-30](#) (PRESERVATION OF NATURAL FEATURES) and [105-40](#) (SPECIAL REVIEW PROVISIONS). Furthermore, #topsoil# shall neither be removed from the surface of any #zoning lot# nor covered with inferior material unless permitted pursuant to Section [105-40](#). Where existing topography is altered without prior authorization of the Commission, the Commission may require new grading or other topographical modifications or surface improvement to reestablish the viability and function of the soil as a growing medium, and as a drainage surface, in order to permit the site to blend harmoniously with the surrounding area of the Special District.
- (b) Filling, excavating, draining, dredging, grading and contouring shall be staged and controlled so as to minimally impair the function, composition, vitality and existence of #natural features#. When and where possible, such operations shall be done in a manner so as to maintain or improve the biological system and individual features on the site.
- (c) All filling, excavating, draining, dredging, grading and contouring shall avoid creation of #steep slopes# or conditions causing erosion, loss of fertility of soil, health or safety hazards, and shall be done in conformance with the limits and nature of the soil involved.
- (d) All land operations including filling, excavating, draining, dredging, grading and contouring shall be limited to those operations which maintain or restore natural drainage, cause a minimum disturbance of the #natural features# and their setting while providing for the #development#, #enlargement# or #site alteration# or permitted #uses#.
- (e) No #development#, #enlargement# or #site alteration# shall be such as to impede or change the quality, turbidity, temperature or chemical composition of natural drainage or aquatic features.
- (f) A #development#, #enlargement# or #site alteration# shall be permitted only in areas sufficiently removed from the #natural features# to avoid impairment of their existence, functions or beauty.

- (g) There shall be maximum preservation of all natural vegetation in and adjacent to the #natural features# found on the site. Plant communities which have been substantially reduced in area or composition as a result of a #development#, #enlargement# or #site alteration# shall be restored, extended or replaced by alternative plant materials with an adequate maintenance program. In no case shall the site be allowed to be denuded and without vegetational cover upon completion of the #development#, #enlargement# or #site alteration#.
- (h) Replacement of any #natural feature# and planting of new vegetation on a site in the Special District shall be such as to extend, reinforce, increase the diversity, function and vitality of an association or community in the area. Special attention shall be given to symbiotic relationships between plants and the relationship between vegetation to be planted and animal populations which are dependent upon or related to the proposed vegetation. Where appropriate, planting shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, and other associated vegetation.
- (i) Adequate provision shall be made for proper management and maintenance of #natural features# and their immediate surroundings to avoid pollution, loss of vigor, reduction in composition or function or other ecological damage.
- (j) Where appropriate, when a portion of a #natural feature# or its function must be altered, such alteration shall not only reinforce the function, vitality and existence of the remaining portion of the #natural feature# but also improve conditions for other #natural features#. This shall apply particularly but not exclusively to the removal and replanting of plant materials.
- (k) Where appropriate, a #development#, #enlargement# or #site alteration# shall be such as to leave #natural features# intact in their natural setting and, where feasible, visible from public #streets# or places.
- (l) For a #steep slope#, these additional requirements apply:
 - (1) In all #Residence Districts#, for #residential# #developments# on individual #zoning lots# substantially within a #steep slope# area, the #lot area per dwelling unit# requirement shall not be less than 12,500 square feet. Except in R1 Districts located in #Special Natural Area District#-1 (NA-1), the Commission may, for a tract of land of at least four acres substantially within the #steep slope# area, modify, by authorization, the #lot area per dwelling unit# requirement set forth in this paragraph, (l)(1), for the #steep slope# area, and may allow #development# to be concentrated in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new #steep slopes#.
 - (2) In no event shall the #lot area per dwelling unit# requirement be less than the amount required by the underlying district regulations.
 - (3) Existing vegetational cover in steep areas shall not be removed, destroyed or damaged except pursuant to development and grading plans approved by the Commission. An objective of such plans shall be to fit #street# layouts and #building# designs to the natural terrain, limit grading to a practical minimum and provide for maximum preservation of the natural terrain and vegetational cover.

105-60 - MAINTENANCE OF NATURAL FEATURES

LAST AMENDED
2/2/2005

For any #development#, #enlargement# or #site alteration# on a tract of land within a #Special Natural Area District#, the City Planning Commission may require a maintenance plan for a #natural feature#. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorization or special permit shall be conditioned upon the

Commission's approval of the maintenance plan.

The maintenance plan shall specify what the maintenance is to consist of and whose responsibility it will be, and shall provide assurance that maintenance will be satisfactorily executed. The Commission, in considering the maintenance needs of a particular #natural feature# and the content of an acceptable maintenance plan shall, where appropriate, refer all relevant plans to the Landmarks Preservation Commission, Department of Parks or other City agency with primary responsibilities in natural areas conservation, for its report thereon. The Commission shall, in its determination, give due consideration to any such report submitted within one month from the date of referral. If such City agency does not report within one month, the Commission may make a final determination without reference thereto.

For #natural features# for which the Commission determines that specialized maintenance and regulated public #use# are appropriate, the maintenance plan may provide for dedication of the #natural feature# to the City or an approved private conservation organization for responsible maintenance in the public interest.

105-70 - SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

LAST AMENDED
2/2/2011

In order to carry out the purposes of this Chapter, all #zoning lots# #developed# predominantly for #residential use# may be subject to the provisions of this Section.

105-701 - Applicability of large-scale residential development regulations

LAST AMENDED
2/2/2011

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply except as modified by the provisions of this Section.

Any #zoning lots# #developed#, used predominantly for #residential uses#, may be treated as a #large-scale residential development# and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section [105-80](#) (JOINT APPLICATIONS), regardless of whether such #zoning lot# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development#, as set forth in Section [12-10](#) (DEFINITIONS).

However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as set forth in Section [23-32](#) (Minimum Lot Area or Lot Width for Residences) shall be allowed for any #development# pursuant to paragraph (c) of Section [78-311](#) (Authorizations by the City Planning Commission) or Section [78-32](#) (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #zoning lot#, pursuant to paragraphs (c) and (d) of Section [78-312](#) (Special permits by the City Planning Commission), shall apply. Modification of #side yards# of all #zoning lots#, including #zoning lots# in R1 Districts, shall be subject to the provisions of Section [105-432](#) (Modification of yard, height and setback regulations, and parking location regulations).

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section [78-32](#) through Section [78-35](#) (Special Bonus Provisions), may not be granted for #zoning lots# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

Commonly or separately owned areas containing #natural features# may qualify as common #open space# for purposes of satisfying #open space# requirements.

Approval by the Commission of a development plan incorporating #natural features# as common #open space# shall be conditioned upon the findings required in Sections [78-313](#) (Findings) and [78-52](#) (Common Open Space) with respect to the qualification of areas as common #open space# and upon additional findings that appropriate safeguards are provided for the protection and preservation of such #natural features#. In the case of #natural features# that are determined to have qualities of exceptional recreational, cultural or educational value to the public and that are directly accessible to the public from a public right-of-way, the applicant may request the City to take title or a less than fee interest in the property occupied by such a #natural feature# without any cost to the City or its designee for #use# and enjoyment by the public subject to the provisions of Section [105-60](#) (MAINTENANCE OF NATURAL FEATURES).

105-702 - Applicability of lower density growth management area regulations

LAST AMENDED
2/2/2011

The regulations for #developments# or #enlargements# within #lower density growth management areas# are modified as follows:

(a) Parking location regulations

#Accessory# parking spaces shall be permitted within a #front yard#.

(b) Private road regulations

The provisions of paragraph (b) of Section [105-35](#) (Tier II Requirements for Driveways and Private Roads) shall apply to #Tier II sites# accessed by #private roads#.

105-80 - JOINT APPLICATIONS

LAST AMENDED
12/19/1974

Notwithstanding the provisions of Section [78-06](#) (Ownership), a tract of land which is the subject of an application for authorizations or special permits under the provisions of this Chapter may include adjacent property in more than one ownership, provided that the application is filed jointly by the owners of all property included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section [78-51](#) (General Provisions).

105-90 - FUTURE SUBDIVISION

LAST AMENDED
2/2/2011

Within a #Special Natural Area District#, any #zoning lot# existing on the effective date of the Special District designation may be subdivided into two or more #zoning lots#, provided that #natural features# are preserved to the greatest extent possible under future development options.

A plan for such subdivision shall be filed with the City Planning Commission and the Commission shall certify that such subdivision complies with this objective. The subdivision plan shall include a survey map indicating existing topography and other #natural features# within this area. When a #zoning lot#, existing on the effective date of the Special District designation, is more than 10 acres and is intended to be subdivided, an area plan of the entire #zoning lot# shall be filed with the

Commission. The area plan shall include the proposed #street# system within the area, #block# layouts and any other information required by the Commission.

When any #zoning lot# is subdivided into two or more #zoning lots#, all resulting #zoning lots# that lie substantially within a #steep slope# area existing as of December 19, 1974, shall be subject to the #steep slope# provisions of Section [105-50](#) (REGULATIONS FOR PROTECTION OF NATURAL FEATURES) and all other provisions of this Chapter, as applicable.

In the event that #natural features# on any #zoning lot# subject to the provisions of Section [105-02](#) (General Provisions) proposed for subdivision have been removed, altered, relocated or replaced from the #zoning lot# without prior approval by the Commission, as set forth in Section [105-40](#) (SPECIAL REVIEW PROVISIONS), the Commission shall not approve the subdivision until violations are removed from the #zoning lot# in accordance with the Commission's requirements under Section [105-45](#) (Certification of Restoration Plans).

105-91 - Special District Designation on Public Parks

LAST AMENDED
2/2/2005

When a #Special Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974, within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Natural Area District#.

105-92 - Special Provisions for City-owned Land

LAST AMENDED
2/2/2011

The provisions of Section [105-40](#) (SPECIAL REVIEW PROVISIONS) shall apply on City-owned land, except that modifications permitted under Section [105-44](#) (Special Permits) may be approved by the City Planning Commission.

Furthermore, provisions of Section [105-93](#) (Inter-agency Coordination) shall apply on City-owned land. However, the provisions of this Chapter shall not apply to any public improvement project approved by the Board of Estimate prior to the effective date of the Special District designation.

105-93 - Inter-agency Coordination

LAST AMENDED
2/2/2005

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within a #Special Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit.

105-94 - Special Natural Area Districts Specified

LAST AMENDED
5/21/1975

105-941 - Special Natural Area District-1:

LAST AMENDED
6/23/1977

Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the Central Wetlands Area of Staten Island

The central, serpentine, hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak-Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

105-942 - Special Natural Area District-2:

LAST AMENDED
5/21/1975

Riverdale, Spuyten Duyvil and Fieldston, The Bronx

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

105-943 - Special Natural Area District-3:

LAST AMENDED
12/1/1977

Shore Acres Area of Staten Island

The Shore Acres area of Staten Island owes its unique character to Shore Acres Pond, which is fed predominantly by springs percolating from an underground aquifer through Pleistocene strata of sand and gravel.

The Pond is a resting place for migratory and local fowl as well as a watering hole for opossums which are abundant along the wooded cliffs of the Narrows. The Pond has shaped its built environment, including the street layout, landscaping and orientation of neighboring homes. The surrounding area is distinguished by rolling topography with orientation of the

northeastern edge toward Lower New York Bay and the Narrows.

The natural drainage area is in need of protection to ensure survival and maintenance of the Pond which in turn is essential to the preservation of this special area.

105-944 - Special Fort Totten Natural Area District-4

LAST AMENDED

2/2/2011

(a) General purposes

The "Special Fort Totten Natural Area District"-4 (hereinafter referred to as the Special District), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following general purposes:

- (1) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
- (2) to protect aquatic, biologic, geologic, topographic and other natural features having ecological and conservation values and functions;
- (3) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
- (4) to promote the desirable use of land improvements in accordance with the District Plan and in conformance with the character of the Fort Totten area and thus conserve the value of land and buildings and thereby protect the City's tax revenue.

(b) Definitions

(1) Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

(2) Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District#-4 as shown on the District Plan (Appendix A) complying with the definition of #street# in Section [12-10](#), except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

(c) General requirements

(1) Requirements for applications

An application to the Commission for any #development# within the Special District shall be subject to the requirements of Section [105-021](#) (Actions not requiring special review). In addition, an application for #development# within Area B shall include the existing and proposed site plan showing the location and the

scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(2) Pier #development#

The Commission may permit, by special permit, pier #development#, only upon finding that the proposed #development# shall have no significant adverse impact on the Special District or surrounding environment. The Commission may prescribe appropriate conditions and safeguards to minimize possible adverse effects on the surrounding area.

(d) Special regulations

(1) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may affect the character or design of the facade of a #building or other structure# shall be issued by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit shall notify the Landmarks Preservation Commission of the application.

The Commission, by special permit, may allow:

- (i) the alteration of such #building or other structure#, provided that such alteration treatment of the facade relates harmoniously to the character and materials of the original facade and to the adjoining #buildings or other structures#; or
- (ii) the demolition of such #buildings or other structures#, other than those deemed unsafe as defined by the Department of Buildings, provided that the Commission finds that the existing #building or other structures# are not suitable for rehabilitation.

Where a #building or other structure# has been demolished pursuant to this Section, the Commission may, by special permit, allow the replacement of the demolished structure provided that the design of the new structure in terms of scale, #lot coverage#, #building# height and exterior treatment of the facade shall replicate as nearly as possible the design and site plan of the original #building#.

(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section [23-631](#) (General provisions) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three #stories#, whichever is less.

(3) Location of zoning district boundaries at the shore line

Zoning district boundary lines shall coincide with the shore line lawfully existing on April 28, 1983, or any

natural or lawful alteration thereof.

A zoning district boundary line which intersects the shore line lawfully existing on April 28, 1983 shall be prolonged, in a straight line, to such naturally or lawfully altered shore line. Lawfully approved piers or other lawfully approved structural extensions of the shore line, as may be so altered, shall not generate development rights.

(4) Designated open space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan, shall require certification by the Commission that such #designated open space# shall not be reduced in size or altered in shape and shall be preserved in its natural state by the owner of the #zoning lot#.

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

#Designated open space# may be used for active recreational facilities provided that the Commission certifies that such #uses# have minimal impact on tree removal, topographic alteration or drainage conditions.

All #designated open spaces# shall be directly accessible to the public from public rights-of-way between dawn and dusk. A prominent plaque or other permanent #sign# shall be displayed on all #designated open spaces# in a prominent location, designated by the Commission, visible from the adjacent public right-of-way. Such plaque or permanent #sign# shall have a #surface area# of not less than three nor more than six square feet, and shall contain the following statement:

"This area is open to the public between sunrise and sunset."

(5) District plan

The District Map for the #Special Fort Totten Natural Area District#-4 identifies specific areas comprising the District Plan in which special zoning regulations carry out the general purposes of the #Special Fort Totten Natural Area District#-4. The District Plan is set forth in Appendix A and is made an integral part hereof. These areas and the specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

Area A - Historic Fort Area, paragraph (d)(6)

Area B - Planned Community Area, paragraph (d)(7)

Area C – Water Related Area, paragraph (d)(8)

Area D - Bay Area, paragraph (d)(9)

Area E - Development Area, paragraph (d)(10)

(6) Historic Fort Area (Area A)

Within Area A (Fort Area) there shall be no #development# nor #enlargement# of existing #buildings or other structures# except that the Commission may authorize necessary renovation to protect existing structures. In all cases the Commission shall refer all applications to the Landmarks Preservation Commission and Department of Parks and Recreation or other City agencies with primary responsibilities in the conservation area, for its report

thereon.

(7) Planned Community Area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted, except as set forth herein and as provided by paragraph (d)(1) of this Section.

(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

- (a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning# #lot lines#;
- (b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning# #lot lines#;
- (c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;
- (d) minor variations in the height and setback regulations required by the applicable district regulations;
- (e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section [23-71](#) (Minimum Distance Between Buildings on a Single Zoning Lot);
- (f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning# #lot lines#, or the provisions of Sections [25-621](#) (Location of parking spaces in certain districts) and [25-631](#) (Location and width of curb cuts in certain districts), subject to findings of Section [78-41](#) (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

(ii) Findings

As a condition precedent to the granting of a special permit under the provisions of paragraph (d)(7)(i) of this Section, the Commission shall make the following findings:

- (a) that the #development#, #enlargement# or said alteration is related to the existing #buildings# or other structures# in the Planned Community Area (Area B) in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the area;
- (b) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #buildings# and the landscaping surrounding the new landscaping arrangement and conditions of the community;
- (c) that the #development# or #enlargement# is sited such that it will not require at the same time,

or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community;

- (d) that minimal landscaping is to be removed during construction and such areas will be fully restored upon completion of construction.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community.

(iii) Parade ground

Unless ownership is retained in a governmental agency, the parade ground #designated open space# shall be commonly owned with a #zoning lot# within Area B or Area E and the maintenance of the parade ground shall be the collective responsibility of said owner or owners. The parade ground shall be used for open recreational #uses# and may contain minor #accessory# structures to said #use#. The parade ground shall be directly accessible from the adjoining #streets# along its entire perimeter. There shall be no fences nor walls around or within the parade ground.

(8) Water Related Area (Area C)

In order to protect the unique aquatic and botanic characteristics of the area, there shall be no #development# in Area C except as provided by paragraph (d)(1) of this Section.

(9) Bay area (Area D)

In order to promote waterfront related activities, only the following #uses# of the C3 District shall be permitted in Area D:

- (i) #residential uses#, which #uses# are permitted only above the ground floor of those #buildings# existing prior to April 28, 1983;
- (ii) all #uses# of Use Group 14, except for boat showrooms or sales, and the storage, repair, or painting of boats other than crew sculls used for intercollegiate competition;
- (iii) all retail or service establishment #uses# of Use Group 6, except automobile supply stores.

(10) Development area (Area E)

Any #zoning lot# #developed# predominantly for #residential uses# may be considered a #large-scale residential development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, except that the #accessory# #uses# of Section [78-22](#) (Accessory Uses in Large-Scale Residential Developments) shall not apply.

Any #zoning lot# #developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

In Area E, the Commission may authorize clustering of #single-family# and #two-family residences# and a modification of housing types in order to maximize the preservation of existing #natural features# in the area, and to provide adequate view protection, and to relate these new structures with the existing structures in the general vicinity. Clustering shall be limited to a maximum #street wall# of 100 feet.

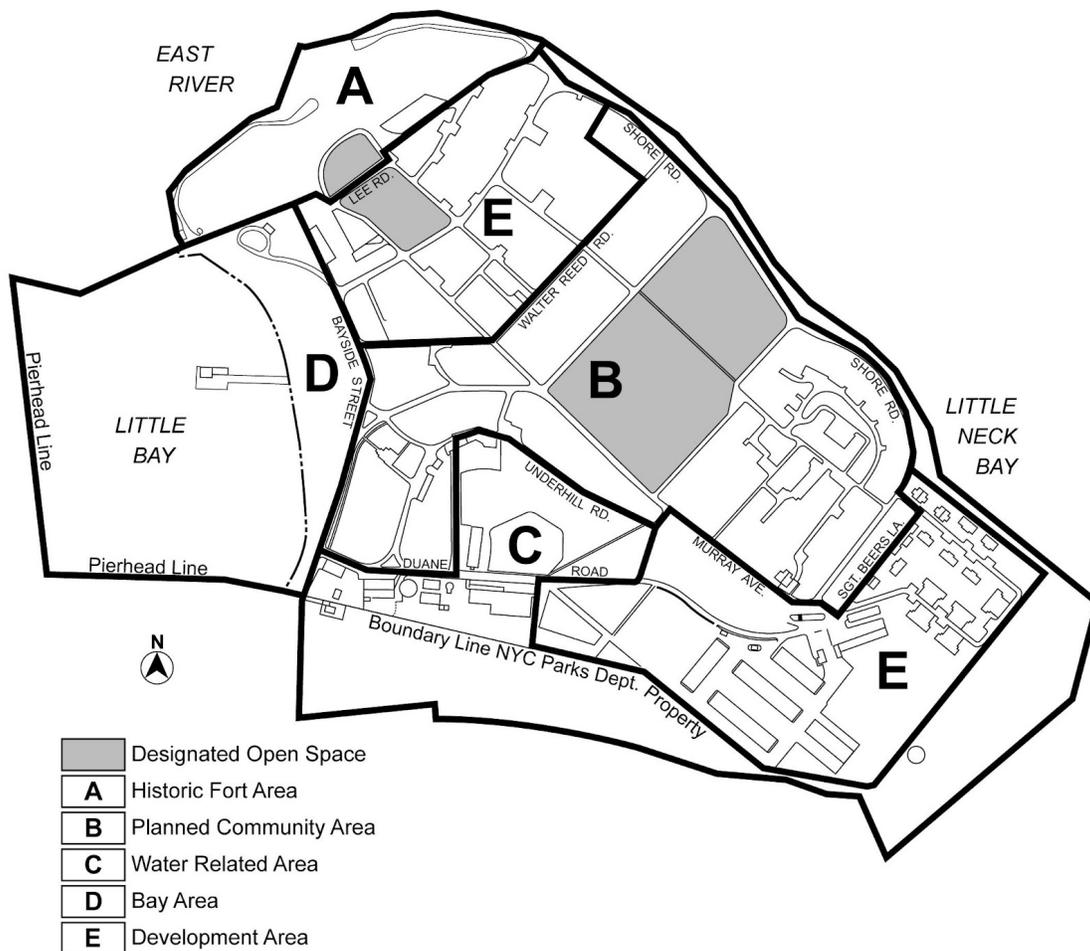
Any and all bonuses permitted in Sections [78-32](#) through [78-353](#), inclusive, shall not apply to #development# in Area E.

Appendix A - Special Natural Area District Plan Maps

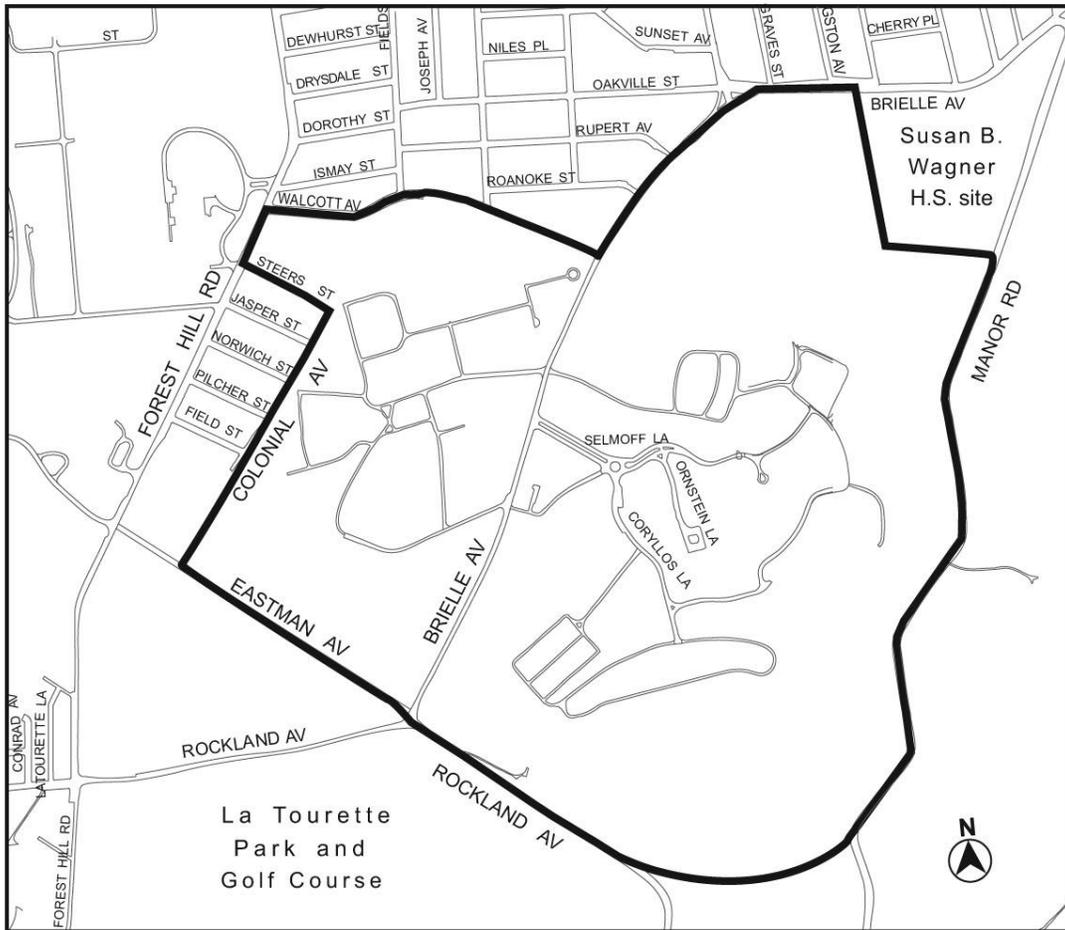
LAST AMENDED
1/19/2016

Map 1. Special Fort Totten Natural Area District-4 Plan Map,

Borough of Queens



Map 2. New York City Farm Colony-Seaview Hospital Historic District, Borough of Staten Island



Appendix B - Glossary

LAST AMENDED
6/23/1977

Part I:

Certain botanic terms referred to in the text and Part II of this Appendix are explained below:

A "tree" is any woody plant with one trunk rising out of the earth and root system, from which branches then spring, usually at some distance from the earth. A tree may be deciduous or coniferous.

A "shrub" is a woody plant that has one or more trunks rising from the same root system instead of a single trunk. These trunks or stems may or may not branch at some distance from the earth. A shrub may be deciduous or coniferous.

A "herb" is a non-woody plant with a fleshy stem which dies back to the earth level at the end of the growing season. It may be annual, biennial, or perennial.

A "vine" is a woody plant whose trunk or stem must be supported by the general environment or other plants. It is unable to stand on its own.

A "grass" is a family of herbaceous plants, rarely woody, with hollow round stems.

An "annual" is a plant which completes its life cycle in the space of one growing season, that is, it goes from seed to full plant and flower and sets seed in a single season.

A "biannual" is a plant which requires two years to grow from seed to mature plant capable of producing seed and then dies.

A "perennial" is a plant which lives more than one or two years and usually produces seeds for more than a few years.

A "fern" is a perennial, flowerless plant which reproduces by spores.

An "association" is a grouping of many plant species over a wide area sharing a common habitat and similar geographic conditions.

A "community" is a series of plants, animals, algae, fungi, grasses, trees, shrubs, herbs and other life forms which characteristically grow and live together in harmony, creating a balanced biological environment.

Part II:

Description of Natural Features defined in Section 105-10 (NATURAL FEATURES):

(a) Geologic features

(1) Rock outcrop

A rock outcrop shows the type of rock underlying the area, the results of surface abrasion by glacier, waterborne or windborne matter, or the results of chemical or temperature weathering.

(2) Geologic deposits

Geologic deposits include:

Soils of different origins such as loess and mineral deposits such as artinite, garnets, zircon, topaz, beryl, tourmaline, algite, tremolite, serpentine, muscovite, amethyst, peridot, jadeite, geodes and other elements of the Precambrian, Ordovician, Triassic, Cretaceous, Pleistocene and Holocene geology found in New York City.

An erratic boulder is a relatively large mass of rock which has been moved significant distances from its parent rock to be left amidst a geologic area which has a different history and origin than the parent.

(b) Topographic features

(1) #Steep slope#

A #steep slope# includes ground formation with sharp inclines such as hills and palisades.

(2) Existing natural topography

Existing natural topography includes terrain other than #steep slope# areas.

(3) #Topsoil#

#Topsoil# includes all of the A horizon, specifically, from top to bottom: the A1 litter layer where organic material, such as leaves and animal matter accumulate; the A2 fermentation layer where organic material is decomposed by fermentation, fungi, bacteria and soil organisms; the A3 humic layer where humus, resulting from the decomposition process, lies; and the B1 mixing layer where the humic substances become mixed with mineral matter.

(c) Aquatic features

(1) Laminarian zone

(i) Rock bottom

Characteristic plants:

Green algae:

Chaetomorpha melagonium

Cladophora gracilis

Codium fragile

Brown algae:

Asophyllum nodosum

Sargassum filipendula

Agarum cribrosum

Red algae:

Rhodomenia palmata (Dulse)

Ceramium robrum

Ahnfeltia plicata

Polysiphonia lanosa

Seirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Diadumene leucolena - Pallid sea anemone

Ceriantheopsis americanus - Worm sea anemone

Astrangia danae - Star coral

Crisia denticulata - Fringed moss animal

Bugula turrita - Turreted moss animal

Membranipora monostachys - Sea mat

Lepas fasticularis - Northern sea barnacle

Balanus balanoides - Rock barnacle

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina irrorata - Salt marsh periwinkle

Crepidula fornicata - Common boatshell

Polinices dublicatus - Shark eye

Urosalpinx cinera - Oyster drill

Mytilus edulus - Blue mussel

Modiolus demissus - Ribbed mussel

Crassostrea virginica - Virginia oyster

Petricola pholadiformis - False angelwing

(ii) Mud or sand bottom

Characteristic plants:

Green algae:

Chaetomorpha melagonium

Cladophroa gracillis

Brown algae:

Sargassum filipendula

Laminaria agardhi

Agarum cribosum

Red algae:

Rhodymenia palmata (Dulse)

Cystoclonium purpureum

Ahnefeltia plicata

Polysiphonia lanosa

Seirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina irrorata - Salt march periwinkle

Crepidula fornicata - Common boatshell

Polinices dublicatus - Shark eye

Lunatia heros - Common moonshell

Mytilus edulus - Blue mussel

Modiolus demissus - Ribbed mussel

Nucula proxima - Atlantic nut clam

Aequipecten irradians - Bay scallop

Mercenaria mercenaria - Northern quahog

Macoma baltica - Baltic macoma

Tagelus plebius - Stout razor

Mya arenaria - Soft shell clam

Corbulua contracta - Common basket clam

(2) Beach

Characteristic saltwater beach animals:

Beach flea:

Orchestia agilis

Talitrus longicornis

Sandworms or Bristleworms:

Nereis virens

Nereis limbata

Nephtys picata

Arabella opalina

Lumbriconereis tenuis

Glycera americana

Nerine agilis

Cirratulus grandis

Cistenides gouldii

Clymenella torquata

Maldane elongate

Ghost shrimp:

Penaeus brasiliensis

Laldemonetes vulgaris

Crangon vulgaris

Ghost crab, Horseshoe crab, Green crab:

Ocypoda arenaria

Limulus polyphemus

Carcindes moenas

Blue crab:

Callinectes sapidus

Callinectes hastatus

Lady crab, Sand crab, Rock crab:

Ovalipes ocellatus

Platyonichus ocellatus

Cancer irroratus

Fiddler crabs:

UCA minax

Gelasimus minax

UCA pubnax

Gelasimus pugnax

UCA pugilator

Gelasimus pugilator

Pinnotheres maculatum - Oyster crab

Venus mercenaria - Hardshell clam

Mya arenaria - Softshell clam

Ensis directus - Razor clam

Tagelus gibbus - Clam

Psilaster florae - Starfish

Amphiura squamata - Brittlestars

Echinarachniscus parma - Sand dollar

Snails:

Haminae solitaria

Scala lineata

Scala multistriata

Polynices heros

Polynices triseriata

Polynices duplicata

Crepidula fornicata

Crepidula plana

Littorina littorea (Periwinkle)

Urosalpinx linera (Oyster drill)

Eupleura caudata

Columbella avara

Columbella similis

Columbella anachis

Columbella astyris

Columbella lunata

Nassa trivittata

Nassa obsoleta

(3) Tidal wetland or saltwater littoral zone

(i) Rock bottom

Characteristic plants:

Blue-green algae:

Callothrix spp.

Rivularia atra

Green algae:

Ulothrix flacca

Enteromorpha intestinalis

Ulva lactuca (Sea lettuce)

Monostroma oxyspermum

Codium fragile

Brown algae:

Fucus vesiculosus

Fucus vesiculosus var *spiralis*

Fucus spiralis

Ascophyllum nodosum

Red algae:

Hildenbrandia prototypus

Agardhiella tenera

Chondrus crispus (Irish moss)

Bangia fuscopurpurea

Porphyra umbilicalis

Ceratium rubrum

Ahnfeltia plicata

Polysiphonia lanosa

Scirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Lepas fascicularis - Northern sea barnacle

Balanus balanoides - Rock barnacle

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina saxatilis - Rough periwinkle

Littorina irrorata - Salt marsh periwinkle

Crepidula fornicata - Common boatshell

(ii) Mud or sand bottom

Characteristic plants:

Blue-green algae:

Calothrix spp.

Lyngbya majuscula

Rivularia atra (Mermaids hair)

Rhizosolenium fragile

Green algae:

Enteromorpha linza

Ulva lactuca (Sea lettuce)

Monostroma oxyspermum

Codium fragile

Red Algae:

Chondrus crispus (Irish moss)

Bangia fuscopurpurea

Porphyra umbilicalis

Ceramium rubrum

Ahnfeltia plicata

Polysiphonia lanosa

Scirospora griffithsiana

Callithamnion corymbosum

Baccharis halmilifolia - Groundsel tree

Distichlis spicata - Alkali grass

Hybiscus palustris - Marsh mallow

Iva frutescens - Marsh elder

Juncus gerardi - Black grass

Limonium carolinianum - Sea lavender

Phragmites communis - Reed

Ruppia maritima - Wigdeon grass

Salicornia spp. - Perennial saltwort

Spartina alternifolia - Smooth cordgrass

Spartina cynosuroides - Salt reedgrass

Spartina patens - Salt hay

Spartina pectinata - Freshwater cordgrass

Zostera pectinata - Eelgrass

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone

Littorina littorea - Common periwinkle

Littorina saxatilis - Rough periwinkle

Littorina littorea - Salt marsh periwinkle

(4) Swamp

Characteristic plants:

Acer rubrum - Red maple

Acer - Silver maple

Alnus spp. - Alder

Arisaema triphyllum - Jack in the pulpit

Cephalanthus occidentalis - Buttonbush

Cornus florida - Dogwood

Epilobium hirsutum - Willowherb

Hibiscus moscheutos - Rosemallow

Salix spp. - Willow

Smilax glauca - Catbrier

Smilax rotundifolia - Bulbrier

Quercus palustris - Pin oak

(5) Marsh

Characteristic plants:

Acnida - Waterhemp

Acorus calamus - Sweetflag

Cyperus spp. - Chufa

Echinochola - Wild millets

Eleocharis - Spikerushes

Impatiens pallida - Jewelweed

Leersia orysoides - Rise cutgrass

Phragmites communis - Reeds

Pontederia cordata - Pickerelweed

Polygonum - Smartweed

Sagittaria - Arrowhead

Scirpus cyperinus - Sedge bullrush

Typha latifolia - Cattails

Zizania aquatica - Wild rice

(6) Bog

Characteristic plants:

Andromeda folifolia - Bog rosemary

Arethusa bulbosa - Swamp pink

Caldopogon pulcherlus - Grass pink

Chamaedaphne calyculata - Leatherleaf,
marsh cinquefoil

Drosera rotundifolia - Sundew plant

Eriophorum virginicum - Cottongrass

Iris versicolor - Blue flag, wild iris

Ledum groenlandicum - Labrador tea

Menyanthes trifoliata - Bogbean

Myrica gale - Sweetgale

Peltandra virginica - Snakes-mouth orchid

Rhododendron viscosum - Swamp azalea

Sarracenia purpurea - Pitcher plant

Solidago uliginosa - Bog goldenrod

Sphagnum - Sphagnum moss

Utricularia conuta - Horned bladderwort

Vaccinium macrocarpon - American cranberry

Vaccinium oxycoccus - Dwarf cranberry

(7) Meadow

Characteristic plants:

Amelanchier canadensis - Shadbush

Apios americana - Groundnut

Lilium supurbum - Turks cap lily

Impatiens pallida - Jewelreed

Lysmachia terrestris - Swamp-candles

Lythrum calicaria - Spiked loosetrife

Sambucus canadensis - Elderberry

Spirea tomentosa - Steeplebush

(8) Creek, stream or brook

Creeks, streams and brooks are often classified by the rate at which the water flows, a fast stream being a water flow of about two feet per second. Creeks, streams and brooks are valuable for their drainage function, the fish they contain both as a source of sport and for the other forms of life which relate to the animal and plant life dependent upon the stream.

(i) Fast creek, stream or brook

Characteristic plants:

Fontalis - Water moss

Ulothrix - Algae

Diatoma - Diatoms

Gomphonema

Characteristic animals:

Caddisflies:

Trichoptera

Phyganea

Rhyacophila

Philopotamidae

Hydropsychidae

Hydropsyche

Pharyganeidae

Limnephilidae

Leptocerus

Leptocella

Anthrpsodes

Oecetis

Brachycentridae

Helicopsychidae

Simulium - Blackfly

Ple coptera - Stonefly

Tipulidae - Cranefly

Neuroptera - Dobsonfly

Ephemeroptera - Mayfly

Osonychia

Percina caprodes - Log perch

Salvelinus fortinalis - Brook trout

Salmo gairdneri - Steelhead trout

Salmo trutta - Brown trout

Salmo salar - Atlantic salmon

(ii) Slow creek, stream or brook

Characteristic plants are the same as those in a lake or pond.

Characteristic animals:

Dragon Fly:

Anisoptera

Iodonata

Water striders:

Gerridae

Hempitera

Odonata

Zygoptera - Damselflies

Orixidae - Waterboatmen

Hexagenia - Mayfly

Sphaerium - Fingernail clam

Semotilus atromaculatus - Creek chub

Ictalurus punctatus - Channel catfish

Ictalurus catus - White catfish

Ictalurus melas - Black catfish

Cyprinus carpio - Carp

Esox lucius - Northern pike

Esox americanus - Little pickerel

Esox niger - Chain pickerel

Roccus americana - White perch

Roccus saxatilis - Striped bass

(9) Lake or pond

Characteristic plants:

Ceratophyllum demersum - Coontail

Duckweeds:

Lemna

Spirodella

Wolffia

Wolffella

Myriophyllum - Watermillfois

Najas - Naiads

Nuphar - Cowlilies

Nymphaea - Waterlilies

Potamogeton - Pondweeds

Vallisneria spiralis - Wild celery

(10) Spring

Characteristic plants and animals are the same as those found in a swamp, marsh, bog, meadow, creek, stream, brook, lake or pond.

(d) Botanic environment

(1) Primary succession community area

Characteristic plants:

Achillea millefolium - Yarrow

Anagallis arvensis - Scarlet pimpernel

Anaphalis margaritacea - Pearly everlasting

Antennaria plantaginifolia - Pussy's toes

Artemisia caudata - Tall wormwood

Asclepias syriaca - Common milkweed

Asclepias tuberosa - Orange milkwood

Asparagus officinalis - Garden asparagus

Aster ericoides - Heath aster

Aster linariifolius - Stiff-leaved aster

Brassica nigra - Black mustard

Chrysanthemum leucanthemum - Ox-eye daisy

Cichorium intybus - Chicory

Cirsium arvense - Canada thistle

Cirsium discolor - Field thistle

Convolvulus sepium - Wild morning glory

Coreopsis lanceolata - Coreopsis

Cytisus scoparius - Scotch broom

Datura stramonium - Jimsonwee

Daucus carota - Queen Anne's lace

Dianthus armeria - Deptford jink

Dianthus plumarius - Garden pink

Epilobium angustifolium - Fireweed

Erodium cicutarium - Stork's bill

Eupatorium hyssopifolium - Hyssop-leaved boneset

Euphorbia cyparissia - Cypress spurge

Fragaria virginiana - Wild strawberries

Gnaphalium obtusifolium - Sweet everlasting

Holcus lanatus - Velvetgrass

Hypericum gentianoides - Pineweed

Hypericum perforatum - Common St. Johnswort

Hypochoeris radicata - Cat's ear

Linaria canadensis - Old-field-toadflax

Linaria vulgaris - Butter-and-eggs

Lonicera japonica - Japanese honeysuckle

Lychnis alba - White campion

Matricaria matricariodes - Pineappleweed

Oenothera biennis - Evening primrose

Opuntia humifusa - Prickly pear cactus

Oxalis stricta - Yellow wordsorrel

Phytolacca americana - Pokeweed

Plantago lanceolata - English plantain

Polygonum persicaria - Lady's thumb

Polygonum pennsylvanicum - Pinkweed

Potentilla canadensis - Old-field cinquefoil

Potentilla recta - Sulphur cinquefoil

Rana unculus repens - Creeping buttercup

Rosa virginiana - Virginia rose

Rudebeckia hirta - Black-eyed-susan

Saponaria officinalis - Bouncing-bet

Sedum acre - Stone crop

Solanum americanum - Black nightshade

Solanum dulcamara - Bitter nightshade
Solidago nemoralis - Grey goldenrod
Solidago puberula - Purple-stemmed goldenrod
Solidago tenuifolia - Grass-leaved goldenrod
Spergularia rubra - Pink sand-spurry
Tanacetum vulgare - Tansy
Taraxicum officinale - Dandelion
Trichostemma dichotomum - Blue curls
Trifolium arvense - Rabbitfoot clover
Verbascum thapsus - Mullein
Yucca filamentosa - Yucca

(2) Secondary succession community area

Characteristic plants of a secondary succession community area include the species found in a primary succession community area, a swamp, a meadow and the following species:

Acer rubrum - Red maple
Amelanchier canadensis - Shadbush
Amelanchier obovalis - Serviceberry
Betula lenta - Black birch
Betula lutea - Yellow birch
Betula populifolia - Gray birch
Cornus florida - Flowering dogwood
Larix laricina - American larch
Lindera benzoin - Spice bush
Picea mariana - Black spruce
Pinus rigida - Pitch pine
Pinus strobus - White pine
Prunus serotina - Black cherry
Prunus virginiana - Choke cherry
Rhus copallina - Dwarf sumac

Rhus glabra - Smooth sumac

Rhus typhina - Staghorn sumac

Rubus spp. - Blackberries

Salix spp. - Willow

Sambucus canadensis - Elderberry

Smilax rotundifolia - Bull brier

Tilia americana - American basswood

Vaccinium - Blueberry

(3) Climax community area

Characteristic plants:

Acer rubrum - Red maple

Acer saccharum - Sugar maple

Amelanchier obovata - Serviceberry

Azalea spp. - Azalea

Betula lenta - Sweet birch

Betula lutea - Yellow birch

Betula populifolia - Grey birch

Carpinus caroliniana - Ironwood

Carya laciniosa - Shagbark hickory

Carya glabra - Pignut hickory

Carya ovata - Shagbark hickory

Carya tomentosa - Mockernut hickory

Castanea dentata - American chestnut

Celtis occidentalis - American hackberry

Chamaecyparis thyoides - Atlantic white cedar

Cornus florida - Flowering dogwood

Diospyros virginiana - Persimmon

Fagus grandifolia - American beech

Fraxinus americana - White ash
Gaylussacia - Huckleberry
Hamamelis virginiana - Witch hazel
Ilex opaca - Holly
Juglans cinera - Butternut
Juglans nigra - Black walnut
Juniperus virginiana - Red cedar
Kalmia latifolia - Laurel
Larix laricina - Larch
Liquidambar styraciflua - Sweet gum
Liriodendron tulipifera - Tulip-tree, Yellow poplar
Nyssa sylvatica - Sour gum
Ostrya virginiana - Hop hornbean
Picea mariana - Black spruce
Pinus rigida - Pitch pine
Pinus strobus - White pine
Prunus serotina - Black cherry
Prunus virginiana - Choke cherry
Quercus prinus - Chestnut oak
Quercus alba - White oak
Quercus bicolor - Swamp oak
Quercus coccinea - Scarlet oak
Quercus pallustris - Pin oak
Quercus rubra - Red oak
Quercus velutina - Black oak
Sambucus canadensis - Elderberry
Sassafras variifolium - Sassafras
Tilia americana - American basswood, linden

Tsuga canadensis - Hemlock

Ulmus americana - American elm

Vaccinium spp. - Blueberry

(4) Dune and heathland

Characteristic plants:

Aster undulatus - Skydrop aster

Ammophila Breviligulata - Beachgrass

Baptisia tinctoria - Wild indigo, rattle box

Corema couradii - Broom crowberry

Comptonia peregrina - Sweetfern

Deschampaia flexuosa - Wavyhair grass

Gaylussacia baccata - Black huckleberry

Helianthum canadense - Frostweed

Hieracium venosum - Rattlesnake weed

Hudsonia ericoides - Golden beachheather

Hudsonia tomentosa - Woolly beachheather

Hyrica pennsylvanica - Bayberry

Potentilla tridentata - Three toothed cinquefoil

Rubus spp. - Blackberries, raspberries

Vaccinium angustifolium - Low sweet blueberries

(5) Wild grassland

A wild grassland exists usually on poor soils and is composed of a mixture of native grasses, such as the following:

Dantonia spicata - Poverty oat grass

Andropogon virginicus - Broomsedge

Bromus spp. - Bromegrass

Appendix C - Selection List for Ground Covers and Shrubs

Ground Covers

BOTANICAL NAME	COMMON NAME
<i>Adiantum pedatum</i>	Maidenhair fern
<i>Agrostis perennans</i> (<i>A. altissima</i>)	Autumn bent-grass
<i>Anaphalis margaritacea</i>	Pearly everlasting
<i>Andropogon gerardii</i>	Big bluestem
<i>Andropogon glomeratus</i>	Bushy bluestem
<i>Andropogon virginicus</i>	Broom sedge
<i>Anemone canadensis</i>	Canada anemone
<i>Antennaria plantaginifolia</i>	Plantain-leaved pussytoes
<i>Arctostaphylos uvaursi</i>	Bearberry
<i>Asarum canadense</i>	Wild ginger
<i>Aster cordifolius</i>	Heart-leaved aster
<i>Aster divericatus</i>	White wood aster
<i>Aster ericoides</i>	Heath aster
<i>Aster lanceolatus</i> (<i>A. simplex</i>)	Lined aster
<i>Aster macrophyllus</i>	Large-leaved aster
<i>Aster novaeangliae</i>	New England aster
<i>Athyrium filixfemina</i> (<i>A. asplenoides</i>)	Lady fern

<i>Athyrium thelypteroides</i>	Silvery glade fern
<i>Carex appalachica</i> (<i>C. radiata</i>)	Sedge
<i>Carex pensylvanica</i>	Pennsylvania sedge
<i>Chimaphila maculata</i>	Spotted or stripped wintergreen/Pipsisswas
<i>Chimaphila umbellata</i>	Pipsisswas, Prince's pine, Bitter wintergreen
<i>Chrysopsis mariana</i>	Maryland golden aster
<i>Danthonia compressa</i>	Flattened oat grass
<i>Danthonia spicata</i>	Oatgrass, Poverty grass
<i>Dennstaedtia punctilobula</i>	Hay-scented fern
<i>Deschampsia caespitosa</i>	Tufted hair grass
<i>Deschampsia flexuosa</i>	Common hair grass, Crinkled hair grass
<i>Dryopteris intermedia</i>	Common wood fern
<i>Dryopteris marginalis</i>	Marginal wood fern, Leatherleaf wood fern
<i>Erigeron philadelphicus</i>	Daisy fleabane
<i>Eupatorium maculatum</i>	Spotted JoePye Weed
<i>Eupatorium rugosum</i>	White snakeroot
<i>Eupatorium sessilifolium</i>	Upland boneset
<i>Fragaria virginiana</i>	Wild strawberry, Virginia strawberry

<i>Gaultheria hispidula</i>	Creeping snowberry, Creeping pearl berry
<i>Gaultheria procumbens</i>	Wintergreen, Teaberry, Checkerberry
<i>Geranium maculatum</i>	Wild geranium, Spotted cranesbill
<i>Geum canadense</i>	White avens, Winter rosette
<i>Heuchera americana</i>	Hairy alum root, Rock geranium
<i>Hypericum ellipticum</i>	Pale St. John's Wort
<i>Muhlenbergia schreberi</i>	Nimblewill
<i>Oenothera fruticosa</i>	Sundrops, Wild beet, Suncups, Scabish
<i>Onoclea sensibilis</i>	Sensitive fern, Bead fern
<i>Osmunda claytoniana</i>	Interrupted fern
<i>Panicum clandestinum</i>	Deer tongue grass
<i>Panicum virgatum</i>	Switch grass, Wild red top, Thatch grass
<i>Parthenocissus quinquefolia</i>	Virginia creeper, Woodbine, American ivy
<i>Phlox subulata</i>	Mountain phlox, Moss pink, Moss phlox
<i>Polygonatum biflorum</i>	Smooth Solomon=s seal, True King Solomon=s seal
<i>Polygonatum virginianum</i> (Tovaria v.)	Jumpseed

<i>Polypodium virginianum</i>	P. vulgare, Rocky polypody, Am. wall fern
<i>Polystichum acrostichoides</i>	Christmas fern, Dagger fern, Canker break
<i>Rudbeckia hirta</i> var. <i>hirta</i>	Black-eyed Susan
<i>Rudbeckia triloba</i>	Thin-leaved cone flower
<i>Thelypteris noveboracensis</i>	New York fern
<i>Tiarella cordifolia</i>	Allegheny foamflower, False mitrewort
<i>Tradescantia virginiana</i>	Virginia Spiderwort, Common S., Widow's tears
<i>Verbena hastata</i>	Blue vervain
<i>Vernonia noveboracensis</i>	New York ironweed
<i>Verbesina alternifolia</i> (<i>Actinomeria</i> a.)	Wingstem
<i>Viola sororia</i>	Woolly blue violet sister violet, Dooryard violet

Shrubs

<i>Amelanchier canadensis</i>	Shadblow
<i>Amelanchier laevis</i> (<i>A. arborea</i>)	Serviceberry, Allegheny
<i>Aronia arbutifolia</i>	Red chokeberry
<i>Aronia melanocarpa</i>	Black chokeberry
<i>Clethra alnifolia</i>	Sweet pepperbush, Summersweet

<i>Comptonia peregrina</i>	Sweet fern, Meadow fern, Spleenwort bush
<i>Cornus amomum</i>	Silky dogwood
<i>Cornus racemosa</i>	Gray dogwood, Red-panicled dogwood
<i>Cornus sericea</i> (<i>C. stolonifera</i>)	Red osier dogwood
<i>Corylus americana</i>	American hazelnut
<i>Corylus cornuta</i>	Beaked hazelnut
<i>Diervilla lonicera</i>	Bush honeysuckle, Blue herb, Gravel weed
<i>Hamamelis virginiana</i>	Witch hazel
<i>Ilex glabra</i>	Inkberry, Gallberry
<i>Ilex verticillata</i>	Winterberry
<i>Juniperus communis</i>	Common juniper
<i>Juniperus horizontalis</i>	Creeping juniper, Creeping cedar/Savin
<i>Kalmia angustifolia</i>	Sheep laurel
<i>Kalmia latifolia</i>	Mountain laurel
<i>Lindera benzoin</i>	Spice bush
<i>Myrica pensylvanica</i>	Northern bayberry
<i>Physocarpus opulifolius</i>	Common ninebark
<i>Potentilla fruticosa</i>	Cinquefoil, Bush cinquefoil

Rhododendron maximum	Great laurel
Rhododendron periclymenoides	Pinkster azalea
Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose
Rubus alleghaniensis	Common blackberry, Allegheny blackberry
Salix humilis	Prairie willow
Salix lucida	Shining willow
Sambucus canadensis	American elderberry
Spirea tomentosa	Hardhack spirea
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum acerifolium	Maple leaf viburnum
Viburnum alnifolium (V. Lantanoides)	Hobble bush
Viburnum dentatum	Arrowwood viburnum

Viburnum lentago	Nanny-berry
Viburnum prunifolium	Black-haw

Appendix D - Selection List for On-site Trees

LAST AMENDED

2/2/2005

Small Trees

BOTANICAL NAME	COMMON NAME
Amelanchier laevis	Serviceberry
Betula nigra	River birch
Betula populifolia	Grey birch
Carpinus caroliniana	Hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Hamamelis virginiana	Witch hazel
Ilex opaca	American holly
Juniperus virginiana	Eastern red cedar
Populus tremuloides	Quaking aspen

LARGE TREES

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Betula lenta</i>	Black/Sweet birch
<i>Betula papyrifera</i>	Paper birch
<i>Celtis occidentalis</i>	Common hackberry
<i>Chamaecyparis thyoides</i>	Cedar, Atlantic white
<i>Fagus grandifolia</i>	American beech tree
<i>Fraxinus americana</i>	Ash, white
<i>Fraxinus pennsylvanica</i>	Ash, green
<i>Larix laricina</i>	Tamarack/American larch
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black tupelo
<i>Picea rubens</i>	Spruce, red
<i>Pinus resinosa</i>	Pine, red
<i>Pinus rigida</i>	Pine, pitch
<i>Pinus strobus</i>	Pine, eastern white
<i>Platanus occidentalis</i>	American sycamore

<i>Populus deltoides</i>	Eastern cottonwood
<i>Populus grandidentata</i>	Aspen, big toothed
<i>Quercus alba</i>	White oak
<i>Quercus borealis</i>	Northern red oak
<i>Quercus palustris</i>	Pin oak
<i>Quercus phellos</i>	Willow oak
<i>Quercus prinus</i>	Chestnut oak
<i>Quercus rubra</i>	Red oak
<i>Tilia americana</i>	Basswood

Appendix E - Selection List for Street Trees

LAST AMENDED
2/2/2005

Street Trees

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple
<i>Amelanchier canadensis</i>	Shadbush, Serviceberry
<i>Carpinus caroliniana</i>	American hornbeam, Musclewood
<i>Celtis occidentalis</i>	Hackberry
<i>Crataegus crus-galli inermis</i>	Thornless cockspur hawthorn
<i>Crataegus phaenopyrum</i>	Washington hawthorn

<i>Fraxinus pennsylvanica</i>	Green ash
<i>Fraxinus americana</i>	White ash
<i>Ginkgo biloba</i> (male trees only)	Ginkgo
<i>Gleditsia triacanthos inermis</i>	Honey locust, thornless
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Nyssa sylvatica</i>	Tupelo, swamp
<i>Ostrya virginiana</i>	American hop hornbeam
<i>Quercus palustris</i>	Pin oak
<i>Quercus stellata</i>	Post oak
<i>Quercus phellos</i>	Willow oak
<i>Quercus rubra</i>	Northern red oak
<i>Taxodium distichum</i>	Bald cypress
<i>Tilia americana</i>	Basswood
<i>Tilia cordata</i>	Little leaf linden



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 6 - Special Coney Island Mixed Use District (CO)

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Chapter 6 - Special Coney Island Mixed Use District (CO)

106-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2011

The "Special Coney Island Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to stabilize the residential future of this mixed residential and industrial area by permitting expansion and development of residential and light manufacturing uses where adequate environmental standards are assured;
- (b) to promote the opportunity for people to work in the vicinity of their residences;
- (c) to provide a safe circulation system in this area of mixed residential and manufacturing use;
- (d) to retain adequate wage, job-intensive, seasonally stable industries within New York City;
- (e) to provide an opportunity for the improvement of Coney Island in a manner consistent with the objectives of the Comprehensive Plan of the City of New York; and
- (f) to promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City tax revenues.

106-01 - General Provisions

LAST AMENDED

5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

All #residences#, #community facilities# and Use Group 4B open #uses# shall be subject to all the provisions applicable in R5 Districts, except as otherwise specifically provided in this Chapter. The special regulations relating to #predominantly built-up areas#, as defined in Section [12-10](#) (DEFINITIONS), shall apply to all #buildings# containing #residences#, except that #front yards# shall not be required.

All #commercial# and #manufacturing uses# shall be subject to all the provisions applicable in M1-2 Districts, except as otherwise specifically provided in this Chapter.

The #use# of any #building# may be changed to another #use# listed within the same Use Group or as provided in Sections [106-12](#) (Special Permit Provisions for Residential Uses), [106-32](#) (Special Permit Provisions for Manufacturing and Commercial Uses) or [106-33](#) (Changes of Manufacturing or Commercial Use).

In the case of a #zoning lot# occupied partly by #residential uses# and partly by other #uses#, the maximum #floor area ratio# on the #zoning lot# shall not exceed 2.0. In no event shall the total #floor area# of #residential uses# on a #zoning lot# exceed 1.65.

In any #building# above the level of the first #story# ceiling, #residential uses# shall not be located on the same #story# as or

below #manufacturing# or #commercial# #uses#, and #manufacturing uses# shall not be located on the same #story# as or above #residential uses#.

#Zoning lots# adjacent to the #Special Coney Island Mixed Use District# shall not be subject to the provisions of Sections [42-214](#) (Special provisions applying along district boundaries), [42-412](#) (In M2 or M3 Districts), [42-42](#) (Enclosure or Screening of Storage), [42-44](#) (Limitations on Business Entrances, Show Windows or Signs), [42-56](#) (Special Provisions Applying Along District Boundaries), [43-30](#) (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) or [44-583](#) (Restrictions on location of berths near Residence Districts).

Special regulations for #residential uses# are listed in Sections [106-11](#) and [106-12](#) of this Chapter.

Special regulations for #community facility uses# are listed in Section [106-21](#) of this Chapter.

Special regulations for #manufacturing# and #commercial# #uses# are listed in Sections [106-31](#), [106-32](#), [106-33](#) and [106-34](#) of this Chapter.

Special regulations for #buildings# containing both #residential# and #commercial# #uses# are listed in Sections [106-41](#) and [106-42](#) of this Chapter.

106-10 - SPECIAL REGULATIONS FOR RESIDENTIAL USES

LAST AMENDED
1/9/1975

106-11 - Special Provisions for As-of-Right Residences

LAST AMENDED
2/2/2011

#Developments# or #enlargements# containing #residences# are allowed as-of-right, provided that:

- (a) the #zoning lot# shares a common #side lot line# on at least one side with a #residential# or #community facility use#;
- (b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;
- (c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# or #land with minor improvements# whose aggregate length exceeds 60 feet;
- (d) the #zoning lot# is not located on Cropsey Avenue or on the east side of Stillwell Avenue; and
- (e) no #manufacturing uses# or #uses# listed in Use Group 16 occupy the #zoning lot#.

106-12 - Special Permit Provisions for Residential Uses

LAST AMENDED
2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

- (a) change of #commercial# or #manufacturing use# to #residential use#; and

(b) modification in #yard# and off-street parking regulations for #residential uses# in #developments# or #enlargements#;

provided that the following findings are made:

- (1) that a change of #use# from #manufacturing# or #commercial# to #residential use# shall not displace any #building# or #use#, or preempt any #zoning lot# which is essential to the normal functioning and growth of existing #manufacturing# or #commercial# #uses# within the district; and
- (2) that such #residential uses# shall not be exposed to inordinate noise, smoke, dust, noxious odor or other adverse influences from #manufacturing uses# and traffic.

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

106-20 - SPECIAL REGULATIONS FOR COMMUNITY FACILITY USES

LAST AMENDED
1/9/1975

106-21 - Special Permit Provisions for Community Facility Uses

LAST AMENDED
2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

- (a) #development# of #community facility buildings#; and
- (b) change of #use# of a #residential#, #manufacturing# or #commercial building# to a #community facility use#;

provided that the following finding are made:

- (1) that such #community facility# is necessary to the growth and functioning of #residential# or #manufacturing uses# in the #Special Coney Island Mixed Use District#; and
- (2) that a more suitable location for such #use# cannot be found outside the #Special Coney Island Mixed Use District#.

106-30 - SPECIAL REGULATIONS FOR MANUFACTURING OR COMMERCIAL USES

LAST AMENDED
1/9/1975

106-31 - Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use

LAST AMENDED
1/9/1975

New #buildings# for #manufacturing uses# listed in Use Group M (Section [106-311](#)) or #commercial# #uses# are allowed as-of-right, provided that:

- (a) the #zoning lot# shares a common #side lot line# with a #manufacturing# or #commercial# #use#;

- (b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;
- (c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# whose aggregate length exceeds 60 feet;
- (d) such #manufacturing use# is listed in Use Group M;
- (e) such #commercial# #use# is listed in Use Groups 6, 7, 8, 9, 11 or 16 and is located on Neptune, Stillwell or Cropsey Avenues; and
- (f) no #residential uses# occupy the #zoning lot#.

106-311 - Use Group M

LAST AMENDED
9/9/2004

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Bottling work, for non-alcoholic beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Cork products

Cosmetics or toiletries

Electrical appliances (small), including lighting fixtures, irons, fans, toasters, toys, or similar appliances

Electrical equipment assembly (small), including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries or similar supplies

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or leather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Laboratories, research, experimental or testing except those that involve dangerous or potentially explosive activities or animals

Leather products, including shoes, machine belting, or similar products

Luggage

Machine tools - small parts only

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Mattresses, including rebuilding or renovating

Musical instruments

Novelty products

Optical or precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Printing or publishing

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, rods, or similar products

Statuary, mannequins, figurines, or religious art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills or similar products

Toys

Umbrellas

Vehicles, children's (bicycles, etc.)

Venetian blinds, window shades or awnings

Wood products, cabinet-making, pencils, baskets and other small products

106-32 - Special Permit Provisions for Manufacturing and Commercial Uses

LAST AMENDED

2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

- (a) #uses# listed in Section [106-311](#) (Use Group M) or #commercial# #uses# in #developments# not permitted by the provisions of Section [106-31](#) (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use);
- (b) change of #use# from a #residential use# to Use Group M or #commercial# #use#; and
- (c) modifications in #yard# regulations for Use Group M or #commercial# #uses# in #developments# or #enlargements#;

provided that the following findings are made:

- (1) that such #use# will comply with the regulations on performance standards of M1 Districts;
- (2) that additional truck traffic generated by such #use# or the modification of #yard# regulations will not create harmful,

congested or dangerous conditions; and

- (3) that a change of #use# from #residential# to Use Group M or #commercial# #use# shall not displace or preempt any #building# which is essential to the functioning and growth of existing residences within the district.

The City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effect on the character of the surrounding area.

106-33 - Changes of Manufacturing or Commercial Use

LAST AMENDED

1/9/1975

Within the #Special Coney Island Mixed Use District#, the #use# of any #building# may be changed to another #use# listed within the same Use Group, or as follows:

From Use Group	To Use Group
5, 6, 7, 8, 9, 10, 11, 12, 13, 15	6, 7, 8, 9, 11, 14
16, 17 or Use Group M	6, 7, 8, 9, 11, 14, 16, 17 or Use Group M
18	6, 7, 8, 9, 11, 14, 16, 17, 18 or Use Group M

106-34 - Special Yard Regulations

LAST AMENDED

2/2/2011

Where a #side lot line# of a #zoning lot# containing #manufacturing# or #commercial# #uses# coincides with the #side# or #rear lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 15 feet wide.

Where the #rear lot line# of a #zoning lot# containing #manufacturing# or #commercial# #uses# coincides with a #side lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 20 feet in depth.

Where a #zoning lot# containing #manufacturing# or #commercial# #uses# shares a common #rear lot line# with a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 30 feet in depth. Such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

106-40 - SPECIAL REGULATIONS FOR BUILDINGS CONTAINING BOTH RESIDENTIAL AND COMMERCIAL USE

LAST AMENDED
1/9/1975

106-41 - Use Regulations

LAST AMENDED
2/2/2011

#Developments# containing both #residential# and #commercial# #uses# are allowed in the #Special Coney Island Mixed Use District#, provided that the regulations of this Chapter are met. No #buildings#, however, shall contain both #residential uses# and #uses# listed in Use Group 16.

106-42 - Modification of Yard Regulations

LAST AMENDED
1/9/1975

No #front# or #side yards# are required for #buildings# containing both #residential# and #commercial# #uses#. For the #residential# portion of such #buildings#, the #rear yard# may be provided at any level not higher than the floor level of the lowest #story# used for #residential use#.

106-50 - ADMINISTRATION

LAST AMENDED
1/9/1975

106-52 - Requirements for Applications

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits, and such other information as may be required by the Commission.

Special permit applications for #development# pursuant to Section [106-32](#) (Special Permit Provisions for Manufacturing and Commercial Uses) shall be referred to the Department of Transportation for its report, pursuant to Section [74-31](#), paragraph (d).

106-53 - Relationship to Public Improvement

LAST AMENDED
1/9/1975

In all cases, the City Planning Commission shall deny any application whenever the #development# will interfere with a public improvement which has been approved by the Board of Estimate, the City Planning Commission, or the Site Selection Board.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 7 - Special South Richmond Development District (SRD)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 7 - Special South Richmond Development District (SRD)

107-00 - GENERAL PURPOSES

LAST AMENDED

9/11/1975

The "Special South Richmond Development District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;
 - (b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;
 - (c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features; and
 - (d) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.
-

107-01 - Definitions

†

LAST AMENDED

11/2/2023

Definitions specifically applicable in this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS).

Area of no disturbance

An "area of no disturbance" is an area designated on a site plan or #area plan# to be protected from #site alteration#, except for new native planting. An #area of no disturbance# shall contain natural features including trees of six-inch caliper or more, #designated open space#, and aquatic features.

#Plan review sites# may include safeguards such as an #area of no disturbance# to define areas where #site alterations# shall not be proposed.

Area of no land alteration

An "area of no land alteration" is an area adjacent to a wetland or other body of water regulated by the New York State

Department of Environmental Conservation (NYSDEC) where a permit indicates #development# restrictions may occur such as those pursuant to permits or deed restrictions issued by NYSDEC.

Area plan

An “area plan” is a proposed layout for a #zoning lot# subdivision with traffic circulation, including curb cuts on #arterials#; access easements; #areas of no disturbance#; #areas of no land alteration#; areas of #designated open space#; #building# envelopes; required #building# setbacks within proposed #zoning lots# in #Residence Districts#; and any other information prescribed by the City Planning Commission.

Arterial

An “arterial” is a #street# listed in Section [107-24](#) (Special Regulations for Arterials or Railroad Rights of Way) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply.

Caliper (of a tree)

“Caliper” of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

Designated open space

“Designated open space” is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

Detached

For the purposes of this Chapter a “detached” #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building# #abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building# #abuts# the #street line#.

Open space network

The “open space network” is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #designated open space# and the #waterfront esplanade#.

Plan review site

A “plan review site” is any #zoning lot# that contains one or more acres, where there is a proposed #development#, #enlargement#, #site alteration#, or subdivision of such #zoning lot# into two or more #zoning lots#.

Site alteration

A “site alteration” is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes permanent topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, whether or not a permit is required from the Department of Buildings or other public agencies.

Tree credit

A “tree credit” is a credit for preserving an existing tree or for planting a new tree which is counted towards tree requirements.

Waterfront esplanade

The “waterfront esplanade” is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

107-02 - General Provisions

†

LAST AMENDED

11/2/2023

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, or 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 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

Property within the jurisdiction and control of the Department of Environmental Protection shall be exempt from the provisions of this Chapter where such property is an existing or planned portion of the Staten Island Bluebelt intended to support best management practices of stormwater.

107-03 - Requirements for Certification, Authorization or Special Permit Application

†

LAST AMENDED

11/2/2023

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development#, #enlargement#, or #site alteration# shall include a survey map, prepared by a licensed land surveyor and dated no more than two years prior to the date of filing an application, showing:

(a) existing topography at two foot contour intervals;

- (b) the location of all existing #buildings or other structures# and the location of all proposed #buildings or other structures#;
- (c) the location of individual existing trees of six inch caliper or more;
- (d) the location of any elements of the #open space network# on or adjacent to the #zoning lot#; and
- (e) the location of any #areas of no land alteration#, streams, and natural watercourses;

and such other information as may be required by the Commission for its determination as to whether or not the certification, authorization or special permit is warranted.

107-04 - Applications to the City Planning Commission Prior to November 2, 2023

†

LAST AMENDED

11/2/2023

- (a) Applications for authorization or special permit which were adopted prior to November 2, 2023, may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified.

Continuance of such application shall be subject to the provisions of Sections [11-42](#) (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and [11-43](#) (Renewal of Authorization or Special Permit).

- (b) Applications for certification granted by the Commission prior to November 2, 2023, may be continued, in accordance with the terms thereof or as such terms may be subsequently modified, pursuant to the regulations in effect on the date that such certification was granted.

107-06 - District Plan (Appendix A)

†

LAST AMENDED

11/2/2023

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #waterfront esplanade#, and #building# setback lines. The elements of the District Plan are set forth in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

107-08 - Future Subdivision of Certain Plan Review Sites

†

LAST AMENDED

11/2/2023

Any subdivision of a #plan review site# that is proposed to take place within the Special District shall be filed with the Department of City Planning, and the Chairperson of the City Planning Commission shall certify that subdivision of such #plan review site#:

- (a) does not contain, or have frontage along, any District Plan Element listed in Section [107-20](#) (DISTRICT PLAN ELEMENTS), inclusive;
- (b) does not contain an #area of no land alteration#;
- (c) does not exceed the rate of two #tree credits# per 1,000 square feet of lot area; and
- (d) does not have a violation for tree removal without prior permission or approval and no trees have been removed since November 2, 2023, unless permitted pursuant to Section [107-312](#) (Regulations within plan review sites).

In the case of a subdivision which does not comply with the above conditions, subdivision of such #plan review site# shall not be permitted unless authorized by the Commission pursuant to Section [107-64](#) (Future Subdivision of Certain Plan Review Sites).

The subdivision plan for the #plan review site# shall include a survey map in accordance with the requirements set forth in Section [107-03](#) (Requirements for Certification, Authorization or Special Permit Application).

For the purpose of applying the provisions of this Section, a subdivision includes the reconfiguration of a #zoning lot# in a manner that would reduce the area of such #zoning lot#.

107-09 - Applicability of Article VI

LAST AMENDED
5/12/2021

107-091 - Applicability of Article VI, Chapter 2

LAST AMENDED
5/12/2021

The Chairperson of the City Planning Commission may, by certification, modify or waive a required #visual corridor#, as defined in Section [62-11](#), with respect to #developments#, including minor modifications thereto, that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, provided that at least one required #visual corridor# continues to be provided pursuant to the restrictive declaration.

107-092 - Applicability of Article VI, Chapter 4

LAST AMENDED
5/12/2021

For #zoning lots# in #flood zones# with #single-# or #two-family# #detached# #residences# utilizing the provisions for #cottage envelope buildings#, as defined in Section [64-11](#) (Definitions), the provisions of this Chapter pertaining to minimum #lot area#, #lot width#, and minimum sizes of #front yards# and #side yards# shall not apply, and in lieu thereof, the underlying district regulations shall apply for the purposes of determining the applicability of the definition of #cottage envelope buildings#, and the particular amount of relief permitted pursuant to Section [64-33](#) (Cottage Envelope Buildings), inclusive.

107-10 - SPECIAL REQUIREMENTS

†

LAST AMENDED

11/2/2023

107-11 - Special Requirements for Application

†

LAST AMENDED

11/2/2023

For a #site alteration#, or a #development#, or #enlargement#, no certificate of occupancy or sign-off of a permit, as applicable, shall be issued by the Department of Buildings until the planting requirements of the following provisions, as applicable, have been satisfied, and reflected on an as-built survey, tree schedule, or any such information as may be required:

Section [107-32](#) (Tree Requirements)

Section [107-48](#) (Special Landscaping and Buffering Provisions).

107-20 - DISTRICT PLAN ELEMENTS

†

LAST AMENDED

11/2/2023

All land in the #open space network# as shown on the District Plan (Map 3 in Appendix A), except #public parks#, and all #zoning lots# along an #arterial# as shown on the District Plan (Map 2 in Appendix A), are subject to the provisions of this Section, inclusive.

107-21 - Modification of Designated Open Space

LAST AMENDED

8/18/1983

The City Planning Commission may adjust the boundaries of a #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that:

(a) such adjustment shall:

(1) result in a substantial improvement in the quality and usefulness of the #designated open space#; and

- (2) permit #development# which better satisfies the purpose of this Chapter and include new features in the #designated open space# which will be at least equal in quality to those which are displaced from it; and
 - (3) provide an equivalent area replacement for the area removed from the #designated open space#; or
- (b) such adjustment shall:
- (1) be permitted to exclude:
 - (i) a #zoning lot# which is contiguous to exempted #zoning lots# along at least two #lot lines#; or
 - (ii) a #zoning lot# which would otherwise be contiguous to exempted #zoning lots# along at least two #lot lines# but for the separation by a #street#; or
 - (iii) #streets# #abutting# exempted #zoning lots#; and
 - (2) not substantially alter the utility and quality of the #designated open space#; or
- (c) such adjustment shall:
- (1) be in conjunction with a public improvement project approved by the City prior to September 11, 1975, for funding to exclude in whole or in part the bed of a mapped #street# and/or adjacent #zoning lots# or portions thereof; and
 - (2) not substantially alter the utility and quality of the #open space network#; or
- (d) such adjustment shall:
- (1) exclude, in whole or in part, private property contiguous with a #public park# which has been mapped since September 11, 1975; and
 - (2) not preclude the continuity to the #designated open space# or the public pedestrian way or the #waterfront esplanade#; and
 - (3) not substantially alter the utility and quality of the #designated open space#.

107-22 - Designated Open Space

†

LAST AMENDED
11/2/2023

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan (Map 3 in Appendix A), shall require certification by the City Planning Commission that:

- (a) such #designated open space# shall be preserved in its natural state by the owner of the #zoning lot#; and
- (b) where required by the Commission, the applicant has complied with the provisions of Section [107-222](#) (Public pedestrian ways); and
- (c) where required by the Commission, as indicated on the District Plan, that the applicant has complied with Section [107-](#)

[23](#) (Waterfront Esplanade).

Within any #designated open space#, removal of trees, alteration of topography, #development# or #enlargement# of active recreational facilities, or the establishment of utility easements may be undertaken only in accordance with the provisions of this Section and Section [107-30](#) (NATURAL FEATURE REGULATIONS).

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

107-221 - Active recreational facilities

†

LAST AMENDED

11/2/2023

#Designated open space# may be used for active recreational facilities provided that the City Planning Commission certifies that such #uses# are compatible with the purposes of the #open space network # and have minimal impact on tree removal, topographic alterations or drainage conditions.

Active recreational facilities may include swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district.

In the development of active recreational facilities, no individual trees of six-inch #caliper# or more shall be removed except by special authorization of the Commission in accordance with the provisions of Section [107-65](#) (Modification of Natural Feature Regulations). Active recreational facilities shall not be allowed within 60 feet of any watercourse in #designated open space# unless the Commission certifies that a location closer to such watercourse will not adversely affect the natural character of the watercourse or its drainage function. The Commission, where appropriate, shall be guided by the reports from other City agencies involved in land contour work, storm water drainage systems or similar operations.

If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section [107-224](#) (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-222 - Public pedestrian ways

†

LAST AMENDED

11/2/2023

For any #site alteration#, #development#, or #enlargement# on a #zoning lot# which contains #designated open space#, the City Planning Commission shall certify whether or not the applicant shall be required to provide a public pedestrian way through a portion of the #designated open space#.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. The public pedestrian way shall be improved at the time the #site alteration#, #enlargement#, or #development# takes place.

The location and dimension of such pedestrian way shall be determined by the Commission. The owner of the #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# requirements as provided in Section [107-224](#) (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-223 - Permitted obstruction in designated open space

†

LAST AMENDED
12/6/2023

The following shall not be considered as obstructions when located in #designated open space#:

- (a) Awnings and other sun control devices, pursuant to Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents);
- (b) Balconies, unenclosed, subject to the provisions of Section [23-13](#);
- (c) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;
- (d) Fences or walls, conditioned upon certification by the City Planning Commission that:
 - (1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and
 - (2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#;
- (e) #Qualifying exterior wall thickness#, pursuant to Section [23-44](#);
- (f) Solar energy systems on walls pursuant to Section [23-44](#).

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section [107-221](#) (Active recreational facilities). Any existing #building or other structure# located within the #designated open space# on November 2, 2023, and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming# #use# or #non-complying# #building# subject to the applicable provisions of Article V (Non-conforming Uses and Non-complying Buildings) in accordance with the underlying district regulations.

107-224 - Qualification of designated open space as lot area for bulk computations

LAST AMENDED
2/2/2011

#Designated open space# on a #zoning lot# may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio#, #open space#, #lot coverage#, #lot area# or density, provided that the area of the #designated open space# claimed as #lot area# does not exceed the area of the #zoning lot# located outside the designated space. For a #single-family residence#, any portion of a #zoning lot# occupied by #designated open space# shall count as #lot area# for the purposes of satisfying minimum density requirements only pursuant to this Section.

Where the area of the #designated open space# claimed as #lot area# exceeds the above permitted amount, the provisions of Section [107-72](#) (Qualification of Designated Open Space as Lot Area) shall apply.

Any #designated open space#, or portion thereof, claimed as required #open space# or used to satisfy the #lot coverage# restrictions for a #development# containing #residences# shall be accessible to and usable by all residents of the #zoning lot#.

In the case of a #large-scale residential development#, any #designated open space#, or portion thereof, that qualifies as #lot area# may be used as common space.

107-225 - Special bulk regulations for developments containing designated open space

LAST AMENDED
2/2/2011

This section shall apply to any tract of land containing #designated open space# that is #developed# as a unit in single ownership and where the area of the #designated open space# claimed as #lot area# for zoning computation does not exceed the area of that portion of the tract of land not located within #designated open space#. Such a tract of land may contain a single #zoning lot# or two or more #zoning lots# which are contiguous or would be contiguous except for their separation by a #street#.

In all #Residence Districts#, except R1-1 Districts, for all permitted #residential uses# on such tract of land, the total #floor area# or #dwelling units# generated by that portion of the #designated open space# claimed as #lot area# by the applicable district regulations may be distributed without regard for #zoning# #lot lines#, for all #zoning lots# wholly within such tract of land. The total #open space# required or #lot coverage# permitted for such tract of land may be located anywhere within the tract of land without regard for #zoning lot# #lines#.

No transfer of #floor area# or #dwelling units# shall be permitted from a #zoning lot# not containing any #designated open space#.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Furthermore, the minimum #lot area# and #lot width# regulations, #yards# and spacing between #buildings# regulations shall not apply along portions of #streets# or #lot lines# wholly within such tract of land, provided that:

- (a) the maximum #lot coverage# on any #zoning lot# shall not exceed 50 percent of the #lot area#;
- (b) the minimum distance between #buildings# on the same or adjacent #zoning lots# across a common #side lot line# is not less than 10 feet; and
- (c) the minimum distance between #buildings# on adjacent #zoning lots# across a common #rear lot line# shall not be less than 40 feet.

107-23 - Waterfront Esplanade

When a #zoning lot# containing a portion of the #waterfront esplanade#, as shown on the District Plan (Map 3 in Appendix A) is #developed#, the location and design of the #waterfront esplanade# shall be certified by the City Planning Commission and such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the owner of a #zoning lot# on which the esplanade is shown on the District Plan, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Commission may require the owner of the #zoning lot# to provide public access to such a #waterfront esplanade# from a public right-of-way through the #zoning lot#.

The #waterfront esplanade# shall be either built at the same time that the #zoning lot# is #developed# or the Commission may allow the owner to comply with Section [107-24](#) (Performance Bond).

The owner of a #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section [107-224](#) (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-24 - Special Regulations for Arterials or Railroad Rights of Way

†

Along the following #streets# designated as #arterials# or along a designated railroad, special regulations relating to restriction of access and setback of #buildings# apply as set forth in this Section.

Arterials

Hylan Boulevard

Woodrow Road

Amboy Road

Frontage roads for Richmond Parkway

Huguenot Avenue

Page Avenue

Arthur Kill Road

Service roads for West Shore Expressway

Richmond Avenue

Railroads

The Staten Island Rapid Transit right-of-way.

In accordance with the primary function of an #arterial# to accommodate vehicular through traffic, access is restricted to #arterials# pursuant to paragraph (a) of Section [107-241](#) (Special provisions for arterials). In addition, along portions of #arterials# as indicated on Maps 2.1 through 2.4 (Arterial Setback Plan) in Appendix A of this Chapter, the #building# setback provisions of paragraph (b) of Section [107-241](#) apply.

107-241 - Special provisions for arterials

†

LAST AMENDED
11/2/2023

Along those #streets# designated as #arterials#, the following regulations shall apply:

(a) Access restrictions

Curb cuts are not permitted along an #arterial# #street# on #zoning lots# with frontage on an improved non-#arterial# #street#. For #zoning lots# with frontage only on an improved #arterial# #street#, one curb cut is permitted along such #arterial# #street#. For purposes of this Section, adjoining #zoning lots# in the same ownership or control on November 2, 2023, shall be treated as a single #zoning lot#. For any #zoning lot# which includes an #area plan# approved by the City Planning Commission, no curb cut shall be allowed except where a curb cut is designated on such #area plan#. Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations, or fire stations.

For a #zoning lot# with no less than 100 feet of frontage on an #arterial# #street#, the Commissioner of Buildings may approve curb cuts that exceed the access restrictions listed above where the Commissioner of Transportation submits a letter certifying that such additional curb cuts are necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such curb cuts will not adversely affect traffic operations and safety on the #arterial# including, but not limited to, all curb cut locations on an #arterial# #street# by either implementing a traffic pattern serving right-turn only movements or the implementation of traffic signalization, or other reasons acceptable to the Commissioner of Transportation.

(b) #Building# setback

Along portions of the #arterials#, as indicated on the District Plan (Maps 2.1 through 2.4 in Appendix A of this Chapter), a 20 foot #building# setback shall be provided for the full length of the #front lot line# #abutting# such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required

off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch #caliper# or more, pre-existing or newly planted, for each 400 square feet of such front open area, unless waived pursuant to the provisions of paragraph (c) of Section [107-483](#) (Planting and screening for parking areas). The trees shall be selected in accordance with the provisions of Section [107-32](#) (Tree Requirements).

107-242 - Building setbacks along railroad rights-of-way

†

LAST AMENDED
11/2/2023

For all #developments# on #zoning lots# immediately adjacent to the Staten Island Rapid Transit right-of-way, a #building# setback of at least 20 feet in depth, unobstructed from its lowest level to the sky, except as permitted herein, shall be provided along the #lot line# immediately adjacent to the right-of-way of such railroad. Such #building# setback shall be measured perpendicular to such #lot line#, as indicated on the District Map. Within such #building# setback area, unless the area is within a #street# or is waived according to the planting waiver provisions of paragraph (c) of Section [107-483](#) (Planting and screening for parking areas), there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such open area. Tree species shall be selected in accordance with Section [107-32](#) (Tree Requirements).

107-30 - NATURAL FEATURE REGULATIONS

†

LAST AMENDED
11/2/2023

Any #development#, #enlargement# resulting in changes to #lot coverage#, or #site alteration# shall comply with the provisions of this Section, inclusive.

All #zoning lots# shall comply with the provisions of Sections [107-31](#) (General Regulations for Natural Features), inclusive, and [107-32](#) (Tree Requirements).

In addition, regulations within areas of #designated open space# are set forth in Section [107-311](#) (Areas within designated open space).

Any #plan review site# shall also comply with the provisions of Section [107-312](#) (Regulations within plan review sites).

Any application to the Department of Buildings for a #site alteration#, #development#, or #enlargement# shall include a survey map in accordance with the requirements set forth in Section [107-03](#) (Requirements for Certification, Authorization or Special Permit Application).

A site plan for such application shall also include the location of any #area of no disturbance#, proposed paving, and shall identify those trees proposed to be removed and proposed to be preserved.

107-31 - General Regulations for Natural Features

†

LAST AMENDED
11/2/2023

Except for any existing natural feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #site alteration# may take place except as provided in this Section, inclusive.

No modification of topography shall take place within eight feet of a tree that is counted toward minimum #tree credits# pursuant to the provisions of Section [107-32](#) (Tree Requirements).

Within any #zoning lot# which is not a #plan review site#, tree removal shall be permitted in areas that do not contain #designated open space#, provided that such #zoning lot# complies with the provisions of Section [107-32](#).

107-311 - Areas within designated open space

†

LAST AMENDED
11/2/2023

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section [107-65](#) (Authorization for Modifications of Natural Features).

107-312 - Regulations within plan review sites

†

LAST AMENDED
11/2/2023

On any portion of a #plan review site# not within #designated open space#, #development#, #enlargement#, or #site alteration# shall be permitted only in accordance with the provisions of this Section or by authorization of the City Planning Commission pursuant to the provisions of Section [107-65](#) (Authorization for Modifications of Natural Features) or by certification of the Chairperson of the City Planning Commission pursuant to the provisions of Section [107-51](#) (Certification of Certain Plan Review Sites).

The ground elevation of land existing on November 2, 2023, may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch #caliper# or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent and removal of trees of six-inch #caliper# or more shall only be permitted:

- (a) within 20 feet of an existing #building's# foundations or in an area designated for utilities for a proposed #building or other structure#;

- (b) in order to meet the legal mapped grades of a #street#, the existing topography of that portion of the #zoning lot# abutting such #street# may be modified to create a slope on the #zoning lot# of not less than one foot vertical to each two feet horizontal, provided the slope is landscaped to prevent erosion;
- (c) within an existing #group parking facility#, or within existing landscaping required pursuant to Section [107-483](#) (Planting and screening for parking areas), which does not result in the removal of parking spaces or travel lanes;
- (d) where such modification of topography takes place more than 20 feet from the boundary of an area of #designated open space#, a #side lot line#, or a #rear lot line#; or
- (e) where such tree interferes with another tree of six-inch #caliper# or more, and such tree to be preserved belongs to a species pursuant to the provisions of Section [107-32](#) (Tree Requirements).

If an existing tree of six-inch #caliper# or more is removed without prior approval from the Department of Buildings or the City Planning Commission and does not meet the provisions of this Section, any permit issued by the Department of Buildings for a #site alteration#, #enlargement#, #development#, or any #use# on the #zoning lot# shall not be granted a letter of completion, certificate of occupancy, or similar sign-off until such tree is replanted, or proposed to be replaced, as applicable, in accordance with Section [107-32](#). A violation for tree removal without prior permission or approval shall be recorded against such site.

107-32 - Tree Requirements

†

LAST AMENDED
11/2/2023

For all #zoning lots#, newly planted trees shall be planted no closer than eight feet from any other tree and be of a species selected from the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation), or its successor.

- (a) Planting in #Residence Districts# or in a #zoning lot# with fewer than 10 parking spaces

In connection with any #development#, #site alteration#, or #enlargement# in a #Residence District#, or in any #group parking facility# with fewer than 10 parking spaces, that are not fully enclosed, newly planted trees of at least one-inch #caliper# and less than six-inch #caliper#, or pre-existing or newly planted, trees of at least six-inch #caliper#, shall be provided on the #zoning lot# at the rate of one #tree credit# for each 1,000 square feet of #lot area# or portion thereof.

A newly planted tree of between one and two-inch #caliper# shall have 0.5 #tree credits#, and a newly planted tree greater than two-inch #caliper# but less than six-inch #caliper# shall have one #tree credit#. Newly planted trees appearing on a site plan in an approved application may be counted toward #tree credits# on site plans for future applications if they have not yet grown to a six-inch or greater #caliper#, provided that they remain in good health and continue to comply with the standards set forth in this Section.

Any existing tree of at least six-inch #caliper# which is preserved and has no new paving, #development#, #enlargement#, or modification of topography within eight feet of such tree, shall have one #tree credit# for the first six inches of #caliper# and an additional #tree credit# for each additional three inches of #caliper#.

- (b) Planting for parking areas

Any #development# or #enlargement# on a #zoning lot# that contains a #group parking facility# with 10 or more parking spaces that are not fully enclosed shall be subject to the tree planting and screening requirements of Section 107-483.

107-33 - Substitution of Other Plant Materials

†

LAST AMENDED
11/2/2023

For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section [107-32](#), the City Planning Commission may allow the substitution of other plant material for such required trees, provided a detailed landscaping plan is filed with the Commission for approval and certification. A copy of such approved landscaping plan shall be filed with the Department of Buildings by the Commission.

107-34 - Preservation of Natural Features

†

LAST AMENDED
11/2/2023

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications are necessary so as to avoid the destruction of existing topography and trees of six-inch caliper or more.

107-40 - SPECIAL USE, BULK AND PARKING REGULATIONS

LAST AMENDED
9/11/1975

107-41 - Type of Residence

LAST AMENDED
12/5/1990

#Semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section [107-74](#) (Modification of Permitted Use Regulations). Such #residences# shall comply with the minimum #lot area# and #lot width# requirements as set forth in the table in Section [107-42](#).

#Zero lot line buildings# are not permitted in the #Special South Richmond Development District#.

107-411 - Affordable independent residences for seniors in Area SH

LAST AMENDED

11/15/2006

In Area SH, as shown on the District Plan (Map 4 in Appendix A), any #development# or #enlargement# comprised of #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section [23-142](#) (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section [23-144](#) (Affordable independent residences for seniors) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section [107-672](#) (In Area SH).

107-412 - Special bulk regulations for certain community facility uses in lower density growth management areas

LAST AMENDED

1/18/2011

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section [22-14](#) (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or
- (b) child care services as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

107-42 - Minimum Lot Area and Lot Width for Residences

†

LAST AMENDED

11/2/2023

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by #building# height. Where two or more #buildings# that are #single-# or #two-family# #detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section [12-10](#) (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

However, one #single-family# #detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 8, 2005, and on the date of application for a building permit.

In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached residences# in R3-1 and R3-2 Districts.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2	3,800	40
		3-4	3,800	45
R3-1	#semi-detached#	1-2	2,375 ³	24 ³
R3-2		3-4	3,800	40
R3-2	#detached#	1-2	3,800	40
		3-4	4,275	45

R3-2	#attached#	1-2	1,700	18
		1-2	2,375 ¹	24 ¹
		3-4	2,280	24
		3-4	3,800	40 ¹
R3A	#detached#	1-3	3,325	35
R3X ²	#detached#	1-2	3,800	40
		3	4,750	50
		4	5,700	60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached#	1-3	2,375 ³	24 ³
	#detached#	1-3	3,325	35

- ¹ For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.
- ² In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet.
- ³ For #two-family# #semi-detached# #residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family# #semi-detached# #residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

BY SPECIAL PERMIT (PURSUANT TO SECTION [107-74](#))

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R2	#semi-detached#	1-4	3,800	30
	#attached#	1-4	3,800	22
R3-1	#attached#	1-2	1,700	20

		2-3	2,280	24
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107-421 - Minimum lot area and lot width for zoning lots containing certain community facility uses

LAST AMENDED

1/18/2011

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts, the provisions of this Section shall apply to #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section [22-14](#) (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
- (b) child care service as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), except where:
 - (1) such #zoning lot# contains #buildings# used for houses of worship; or
 - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section [12-10](#), provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

107-43 - Maximum Height for Buildings or Structures

†

LAST AMENDED

11/2/2023

Subject to the requirements for maximum height of walls and required setbacks in Sections [23-63](#), [24-52](#) or [33-43](#), no #building or other structure# shall exceed a height of 50 feet unless modified by a special permit of the City Planning Commission, pursuant to Section [107-73](#) (Exceptions to Height Regulations).

107-44 - Maximum Floor Area Ratio for Community Facility Uses

LAST AMENDED
11/2/2023

Subject to the requirements for maximum height of walls and required setbacks in Sections [23-63](#), [24-52](#) or [33-43](#), no #building or other structure# shall exceed a height of 50 feet unless modified by a special permit of the City Planning Commission, pursuant to Section [107-73](#) (Exceptions to Height Regulations).

107-45 - Required Open Space for Residences

LAST AMENDED
2/2/2011

Any required #open space# on a #zoning lot# which includes #designated open space# is subject to the special regulations set forth in Section [107-22](#) (Designated Open Space).

For #buildings# containing #residences# on #zoning lots# that include #designated open space#, driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths may occupy not more than the area set forth for the following districts:

- (a) in R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#; or
- (b) in R3A, R3X, R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #buildings# containing #residences# and not within the #designated open space#.

However, in all districts, a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section [107-661](#) (Modification of permitted obstructions).

107-46 - Yard and Court Regulations

LAST AMENDED
6/29/1989

107-461 - Front yards

LAST AMENDED
2/2/2011

In all #Residence Districts#, the #front yard# requirements of the underlying districts shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a lesser depth as permitted by the underlying district regulations.

107-462 - Side yards

LAST AMENDED
11/15/2006

In all districts, except R1 Districts, for all #single-# or #two-family# #detached# and #semi-detached# #residences#, the #side yards# shall relate to the height of the #building# as set forth in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:

REQUIRED SIDE YARDS

District	Type of — #Residence#	Height (in #stories#)	Number of #Side Yards# Required	Required Total Width	Required Minimum Width of any #Side Yard#
R2 R3-1	#detached#	1-2	2	15	5
R3-2	#detached#	3-4	2	20	5
	#semi-detached#	1-2	1	9	9
	#semi-detached#	3-4	1	15	15
R3A R4A	#detached#	1-4	2	15	5
R3X*	#detached#	1-2	2	15	5
	#detached#	3	2	20	8
	#detached#	4	2	25	10
R4-1	#detached#	1-4	2	15	5
	#semi-detached#	1-4	1	9	9

* In Area LL, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet. However, the minimum #side yard# widths set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections [107-08](#) (Future Subdivision) and [107-121](#) (Public schools) have been filed prior to March 1, 2003

In R1 Districts, the #side yard# regulations of Section [23-46](#) shall apply.

107-463 - Side yard regulations for other residential buildings

LAST AMENDED
2/2/2011

For all #residential buildings# other than #single-# or #two-family# #detached# or #semi-detached# #residences#, the provisions of Section [23-462](#) (Side yards for all other residential buildings) shall apply, except that no #side yard# shall have a width less than 10 feet.

Furthermore, for #attached# #residences# that #abut# an #attached# #building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story# #residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story#

#residences#.

107-464 - Side yards for permitted non-residential use

LAST AMENDED

2/2/2011

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section [24-35](#) (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section [23-464](#) (Side yards for buildings used for permitted non-residential uses) shall apply to such other non-#residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections [23-464](#) or [24-35](#) than by the provisions of this Section, such requirement of greater width shall apply.

107-465 - Modifications of special yard regulations for certain zoning lots

LAST AMENDED

8/12/2004

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and thereby allow #single-# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

- (a) When a #building# is located on the #side lot line#, the entire required #side yard# equivalent shall be provided along the other #side lot line# of the same #zoning lot#. On the adjacent #zoning lot# there shall be a #side yard# of at least 10 feet, #abutting# the #building# wall which is located on the #side lot line#.
- (b) When a #single-# or #two-family residence# is located on the #rear lot line#, the #zoning lots# #abutting# the entire #rear lot line# shall provide a #rear yard# of at least 40 feet. If the #building# on either #zoning lot# has a height greater than two #stories#, then such #building# shall have a 10-foot rear setback above the height of the second #story#.
- (c) When #single-# or #two-family residences# share a party wall along the #rear lot line#, if at any level either #building# is set back from the #rear lot line#, each #building# shall have a setback at the same height and such rear setback shall be at least 20 feet in depth.

The Commission shall also find that:

- (1) such modifications of #side# or #rear yards# or equivalents blend harmoniously with the entire development;
- (2) there is no adverse effect with regard to adequate light and air to the #residences#;
- (3) such modification results in the maximum preservation of trees;
- (4) there is an agreement which provides access for maintenance of the #building# wall located on the #lot line#; and
- (5) a condition to the grant of any certification shall be that the requirements of Section [107-92](#) (Recordation) have been satisfied.

107-466 - Court regulations

LAST AMENDED
2/2/2011

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family# #detached# #residences#.

107-467 - Modifications of yard and court regulations

LAST AMENDED
2/2/2011

The #yard# and #court# regulations as set forth in Section [107-46](#) may be modified by authorization of the City Planning Commission in accordance with the provisions of Section [107-62](#) (Yard, Court and Parking Regulations).

107-47 - Special Parking Regulations

LAST AMENDED
9/11/1975

107-471 - Modification of waiver requirements for spaces below minimum number

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LAST AMENDED
11/2/2023

For the purposes of this Chapter, the waiver provision set forth in Section [36-231](#) (In districts with high, medium or low parking requirements) shall not apply to any #development# in the Special District.

107-472 - Group parking facilities within plan review sites

†

LAST AMENDED
11/2/2023

For the purposes of this Chapter, no #accessory# #group parking facility# for non-#residential uses# shall be permitted anywhere on a #plan review site#, or any #zoning lot# that contained one or more acres on November 2, 2023, except as set forth in Sections [107-51](#) (Certification of Certain Plan Review Sites) or [107-68](#) (Modification of Group Parking Regulations).

107-473 - Location of required parking

†

LAST AMENDED

11/2/2023

For a #residential# #building# on a #zoning lot# containing an #area of no land alteration# or #designated open space#, the provisions of Section [25-622](#) (Location of parking spaces in lower density growth management areas) that do not permit open off-street parking between the #street line# and the #street wall# or prolongation thereof of a #building# shall not apply.

107-48 - Special Landscaping and Buffering Provisions

LAST AMENDED

9/11/1975

107-481 - Planting provisions along Residence District boundaries

LAST AMENDED

2/2/2011

For any #commercial# or #manufacturing# #development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be in the open area required by the provisions of Sections [33-29](#) and [43-30](#) (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and complying with the provisions applicable to screening for parking areas as set forth in Section [107-483](#) (Planting and screening for open parking areas).

107-482 - Landscaped buffer for manufacturing development adjacent to residences

LAST AMENDED

2/2/2011

Where an existing #residential use# is located adjacent to a proposed #manufacturing# or #commercial# #development#, the developer shall plant along that part of the #side# or #rear lot line# adjacent to a #residential use#, a row of evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or trees selected from Appendix B and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

107-483 - Planting and screening for parking areas

†

LAST AMENDED

12/6/2023

#Zoning lots# that contain a #group parking facility# with 10 or more parking spaces that are not fully enclosed, shall be subject

to paragraphs (a) and (b) of this Section and may be subject to paragraph (c) of this Section.

(a) Tree planting requirements for open parking

The provisions of Section [37-921](#) (Perimeter landscaping) shall apply to all facilities. In addition, one tree, of three inch caliper or more, pre-existing or newly planted, shall be provided for each four open parking spaces and may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more open parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section [37-922](#) (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section [37-922](#) shall be superseded by the number of trees required pursuant to this Section.

Notwithstanding the above, for open parking areas where solar canopies will cover more than 75 percent of the parking spaces in an #accessory# off-street parking facility or #public parking lot#, or any portion thereof with more than 10 parking spaces, the provisions of Section [37-923](#) (Alternative compliance for solar canopies), including associated applicability and modifications to the provisions of Sections [37-921](#) and [37-922](#), may be applied in lieu of the provisions of this Section.

(b) Screening requirements

For open parking areas or parking garages located on the ground floor and not fully enclosed, such non-enclosed portion shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of three feet. Open parking areas shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width in accordance with Section [37-921](#) (Perimeter landscaping). Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

(c) Planting waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (1) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (2) underground municipal infrastructure; or
- (3) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residence Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of paragraph (a) of Section [107-32](#). Furthermore, for #developments# in #Commercial# or #Manufacturing Districts#, which provide trees in accordance with the provisions of this Section, the

requirements of paragraph (a) of Section [107-32](#) shall not apply.

107-49 - Special Regulations for Area M

LAST AMENDED

8/17/1995

In Area M, as shown on the District Plan (Map 4 in Appendix A) the regulations of the underlying districts and the Special District are supplemented or modified in accordance with the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of the underlying districts and the Special District remain in effect.

107-491 - Special use regulations for residential uses

LAST AMENDED

8/17/1995

- (a) #Residential uses# existing prior to August 17, 1995 shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.
 - (b) #Residential# #extensions# shall be subject to all of the R3X District regulations and the applicable Special District regulations except that an existing #detached# #building# may contain non-#residential uses# in addition to not more than two #dwelling units#.
 - (c) Non-#residential uses# shall be located below the lowest #story# occupied in whole or in part by #residential uses#.
 - (d) #Floor area# in a #building# originally designed as one or more #dwelling units# that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for #residential use#.
 - (e) #Residential# #enlargements# not to exceed 500 square feet shall be permitted subject to all of the R3X District regulations and the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that there is no disturbance of the soil.
 - (f) #Residential# #developments#, and #residential# #enlargements# where there is a disturbance of the soil, shall be subject to the provisions of Section [107-69](#) (Residential Uses in Area M).
-

107-492 - Special bulk regulations

LAST AMENDED

8/17/1995

The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio# in Area M (Map 4 in Appendix A), provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use# in Area M.

107-50 - CERTIFICATIONS

†

LAST AMENDED

11/2/2023

Administrative certifications from the City Planning Commission are required, as set forth in various sections of this Chapter, in any one of the following circumstances:

- (a) when certain #plan review sites# are subdivided, as set forth in Section [107-08](#) (Future Subdivision of Certain Plan Review Sites);
- (b) when certain #plan review sites# meet the requirements set forth in Section [107-51](#) (Certification of Certain Plan Review Sites) and do not require an authorization pursuant to Section [107-60](#), inclusive;
- (c) when a #zoning lot# contains #designated open space#, as set forth in Section [107-22](#) (Designated Open Space);
- (d) where required #yards# or equivalents are to be modified as set forth in Section [107-465](#) (Modifications of special yard regulations for certain zoning lots);
- (e) where plant material is substituted for required trees as set forth in Section [107-33](#) (Substitution of Other Plant Materials); or
- (f) when a #zoning lot# contains a portion of the proposed #waterfront esplanade#, as set forth in Section [107-23](#) (Waterfront Esplanade).

107-51 - Certification of Certain Plan Review Sites

†

LAST AMENDED
11/2/2023

On a #plan review site#, for any #enlargement# or #site alteration# which does not comply with the provisions of Section [107-31](#) (General Regulations for Natural Features), the Chairperson of the City Planning Commission shall certify that:

- (a) such #plan review site# does not:
 - (1) contain any of the district plan elements as set forth in Section [107-20](#) (DISTRICT PLAN ELEMENTS), inclusive;
 - (2) contain an #area of no land alteration#;
 - (3) exceed the rate of two #tree credits# per 1,000 square feet of lot area; and
 - (4) have a violation for tree removal without prior permission or approval and no trees have been removed since November 2, 2023, unless permitted pursuant to Section [107-312](#) (Regulations within plan review sites);
- (b) new or existing tree planting shall satisfy tree requirements pursuant to Section [107-32](#) (Tree Regulations); and
- (c) the resulting #enlargement# or #site alteration# does not require more than 10 additional accessory off-street parking spaces for a #commercial#, #community facility#, or #manufacturing use#.

Any #enlargement# or #site alteration# on a #plan review site# which does not comply with these conditions, or any

#development# on a #plan review site#, shall require an authorization pursuant to Section [107-60](#) (AUTHORIZATIONS).

107-60 - AUTHORIZATIONS

LAST AMENDED

9/11/1975

107-61 - General Provisions

LAST AMENDED

11/15/2006

On application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections [107-62](#) to [107-69](#), inclusive, relating to authorizations.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorizations.

107-62 - Yard, Court and Parking Regulations

†

LAST AMENDED

11/2/2023

For any #plan review site# or for any #zoning lot# containing #designated open space# or an #area of no land alteration#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section [107-46](#), inclusive, or in the location of parking, driveway or curb cut regulations as set forth in Sections [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), [25-621](#) (Location of parking spaces in certain districts), [25-622](#) (Location of parking spaces in lower density growth management areas) and [25-632](#) (Driveway and curb cut regulations in lower density growth management areas) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of natural features.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots# and will preserve natural features in #areas of no disturbance#.

107-63 - Minimum Distance Between Buildings

LAST AMENDED

2/2/2011

For any #development# containing #residences#, the City Planning Commission may authorize the location of #buildings#, on a single #zoning lot# without regard for spacing between #buildings# regulations, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section [23-71](#) (Minimum Distance Between Buildings on a Single Zoning Lot).

107-64 - Future Subdivision of Certain Plan Review Site

†

LAST AMENDED

11/2/2023

For any #plan review site# that does not comply with Section [107-08](#) (Future Subdivision of Certain Plan Review Sites), the City Planning Commission may authorize a future subdivision into two or more #zoning lots#, provided that the Commission finds that:

- (a) to the greatest extent possible, all individual trees of six-inch #caliper# or more, the existing topography, and all land located within a #designated open space#, are preserved under future #development# options;
- (b) such subdivision complies with the goals described in paragraph (c) of Section [107-00](#) (GENERAL PURPOSES);
- (c) and where vehicular access and egress are located on an #arterial#, the location of such vehicular access and egress permits better site planning.

Any subdivision that is proposed to take place within the Special District after November 2, 2023, shall be filed with the City Planning Commission. A site plan and #area plan# shall indicate the distribution of #bulk# for the individual #zoning lots# submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#.

For the purpose of applying the provisions of this Section, a subdivision includes reconfiguration of a #zoning lot# in a manner that would change its area or any dimension of such #zoning lot#.

107-65 - Authorization for Modifications of Natural Features

†

LAST AMENDED

11/2/2023

For any #development#, #enlargement#, or #site alteration# on #plan review sites# or within #designated open space#, the City Planning Commission may authorize modifications of the natural topography existing on November 2, 2023 beyond the amount specified in Section [107-31](#) (General Regulations for Natural Features), inclusive, or modification of tree regulations pursuant to Section [107-312](#) (Regulations within plan review sites).

The Commission may authorize modifications to natural features, provided that the Commission finds that:

- (a) the modifications are the minimum necessary to facilitate the project;
- (b) such modification of topography is necessary to accommodate any public amenities, as applicable, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;

- (c) such modification will not cause unnecessary disturbance of the drainage pattern in the area;
- (d) such modification will have minimal impact on the existing natural features of the surrounding area and will blend harmoniously with such area; and
- (e) areas that contain natural features are preserved within a proposed #area of no disturbance#, especially those areas which are contiguous to #designated open space#, #areas of no land alteration#, or other area containing mostly natural features.

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

107-66 - Developments Partly Within Designated Open Space

LAST AMENDED
9/11/1975

107-661 - Modification of permitted obstructions

LAST AMENDED
2/2/2011

For #developments# containing #residences# on #zoning lots# partly within #designated open space#, the City Planning Commission, on application, may modify the requirements of Section [107-45](#) (Required Open Space for Residences) to permit more than 50 percent of the required #open space#, not within the #designated open space#, to be occupied by driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths, if the Commission finds that such facilities are so arranged and landscaped as to afford an acceptable standard of amenity for the #development# and its surroundings.

107-662 - Modification of required yards of building setbacks

†

LAST AMENDED
11/2/2023

On application, the City Planning Commission may grant an authorization modifying the #building# setback requirements of Section [107-241](#) (Special provisions for arterials), provided that the Commission finds that:

- (a) the area of that portion of the #zoning lot# which is designated as #designated open space# on the District Plan in Appendix A of this Chapter, is at least equal to the area of the required #building# setback #front yard# or #yards#, or portion thereof, which is waived;
- (b) along any #front lot line# abutting an #arterial#, a front setback shall be provided having a depth to be determined by the Commission and which shall be improved in accordance with a landscape plan approved by the Commission; and
- (c) #building# placement leaves adequate spaces for the provision of #street# trees.

107-67 - Uses and Bulk Permitted in Certain Areas

107-671 - In Area SH

†

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section [23-142](#) (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section [23-144](#) (Affordable independent residences for seniors) shall not apply.

In order to grant such authorization, the Commission shall find that:

- (a) such #developments# are part of a superior site plan;
- (b) such #residences# are compatible with the character of the surrounding area; and
- (c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

107-68 - Modification of Group Parking Facility Regulations

†

For a permitted #commercial#, #community facility# or #manufacturing# #use# on a #plan review site# or portion of a #plan review site# existing on November 2, 2023, the City Planning Commission may authorize #accessory# off-street parking spaces in a #plan review site# or portion of a #plan review site# existing on November 2, 2023. In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

- (a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) where vehicular access and egress are located on an #arterial#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial#, and does not unduly interfere with pedestrian traffic; and
- (c) the design of the parking facility avoids undue conflict between pedestrian and vehicular movements in a manner that

results in a better site plan.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve natural features.

107-69 - Residential Uses in Area M

LAST AMENDED

8/17/1995

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a disturbance of the soil, for the following:
- (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or
 - (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial# #uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations:
- (c) In authorizing new #residential uses# and #residential# #enlargements#, the Commission shall find that:
- (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
 - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
 - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and
 - (4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

107-70 - SPECIAL PERMITS

LAST AMENDED

9/11/1975

107-71 - General Provisions

†

LAST AMENDED

11/2/2023

On application, the City Planning Commission, may grant special permits for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections [107-72](#) to [107-78](#), inclusive, relating to special permits.

107-72 - Qualification of Designated Open Space as Lot Area

LAST AMENDED
2/2/2011

For any #development# containing #designated open space#, the City Planning Commission may allow the amount of #designated open space# to be counted as #lot area# for #bulk# computations to exceed the amount permitted under Section 107-224.

As a condition for granting a permit for such modifications, the Commission shall find that:

- (a) that for the occupants of the site itself, the ill effects of concentration of #buildings# or #accessory# off-street parking are avoided or overcome by the manner in which the #buildings# are sited and #yards# and other open areas arranged; and
- (b) that the concentration of #buildings# or activities will not adversely affect any other #zoning lot# outside the development by restricting access of light and air, impairing privacy or creating traffic congestion.

107-73 - Exceptions to Height Regulations

LAST AMENDED
6/29/1989

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section [23-631](#), paragraphs (b), (c) and (d) and Section [107-43](#), provided that the Commission finds that:

- (a) such #development# is so located as not to impair the essential character of the surrounding area;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space, will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (c) that the #development's# design proposals take full advantage of all special characteristics of the site.

107-74 - Modification of Permitted Use Regulations

LAST AMENDED
2/2/2011

For any #development#, the City Planning Commission may grant special permits to allow #semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts. As a condition for granting such special permits, the Commission shall find that:

- (a) only by modifying the #residential building# type, the preservation of trees over six-inch caliper and of existing topography can be assured;

- (b) by inclusion of the proposed #residential building# types, better standards of privacy and usable #open space# can be achieved; and
- (c) if the #zoning lot# is located in the #designated open space#, the prohibition of #development# on the #designated open space# requires the permitted #development# to be concentrated in the remaining portion of the tract.

107-76 - Boundary Adjustments in Designated Open Space

LAST AMENDED

9/11/1975

The City Planning Commission may grant special permits to allow adjustments in the boundaries of the #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that such adjustment will:

- (a) result in a substantial improvement in the quality and usefulness of the #designated open space#; or
- (b) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and
- (c) provide an equivalent area replacement for the area removed from the #designated open space#.

107-77 - Community Facility Buildings or Treatment Plants Permitted in Designated Open Space

LAST AMENDED

2/2/2011

The City Planning Commission may grant special permits for the construction of sewage disposal plants or pumping stations or #community facility uses# listed in Section [78-352](#) (Bonus for community facility space) in #designated open space# where such #uses# are permitted by the underlying district regulations provided the Commission finds that:

- (a) an amount of open area outside the boundary of the #designated open space#, at least equal to the coverage of any #building or other structure# permitted under this Section, shall be added to the #designated open space#, and action shall be taken to change the boundary of the #designated open space# pursuant to Section [107-76](#) (Boundary Adjustments in Designated Open Space);
- (b) such added open area forms a continuous part of the #open space network#, and does not interrupt or foreclose the continuity of a public pedestrian way;
- (c) such added open area shall contain natural (aquatic, botanic, geologic or topographic) features that are equal or better in quality to those displaced by the #development#; and
- (d) such sewage disposal plants and sewage pumping stations meet the requirements of Section [74-73](#), inclusive.

The City Planning Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

107-78 - Other Buildings Permitted in Designated Open Space

LAST AMENDED

9/11/1975

On any #zoning lot# located partially within the #designated open space#, the City Planning Commission may grant a special permit to allow a #building# to encroach on the #designated open space# where #development# is not feasible without encroachment on the #designated open space#. As a condition for permitting such construction, the Commission shall find that the #development#, as authorized, will result in the minimum interference with the #designated open space# that must be permitted in order to allow reasonable #development# and #bulk# distribution under the regulations of the underlying district or as such regulations are modified by the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

107-90 - SPECIAL ADMINISTRATIVE PROVISIONS FOR RECORDATION

LAST AMENDED

11/2/2023

When any #yard# requirement of the applicable district regulations is modified by the City Planning Commission pursuant to Section [107-46](#) (Yard and Court Regulations), prior to the filing of an application for any permit with the Department of Buildings, there shall be recorded in the Office of the County Clerk, County of Richmond, and indexed against such #zoning lots# to be #developed# as a unit, an instrument describing all conditions and restrictions required by the Commission for the #development# and #use# of such #zoning lots#. Recordation of instruments may be required in connection with any other zoning application hereunder. A certified copy of such instrument shall be submitted to the City Planning Commission upon recordation thereof.

The #Special South Richmond Development District# Plan is incorporated as Appendix A of this Chapter.

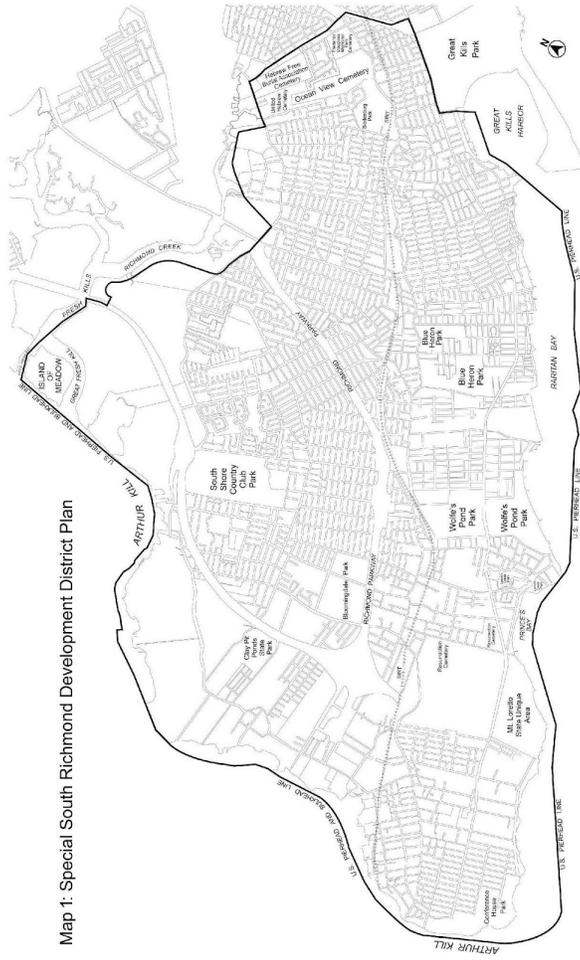
Appendix A - Special South Richmond Development District Plan

LAST AMENDED

1/19/2016

Map 1 — District Plan (9/11/75)

Map 1: Special South Richmond Development District Plan



Map 2 — Arterial Setback Plan (11/2/23)

Map 2.1 — Arterial Setback Plan (11/2/23)

Map 2.2 — Arterial Setback Plan (11/2/23)

Map 2.3 — Arterial Setback Plan (11/2/23)

Map 2.4 — Arterial Setback Plan (11/2/23)

Map 3 — Open Space Network (11/2/23)

Map 3.1 — Open Space Network (11/2/23)

Map 3.2 — Open Space Network (11/2/23)

Map 3.3 — Open Space Network (11/2/23)

Map 3.4 — Open Space Network (11/2/23)

Map 3.5 — Open Space Network (11/2/23)

Map 3.6 — Open Space Network (11/2/23)

Map 4 — Special Areas LL, M and SH (11/2/23)



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 8 - Special Hunts Point District (HP)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 8 - Special Hunts Point District (HP)

108-00 - GENERAL PURPOSES

LAST AMENDED

7/23/2008

The “Special Hunts Point District” established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Hunts Point community. These goals include, among others, the following specific purposes:

- (a) to provide a buffer of high-performance industrial and other commercial establishments around the residential area;
 - (b) to encourage the development of food-related businesses and other compatible businesses;
 - (c) to create a transition between the Hunts Point Food Market and related businesses and the adjacent neighborhood;
 - (d) to retain jobs in New York City;
 - (e) to promote the development of retail businesses in the neighborhood;
 - (f) to provide an opportunity for the physical improvement of Hunts Point; and
 - (g) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.
-

108-01 - General Provisions

LAST AMENDED

5/12/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. 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, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

The provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) shall apply in the Residential Buffer Subdistrict, and shall not apply in the Food Industry Subdistrict. For any food store subject to the provisions of Article VI, Chapter 3, the parking regulations of Section [63-24](#) (Required Accessory Off-street Parking Spaces in Certain Districts) shall supersede the provisions of Section [108-20](#) (MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT).

108-02 - District Plan and Maps

LAST AMENDED

7/23/2008

The District Plan for the #Special Hunts Point District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Hunts Point District#.

These areas shall include the Residential Buffer and the Food Industry Subdistricts.

The District Plan includes the #Special Hunts Point District# Map located in Appendix A to this Chapter.

The map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

108-10 - USE REGULATIONS

LAST AMENDED

7/23/2008

108-11 - Use Modifications in the Special Hunts Point District

LAST AMENDED

7/23/2008

In the #Special Hunts Point District#, hotels or motels shall not be permitted within the areas designated on the #Special Hunts Point District# Map in Appendix A. Within such areas, Section [74-803](#) (Transient hotels within M1 Districts) shall not be applicable.

108-12 - Use Modifications in the Residential Buffer Subdistrict

LAST AMENDED

7/23/2008

- (a) In the #Special Hunts Point District#, the #use# regulations of the underlying M1-2 District within the Residential Buffer Subdistrict shall be modified to permit the following #uses#:

From Use Group 3A

Libraries, museums or non-commercial art galleries

From Use Group 4A

Clubs

Community centers, not including settlement houses

Non-commercial recreational centers

From Use Group 6A, with no limitation as to #floor area# per establishment

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

From Use Group 10A, with a limitation of 40,000 square feet of #floor area# per establishment within 500 feet of the center line of Garrison Avenue

Carpet, rug, linoleum or other floor covering stores

Clothing or clothing accessory stores

Department stores

Dry goods or fabric stores

Furniture stores

Television, radio, phonograph or household appliance stores

Variety stores.

- (b) In the #Special Hunts Point District#, Use Group 18 #uses# shall not be permitted in the underlying M1-2 District within the Residential Buffer Subdistrict, except that breweries, limited to 10,000 square feet of #floor area# per establishment, shall be permitted.

LAST AMENDED
7/23/2008

In the #Special Hunts Point District#, in the underlying M1-2 District within the Food Industry Subdistrict, #uses# listed in Section [42-15](#) (Use Group 18) shall not be permitted, except for the following:

From Use Group 18A:

Beverages, alcoholic or breweries

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Plastic, raw

Steel, structural products, including bars, girders, rails, wire rope or similar products

From Use Group 18B:

Refrigerating plants.

108-14 - Enclosure Regulations

LAST AMENDED
7/23/2008

In the #Special Hunts Point District#, all #uses# listed in Use Groups 16, 17 and 18 shall be located within completely enclosed #buildings#, except that building materials or contractors' yards, listed in Use Group 17, may be open or enclosed.

108-15 - Applicability of Article V, Chapter 2 (Non-conforming Uses)

LAST AMENDED
7/23/2008

In the #Special Hunts Point District#, a #non-conforming# #use# may be changed only to a #conforming# #use#.

The following sections pertaining to #non-conforming# #uses# in the #Special Hunts Point District# shall not apply:

Section [52-32](#) (Land With Minor Improvements)

Section [52-33](#) (Manufacturing or Related Uses in Residence Districts), inclusive

Section [52-34](#) (Commercial Uses in Residence Districts)

Section [52-35](#) (Manufacturing or Related Uses in Commercial Districts)

Section [52-36](#) (Non-conforming Commercial Uses in Commercial Districts)

Section [52-37](#) (Non-conforming Commercial Uses in Manufacturing Districts)

Section [52-43](#) (C1 or C4 Districts)

- Section [52-44](#) (Residence Districts Except R1 and R2 Districts)
- Section [52-45](#) (Non-conforming Residential Uses in M1 Districts)
- Section [52-46](#) (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts)
- Section [52-54](#) (Buildings Designed for Residential Use in Residence Districts)
- Section [52-56](#) (Multiple Dwellings in M1-1D Through M1-5D Districts)
- Section [52-62](#) (Buildings Containing Residences in M1-1D Through M1-5D Districts)
- Section [52-72](#) (Land with Minor Improvements)
- Section [52-731](#) (Advertising signs)
- Section [52-732](#) (Signs on awnings or canopies)
- Section [52-74](#) (Uses Objectionable in Residence Districts)
- Section [52-75](#) (Certain Types of Uses Involving Open Storage or Salvage).

108-20 - MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT

LAST AMENDED
7/23/2008

In the Residential Buffer Subdistrict, parking shall be provided at the rate of one space per 300 square feet of #floor area# for food stores, including supermarkets, grocery stores, meat markets or delicatessen stores. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces and #accessory# off-street loading berths.

108-30 - MODIFICATION OF STREET TREE REQUIREMENTS

LAST AMENDED
7/23/2008

Notwithstanding the provisions of Section [43-02](#) (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Hunts Point District# that include #uses# listed in Use Group 17 or 18 shall provide #street# trees in accordance with Section [26-41](#) (Street Tree Planting). The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 17 or 18.

Appendix A - Special Hunts Point District

LAST AMENDED
7/23/2008



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 9 - Special Little Italy District (LI)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 9 - Special Little Italy District (LI)

109-00 - GENERAL PURPOSES

LAST AMENDED
2/3/1977

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

- (a) to preserve and strengthen the historical and cultural character of the community;
- (b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;
- (c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
- (d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;
- (e) to provide amenities, such as public open space, and street trees, to improve the physical environment;
- (f) to discourage the demolition of noteworthy buildings which are significant to the character of the area; and
- (g) to promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the foregoing purposes.

109-01 - Definitions

LAST AMENDED
2/2/2011

For the purposes of this Chapter, matter in italics is defined in Section [12-10](#) (DEFINITIONS) or Section [109-01](#) (Definitions).

Open recreation space

"Open recreation space" is that part of a *#zoning lot#*, including *#courts#*, *#yards#* and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections [109-14](#), [109-34](#) and [109-42](#).

109-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes and intent of this Resolution and the general purposes of the *#Special Little Italy District#* and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the *#Special Little Italy District#* are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections [23-15](#), [23-20](#) and [33-13](#) are made inapplicable.

For *#transit-adjacent sites#* or *#qualifying transit improvement 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.

The use of the public *#streets#* and sidewalks for the maintenance of *#sidewalk cafes#*, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.

Within the Special District, in accordance with a comprehensive survey of its structures, *#buildings#* of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such *#buildings#* are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such *#buildings#* shall not be demolished or have their external architectural features altered except as set forth in Section [109-52](#) (Special Permit Provisions). No demolition permit or alteration permit for alterations which may affect the exterior of such *#buildings#* shall be issued by the Department of Buildings for any such *#building#* except as permitted by the City

Planning Commission pursuant to Section [109-52](#) (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

109-03 - District Map

LAST AMENDED
2/3/1977

The District Map for the #Special Little Italy District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Little Italy District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

- Area A PRESERVATION AREA (Section [109-10](#))
- Area A1 MULBERRY STREET REGIONAL SPINE (Section [109-20](#))
- Area B HOUSTON STREET CORRIDOR (Section [109-30](#))
- Area C BOWERY, CANAL, KENMARE STREET CORRIDOR (Section [109-40](#))

The District Map in Appendix A of this Chapter is hereby incorporated as an integral part of the #Special Little Italy District#.

109-04 - Zoning Lots Located in More Than One Area

LAST AMENDED
2/3/1977

Whenever a #zoning lot# is divided by the boundaries of an area as created by Section [109-03](#) (District Map) and as indicated on the District Map in Appendix A, the #zoning lot# shall be subject to the regulations of the area in which the greater portion of its frontage lies except that, in the case of any #zoning lot# having 15 feet or more frontage within Area A1 (Mulberry Street Regional Spine), the regulations of Area A1 shall apply to such #zoning lot#.

109-10 - PRESERVATION AREA (Area A)

LAST AMENDED
2/2/2011

The provisions of this Section [109-10](#), inclusive, shall apply within Area A (Preservation Area) as shown on the District Map in Appendix A.

109-11 - Special Use Regulations

LAST AMENDED
2/3/1977

109-111 - Special regulations for existing commercial or manufacturing uses

LAST AMENDED
2/3/1977

The continuation, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area A shall be governed by the underlying district #use# regulations.

109-112 - Special use regulations for developments

LAST AMENDED
2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, within Area A, #uses# listed in the underlying district regulations are permitted except that such #uses# shall not include those listed in Use Groups 6D, 8C, 10, and 12D, unless authorized by the City Planning Commission pursuant to Section [109-514](#) (Modifications by authorization).

109-12 - Bulk Regulations

LAST AMENDED
2/3/1977

109-121 - Floor area regulations

LAST AMENDED
2/2/2011

Within Area A, the maximum #floor area ratio# for a #zoning lot# shall not exceed the following:

Lot Type	Maximum Permitted #Floor Area Ratio#
#Corner lots#	4.8
#Interior# or #through lots#	4.1

109-122 - Lot coverage, through lot and rear yard regulations

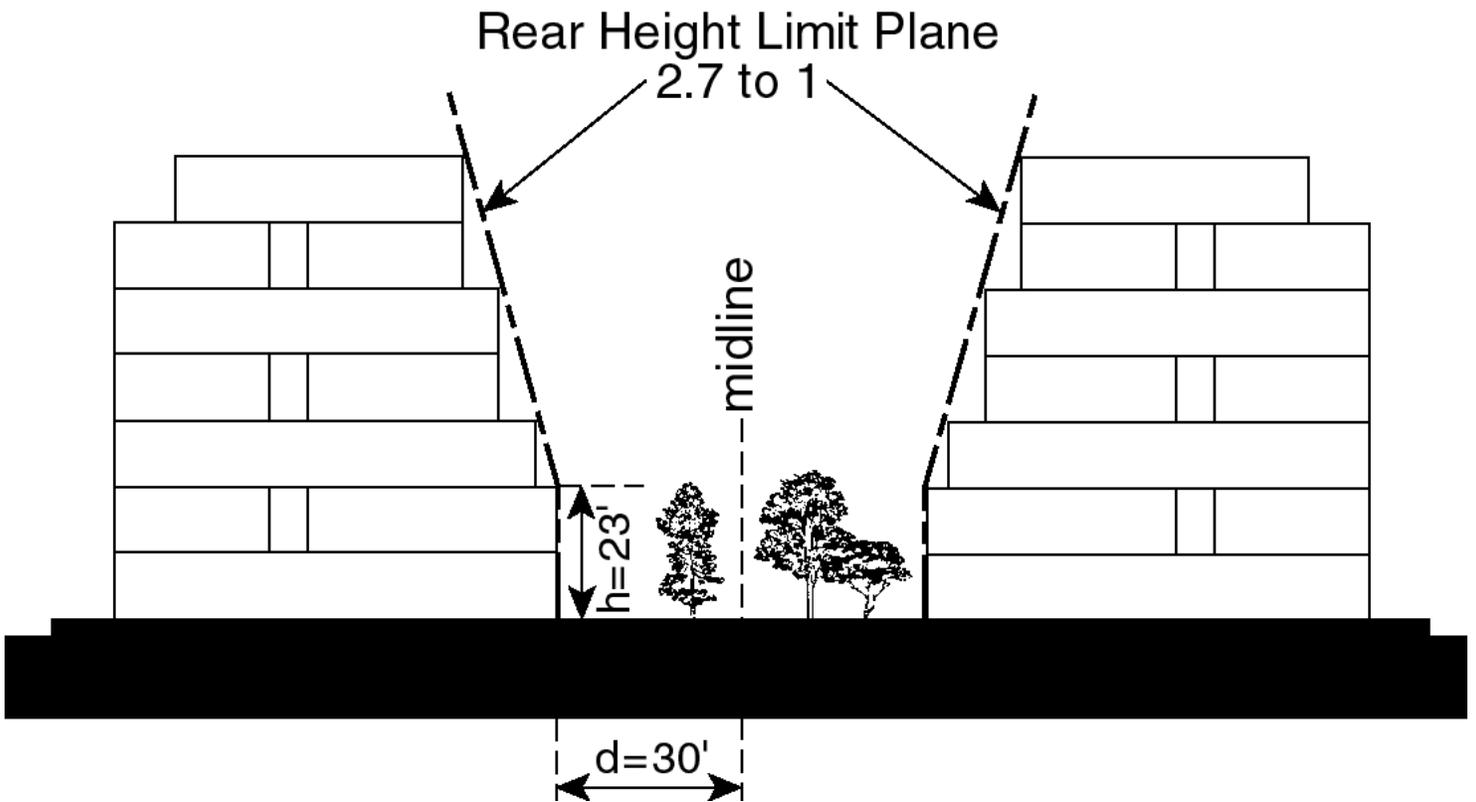
LAST AMENDED
3/22/2016

Within Area A, the maximum #lot coverage# for a #zoning lot# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	100
#Interior lot#	60
#Through lot#, except as provided below	60

However, when a #through lot# is #developed# with more than one #building#, the maximum #lot coverage# on such #through lot# may be increased from 60 percent to 70 percent, provided that no portion of any #building# on such #zoning lot# penetrates the "Rear Height Limit Plane," as set forth in this Section. The Rear Height Limit Plane shall begin at a point 23 feet above #curb level# and shall be located 30 feet away from, and on both sides of, the line equidistant from the two #street lines#. The slope of the Rear Height Limit Plane shall be 2.7 feet vertical to 1 foot horizontal.

All #buildings# #developed# after February 3, 1977, shall have a #rear yard# with a depth of not less than 30 feet.



REAR HEIGHT LIMIT PLANE

109-123 - Floor area per room regulations

LAST AMENDED
7/26/2001

For the purposes of this Chapter, the density requirements of Sections [23-22](#), [23-24](#) or [35-40](#) shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.

109-124 - Height and setback regulations

†

LAST AMENDED
12/6/2023

The maximum height of any #building or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning Commission pursuant to Section 109-514.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section [33-42](#).

109-13 - Special Front Wall Regulations

LAST AMENDED
2/3/1977

109-131 - Building facades

LAST AMENDED
2/2/2011

The front #building# wall of any #building# shall extend along the full length of its #front lot line# not occupied by existing #buildings# to remain and shall rise without setback up to a height of six #stories# or 65 feet, or the height of the #building#, whichever is less. Above that height, the front #building# wall shall set back at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#. The exterior #building# materials of the front wall shall be predominantly of masonry.

109-132 - Treatment of the ground level wall

LAST AMENDED
2/2/2011

For #buildings# #developed# after February 3, 1977, and for #buildings# #enlarged# on the ground floor level after February 3, 1977, at least 25 percent of the total surface area of the entire front wall of a #development# or the #enlarged# portion, up to a height of 12 feet above #curb level# or to the ceiling of the ground #story#, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section [109-50](#). Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet. In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent areas at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

109-14 - Open Recreation Space and Landscaping Regulations

LAST AMENDED
2/3/1977

109-141 - Open recreation space regulations

LAST AMENDED
2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable landscaped #open recreation space# accessible to the occupants of such #development# or #enlargement#. Such #open recreation space# may be accessible to the public.

Such #open recreation space# shall be located at the ground level and/or the roof level. However, if such #open recreation space# is located both at the ground level and at the roof level, not less than 40 percent may be located at either location. Such #open recreation space# shall be landscaped and properly maintained in accordance with the provisions of Section 109-142.

109-142 - Landscaping regulations

LAST AMENDED
2/2/2011

The required #open recreation space#, as provided in Section [109-141](#), on a #zoning lot# containing a #development# or #enlargement# shall be landscaped and maintained in the following manner.

Ground level #open recreation space# shall:

- (a) have a minimum dimension of 20 feet for a #development# and 10 feet for an #enlargement#, measured perpendicular to its perimeter;
- (b) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (c) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to the following standards:
 - (1) seating shall have a minimum depth of 16 inches; seating with backs at least 12 inches high shall have a minimum depth of 14 inches; seating 30 inches or more in depth shall count double provided there is access to both sides;
 - (2) seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements;
 - (3) the tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they

conform to the dimensional standards in paragraphs (c)(1) and (c)(2) of this Section;

- (4) movable seating or chairs may be credited as 30 inches of linear seating per chair; and
 - (5) steps do not count toward the seating requirements;
- (d) have paved areas paved with unit pavers, such as bricks or quarry tiles, or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have a non-skid surface;
 - (e) be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25 percent of the #open recreation space# area;
 - (f) be planted with one tree of not less than three and one-half inch caliper for every 1,000 square feet or portion thereof of required #open recreation space#. Such trees shall be planted in at least 100 cubic feet of soil of at least 3 feet, 6 inches in depth;
 - (g) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# frontage upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly into the #open recreation space#; and
 - (h) be maintained by the #building# owner who shall be responsible for the maintenance of the #open recreation space# including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#, pursuant to Section [109-14](#) (Open Recreation Space and Landscaping Regulations).

#Open recreation space# at roof level shall:

- (1) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# fronting upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly onto the #open recreation space#;
- (2) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to seating standards set forth for ground level #open recreation space#; and
- (3) be landscaped with shrubs, vines, flowers, ground cover and/or plants in planters over a minimum of 25 percent of the #open recreation space# area.

109-15 - Regulations for Rehabilitation or Conversion of Existing Buildings

LAST AMENDED

2/2/2011

When #residential buildings# or #residential# portions of #mixed buildings# are rehabilitated, the density regulations of the underlying districts shall not apply. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# within the rehabilitated #residential building# or #residential# portion of a #mixed building#.

Furthermore, when a non-#residential building#, or portion thereof, is #converted# for #residential use#, the density regulations of the underlying districts shall not apply to that portion of the #building# containing #dwelling units#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# provided within the #converted# #building# or portion thereof.

109-16 - Parking Regulations

LAST AMENDED

5/8/2013

No #accessory# off-street parking is permitted for any #development# or #enlargement# in Area A, except as set forth herein.

The City Planning Commission may allow #accessory# off-street parking facilities for any #development# or #enlargement# on a #zoning lot# pursuant to the applicable authorization or special permit in Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core).

109-17 - Mandatory Street Trees

LAST AMENDED

4/30/2008

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups involving at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building# pursuant to the applicable articles of the Building Code of the City of New York, within Area A, shall provide trees in accordance with Section [26-41](#) (Street Tree Planting).

109-20 - MULBERRY STREET REGIONAL SPINE (AREA A1)

LAST AMENDED
2/3/1977

The provisions set forth in Sections [109-10](#) through [109-16](#) (Preservation Area--Area A) are applicable within Area A1 (Mulberry Street Regional Spine) as shown on the District Plan (Appendix A), except as modified herein.

109-21 - Use Regulations

LAST AMENDED
2/2/2011

The provisions of Section [109-11](#) (Special Use Regulations) shall apply, except that in order to retain the existing retail character of the area, the ground floor of any #building# shall be limited to #uses# listed in Section [109-211](#) (Use Group LI). Any #street# frontage occupied by entrances to other #uses# such as #residential# lobbies shall be no wider than 25 feet. A change of #use# on the ground floor of a #building# shall be subject to the provisions of this Section.

109-211 - Use Group LI

LAST AMENDED
2/2/2011

Use Group LI comprises a group of specially selected #uses# to strengthen the existing #commercial# character of the area.

A. Convenience Retail Establishments

Bakeries

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments, limited to 2,500 square feet of #floor area# per establishment on the ground floor

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or less

Food stores, including supermarkets, grocery stores, meat markets, delicatessen stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Hardware stores

Package liquor stores

Post offices

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

B. Retail or Service Establishments

Antique stores

Appliance stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Art galleries

Artist supply stores

Bicycle sales and rental establishments

Book stores

Candy or ice cream stores

Carpet or rug stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 5,000 square feet of #floor area# per establishment

Clothing rental

Clubs, non-commercial, without restrictions on activities or facilities, limited to 2,500 square feet of #floor area# per establishment on the ground floor

Dry goods or fabric stores, limited to 5,000 square feet on the ground floor

Florist shops

Furniture stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Furrier shops, custom

Gift shops

Interior decorating establishments, limited to 750 square feet of #floor area# per establishment on the ground floor

Jewelry or art metal craft shops

Leather goods, crafts or luggage stores

Locksmiths shops

*Meeting halls, limited to 25-foot frontage

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Shoe stores

Stamp or coin stores

Telegraph offices

*Theaters, limited to 25-foot frontage

Toy stores

Travel bureaus

Watch or clock stores or repair shops

* A change of #use# in a #building# constructed prior to February 3, 1977, which does not comply with the frontage requirements, is permitted provided the degree of #non-compliance# of the frontage is not increased

109-22 - Bulk Regulations

LAST AMENDED
2/3/1977

109-221 - Floor area regulations

LAST AMENDED
2/2/2011

Within Area A1, the maximum #floor area ratio# on a #zoning lot# shall not exceed the following:

	#Floor Area Ratio#	
#Use#	#Corner Lot#	#Through Lot# or #Interior Lot#
#Commercial#	5.1	4.5
#Community facility# or #residential#	4.1	3.5

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building#, or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

109-222 - Lot coverage regulations

LAST AMENDED
2/3/1977

The requirements set forth in Section [109-122](#) shall not apply to the ground floor portion of a #building#, provided that such portion contains only #commercial# #uses#, and provided that such portion is no more than 23 feet above #curb level#.

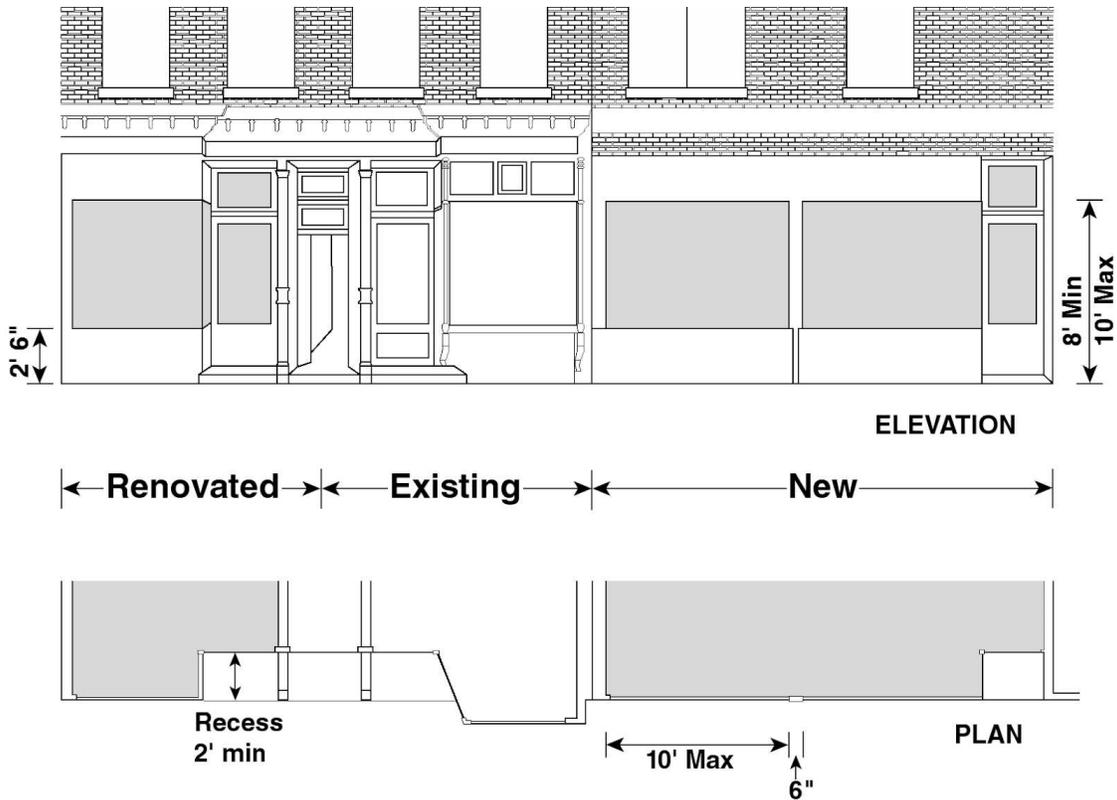
109-23 - Storefronts in New Buildings and Alterations of Existing Storefronts

LAST AMENDED
2/2/2011

Storefronts in #buildings# #developed# after February 3, 1977, in portions of #buildings# located on the ground floor that are #enlarged# after February

3, 1977, and any existing storefronts that are altered, shall comply with the following standards:

- (a) #show windows# shall have a sill height of not more than 2 feet, 6 inches above #curb level# and extend to a maximum height of between eight feet and 10 feet above #curb level#;
- (b) the storefront shall have transparent areas no more than 10 feet in width, measured horizontally, and which transparent areas shall be separated by a mullion of no less than six inches in width; and
- (c) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.



STOREFRONT ILLUSTRATION

109-24 - Sign Regulations

LAST AMENDED
4/8/1998

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

- (a) #signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;
- (b) all permitted #signs# which project from the front #building# wall shall be located not less than 10 feet above #curb level#; and
- (c) #signs# may not cover columns, cornices or sills.

109-30 - HOUSTON STREET CORRIDOR (Area B)

LAST AMENDED
2/3/1977

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

109-31 - Special Use Regulations

LAST AMENDED
2/3/1977

109-311 - Special regulations for existing commercial or manufacturing uses

LAST AMENDED
2/3/1977

The continuation, #enlargement#, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area B, shall be governed by the underlying district regulations.

109-312 - Special use regulations for new development

LAST AMENDED
2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, within Area B, #uses# listed in the underlying district regulations are permitted, except that such #uses# shall not include those listed in Use Groups 6D, 8C and 12D.

109-32 - Bulk Regulations

LAST AMENDED
2/2/2011

The #bulk# regulations of the underlying district shall apply to the Houston Street Corridor (Area B), except as set forth in this Section.

109-321 - Floor area regulation

LAST AMENDED
10/7/2021

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

109-322 - Lot coverage regulations

LAST AMENDED
3/22/2016

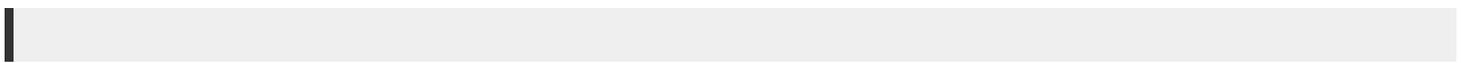
For any #zoning lot# within Area B, the maximum #lot coverage# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	100
#Interior# or #through lot#	70

109-323 - Height and setback regulations

†

LAST AMENDED
12/6/2023



The #street wall# of any #building# for the first two #stories# or 23 feet, whichever is greater, shall be located on the #street line# and extend the entire length of the #street line# of the #zoning lot# not occupied by existing #buildings# to remain. However, at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines parallel to, and 10 feet from each #street line#. No #street wall# shall be required along a #street line# bounding any portion of a #zoning lot# which is less than 25 feet in depth measured from the #street line# of a #wide street#.

For #street walls# above the level of the second #story# or 23 feet, whichever is greater, at least 50 percent of the aggregate length of the #street walls# shall be located on the #street line#. The remainder of the aggregate length of the mandatory #street walls# at each #story# may be recessed from the #street line# to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25 percent of the aggregate length of the #street walls# at each #story#.

The mandatory minimum height above #curb level# of a required #street wall# without setback shall be 60 feet on a #wide street# and 23 feet on a #narrow street#, or the height of the #building#, whichever is less. No setback shall be permitted on a #narrow street# below a height of 55 feet.

The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building or other structure# shall penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.

In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section [33-42](#).

109-33 - Special Front Wall Regulations

LAST AMENDED
2/3/1977

109-331 - Building facades

LAST AMENDED
11/16/1989

For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

109-332 - Treatment of the ground level wall

LAST AMENDED
12/11/2007

For a #building# wall facing a #narrow street#, at least 25 percent of the total surface area of such #building# wall up to a height of 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section [109-50](#) (SPECIAL REVIEW PROVISIONS). Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent area at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

109-34 - Open Recreation Space and Landscaping Requirements

LAST AMENDED
2/2/2011

For any #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable, landscaped #open recreation space#, accessible to the occupants of such #development# or #enlargement# or to the public. Such #open recreation space# shall be located either at the ground level and/or roof level, and shall be landscaped and properly maintained in accordance with the provisions of Section [109-142](#) (Landscaping regulations).

109-35 - Curb Cuts

LAST AMENDED
5/8/2013

109-351 - Curb cut regulations

LAST AMENDED
5/8/2013

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

109-36 - Mandatory Street Trees

LAST AMENDED
4/30/2008

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups of at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area B, shall provide #street# trees as set forth in Section [26-41](#) (Street Tree Planting), except that for a #zoning lot# frontage on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.

109-37 - Noise Attenuation

LAST AMENDED
3/22/2016

For any #residential# or #commercial# #use# in a #development# within Area B:

- (a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial# #uses#, shall be provided. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section [11-15](#) (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy; and
 - (b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections [27-752](#) to [27-756](#) of the Building Code of the City of New York.
-

109-40 - BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)

LAST AMENDED
2/2/2011

The provisions of this Section are applicable within Area C, as shown on the District Plan in Appendix A of this Chapter.

109-41 - Bulk Regulations

LAST AMENDED
2/3/1977

109-411 - Height and setback regulations

LAST AMENDED
2/2/2011

The maximum height of any #building or other structure# shall not exceed 85 feet or eight #stories# above #curb level#, whichever is less, unless authorized by the City Planning Commission pursuant to Section 109-514. The front #building# wall shall extend along the full length of the #front lot

line# not occupied by existing #buildings# to remain and shall rise without setback.

109-412 - Lot coverage regulations

LAST AMENDED
2/2/2011

Within Area C, the maximum #lot coverage# for any #zoning lot# shall be:

	Above Ground Floor (in percent)	At Ground Floor Only (in percent)
#Residential Use#	60	60
#Commercial# #Use#	70	100

109-42 - Open Recreation Space and Landscaping Requirements

LAST AMENDED
2/2/2011

All #buildings# #developed# after February 3, 1977, that contain #residences# shall provide a minimum of 20 percent of the #lot area# of the #zoning lot# as usable landscaped #open recreation space# in conformance with the requirements of Section [109-142](#) (Landscaping regulations).

109-43 - Additional Requirements

LAST AMENDED
2/2/2011

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in Sections [109-211](#) (Use Group LI), [109-23](#) (Storefronts in New Buildings and Alterations of Existing Storefronts) and [109-24](#) (Sign Regulations).

109-50 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
2/3/1977

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

109-51 - Modification of the Provisions of the Special Little Italy District

LAST AMENDED
11/16/1989

109-514 - Modifications by authorization

LAST AMENDED
2/2/2011

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an application, except that there shall be no modifications of any provision of Section [109-12](#), [109-22](#), [109-32](#) or [109-41](#) unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying# #inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an

#enlargement#, provided that:

- (a) the #building# is an existing old law or new law tenement, not higher than seven #stories#;
- (b) any additional #floor area# created through such elimination of a #non-complying# #inner court# is not more than 10 percent of the existing #floor area# of the #building#, and the width of such #inner court# is not more than 20 feet;
- (c) the renovation of such #building# will result in improved arrangements for adequate access of light and air, and for privacy between #dwelling units#, to the newly created #dwelling units# and to the surrounding developments;
- (d) such #enlargement# will not increase the density of population or intensity of #use# to the detriment of the occupants of the #buildings# in the #block# or nearby #blocks#;
- (e) the #enlargement# as proposed shall comply with the applicable provisions of Sections [109-14](#), [109-17](#), [109-25](#), [109-34](#) or [109-42](#), except as otherwise modified by the Commission; and
- (f) the Commission is in receipt of a report from the Department of Buildings and the Fire Department concerning said #building#.

The City Planning Commission may prescribe other additional conditions and safeguards to enhance the character of the surrounding area.

109-52 - Special Permit Provisions

LAST AMENDED
2/3/1977

109-521 - Modification of accessory off-street parking facilities

LAST AMENDED
2/3/1977

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section [109-16](#) or Section 109-351.

109-522 - Special provisions for the preservation of certain existing buildings

LAST AMENDED
2/2/2011

#Buildings# listed in Appendix B of this Chapter, shall not be demolished or have their external architectural features altered, except as set forth in this Section.

The City Planning Commission, by special permit, may allow:

- (a) in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or
- (b) the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and
- (c) the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#. #Enlargements# of such #buildings# shall be subject to all applicable district regulations. The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #uses# proposed on the site prior to any construction are in conformance with the purposes of the Special District.

109-523 - Applications for special permit

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections [109-16](#) and [109-351](#) of this Chapter, shall include: a site plan showing the location and proposed use of all buildings or other structures on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such development or enlargement and an indication of the routes that will provide vehicular access to a manufacturing, commercial or community facility establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section [109-522](#), shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

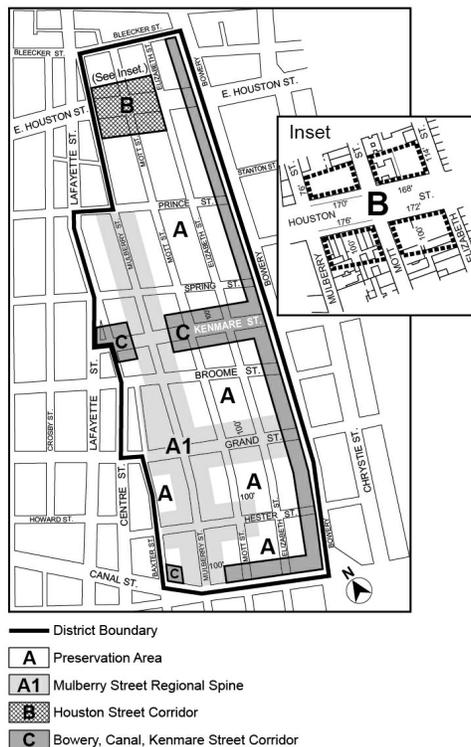
109-525 - Relationship to public improvement projects

LAST AMENDED
2/3/1977

In all cases, the City Planning Commission shall deny an application for a special permit whenever the development or enlargement will interfere with a public improvement project (including housing, highways, public buildings or facilities) which is approved by the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

Appendix A - Special Little Italy District Map

LAST AMENDED
11/16/1989



APPENDIX B - Buildings of Special Significance

LAST AMENDED
2/3/1977

#Buildings# of special significance to be preserved in accordance with the provisions of Section 109-522 are as follows:

Block Number	Lot Number	Address
206	1	113 Baxter Street
470	12	363 Broome Street
471	41	375 Broome Street
470	64	124—126 Bowery
472	31	240 Centre Street
492	21	209 Elizabeth Street
507	17-21	260—268 Elizabeth Street
471	28	174 Grand Street
471	58	190 Grand Street
471	57	192 Grand Street
238	6	128—130 Mott Street
508	6	256—258 Mott Street
508	9	262—272 Mott Street
509	34	277 Mott Street
481	23	201—205 Mulberry Street
509	1	266 Mulberry Street
492	44	11 Spring Street
480	21	34—36 Spring Street