



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Article XIII - Special Purpose Districts

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## Zoning Resolution

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# Chapter 1 - Special Coney Island District (CI)

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

# Chapter 1 - Special Coney Island District (CI)

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## 131-00 - GENERAL PURPOSES

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LAST AMENDED  
7/29/2009

The “Special Coney Island 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 enhance the character of the existing amusement district as the location of the city’s foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
  - (b) to facilitate and guide the development of a year-round amusement, entertainment and hotel district;
  - (c) to facilitate and guide the development of a residential and retail district;
  - (d) to provide a transition to the neighboring areas to the north and west;
  - (e) to provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
  - (f) to control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
  - (g) to promote development in accordance with the area’s District Plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.
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## 131-01 - General Provisions

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LAST AMENDED  
10/7/2021

The provisions of this Chapter shall apply within the #Special Coney Island 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 The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter.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.

NOTE: Self-certification of sewer connection applications will not be permitted by the Department of Buildings or Department of Environmental Protection in connection with any proposed #development# or #enlargement# in the #Special Coney Island District# for which sewer connection approval is required. Prior to filing a House or Site Connection application, all applicants will be required to submit a site-specific hydraulic analysis to the Department of Environmental Protection for its review and approval, to establish the adequacy of existing sanitary and storm sewers to serve the proposed #development# or #enlargement#.

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## 131-02 - District Plan and Maps

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LAST AMENDED  
7/29/2009

The District Plan for the #Special Coney Island 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 Coney Island District#. The District Plan includes the following maps in the Appendix to this Chapter.

- Map 1. Special Coney Island District and Subdistricts
  - Map 2. Mandatory Ground Floor Use Requirements
  - Map 3. Coney East Subdistrict Floor Area Ratios
  - Map 4. Street Wall Location
  - Map 5. Minimum and Maximum Base Heights
  - Map 6. Coney West Subdistrict Transition Heights
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## 131-03 - Subdistricts

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LAST AMENDED  
7/29/2009

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

Coney East Subdistrict (CE)

Coney North Subdistrict (CN)

Coney West Subdistrict (CW)

Mermaid Avenue Subdistrict (MA)

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix to this Chapter.

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### **131-04 - Applicability**

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LAST AMENDED  
7/29/2009

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#### **131-041 - Applicability of Article I, Chapter 5**

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LAST AMENDED  
3/28/2012

The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The change of non-#residential# #floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections [15-11](#) (Bulk Regulations), [15-12](#) (Open Space Equivalent) and [15-30](#) (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section [32-42](#) (Location Within Buildings).

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#### **131-042 - Applicability of Article VI, Chapter 2**

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LAST AMENDED  
3/28/2012

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Coney Island District#.

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#### **131-043 - Applicability of Article VII, Chapter 4**

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LAST AMENDED  
3/28/2012

The provisions of Section [74-513](#) (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section [131-52](#) (Use and Location of Parking Facilities).

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#### **131-044 - Modification of use and bulk regulations**

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LAST AMENDED  
3/28/2012

(a) For zoning lots fronting upon Riegelmann Boardwalk, KeySpan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of Riegelmann Boardwalk, KeySpan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

(b) For multiple buildings on the same zoning lot

For the purposes of applying the special #use# and #bulk# regulations of this Chapter, #abutting# #buildings# on the same #zoning lot# may be considered one #building#.

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### **131-10 - SPECIAL USE REGULATIONS**

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LAST AMENDED  
7/29/2009

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying #Commercial Districts#, as applicable.

For the purposes of this Chapter, "ground floor level" shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open space.



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## 131-11 - Use Group 5

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LAST AMENDED

7/29/2009

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels).

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## 131-12 - Use Groups A, B and C

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LAST AMENDED

7/29/2009

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

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### 131-121 - Use Group A: Amusements

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LAST AMENDED

7/29/2009

Use Group A consists of a group of #uses#, selected from Use Groups 12, 13 and 15, as modified in this Section, and may be open or enclosed:

#### Use Group A1

- Amusement arcades
- Amusement parks, with no limitation on floor area per establishment
- Animal exhibits, circuses, carnivals or fairs of a temporary nature
- Camps, overnight or day, #commercial# beaches or swimming pools
- Dark rides, electronic or computer-supported games, including interactive entertainment facilities, laser tag and motion simulators
- Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions
- Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions
- Miniature golf courses and model car hobby centers, including racing
- Open booths with games of skill or chance, including shooting galleries
- Water parks

#### Use Group A2

- Arenas or auditoriums, with capacity limited to 2,000 seats
- Billiard parlors or pool halls, table tennis halls or bowling alleys, with no limitation on number of bowling lanes per establishment
- Gymnasiums or recreational sports facilities including, but not limited to, indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements
- Skateboard parks, roller or ice skating rinks
- Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet, except that on #corner lots# one #street# frontage may extend up to 100 feet.

#Accessory# #uses# to the amusements listed in this Section, including the display and sale of goods or services, provided:

- (a) such #accessory# #uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;
- (b) such #accessory# #uses# shall be entered only through the principal amusement establishment;
- (c) such #accessory# #uses# shall share common cash registers with the principal amusement #use#;
- (d) such #accessory# #uses# shall have the same hours of operation as the principal amusement #use#; and
- (e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

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## 131-122 - Use Group B: Amusement and entertainment-enhancing uses

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LAST AMENDED

7/29/2009

Use Group B consists of a group of #uses#, selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

- Art gallery, commercial
- Banquet halls
- Breweries
- Eating or drinking establishments of any size, including those with entertainment or dancing
- Historical exhibits
- Spas and bathhouses
- Studios, art, music, dancing or theatrical
- Tattoo parlors
- Radio or television studios
- Wedding chapels

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## 131-123 - Use Group C: Retail and service uses

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LAST AMENDED

7/29/2009

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

- Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving
- Bicycle sales, rental or repair shops
- Bookstores
- Candy or ice cream stores
- Clothing or clothing accessory
- Clothing, custom manufacturing or altering for retail, including costume production and hair product manufacturing
- Delicatessen stores
- Fishing tackle or equipment, rental or sales
- Gift shops
- #Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment
- Jewelry manufacturing from precious metals
- Musical instrument stores
- Music stores
- Newsstands
- Patio or beach furniture or equipment
- Photographic equipment stores and studios
- Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving
- Toy stores

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## 131-13 - Special Use Regulations in Subdistricts

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## 131-131 - Coney East Subdistrict

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LAST AMENDED  
2/2/2011

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The provisions of Section [32-02](#) (Special Provisions for Hotels) are modified to apply in a C7 District. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections [131-11](#) through [131-123](#), inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

There shall be separate open establishments or enclosed ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

- (1) on the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;
- (2) on the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;
- (3) on all other #block# fronts there shall be at least four establishments;
- (4) the provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c), where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

- (1) Where permitted pursuant to Section [32-02](#), #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.
- (2) #Transient hotel# #use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory# #uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor #uses#

All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of a #building#, located on #streets#, or portions of

#streets#, shown on Map 2. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(g) Parcel 2

On Parcel 2, as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section [131-52](#) (Use and Location of Parking Facilities).

(h) Parcel 3

On Parcel 3, as shown on Map 2, the provisions of the underlying C7 District shall apply, except as modified in this paragraph, (h). Only open amusement #uses# listed in Use Groups 13A and 15, as set forth in Sections [32-22](#) and [32-24](#), respectively, shall be permitted.

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## 131-132 - Coney North and Coney West Subdistricts

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LAST AMENDED  
12/6/2023

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(a) Mandatory ground floor level #uses# along certain #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Section [131-12](#), inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2.

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels), #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(2) #Streets# other than Riegelmann Boardwalk

At least 20 percent of the frontage of a #building# or of an open #use#, on a #street# specified on Map 2, shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining frontage of such #building# or open #use#, on a specified #street#, shall be allocated to #commercial# #uses# permitted by the underlying district regulations or, where permitted pursuant to Section [32-02](#), a #transient hotel#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a specified #street# frontage.

There shall be at least four separate ground floor or open #commercial# establishments fronting upon each #block# fronting on Surf Avenue.

All ground floor #commercial# #uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby, vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:

All #uses#

From Use Group 3A:

All #uses#, except for libraries, museums or non-commercial art galleries

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, where permitted pursuant to Section [32-02](#)

From Use Groups 6B, and 6E:

Offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C:

Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue

Electrolysis studios, frozen food lockers and loan offices

From Use Group 6D:

All #uses#

From Use Group 7:

All #uses#, except for bicycle rental or repair shops

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops

From Use Groups 8C and 8D:

All #uses#

From Use Groups 9A and 9B:

All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

From Use Groups 10A and 10B:

Depositories for storage, and wholesale offices or showrooms

Use Group 11:

All #uses#

Use Groups 12A and 12B:

Trade expositions

Use Groups 12C and 12D:

All #uses#

Use Groups 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

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## 131-14 - Location of Uses Within Buildings

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LAST AMENDED  
7/29/2009

The provisions of Section [32-42](#) are modified to permit:

- (a) residential uses on the same story# as a commercial# use# or directly below a commercial# use#, provided no access exists between such uses# at any level containing residences#, and separate elevators and entrances from the street# are provided; and
- (b) in the Coney North and Coney West Subdistricts, any commercial# use# permitted by this Chapter shall be permitted on the second story# of a mixed building#. Furthermore, a public parking garage# may occupy any story# of a mixed building# provided such garage complies with the provisions of Section [131-52](#) (Use and Location of Parking Facilities).

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## 131-15 - Transparency

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LAST AMENDED  
7/29/2009

Each ground floor level street wall# of a commercial# or community facility use# other than a use# listed in Use Group A, as set forth in Section [131-121](#), shall be glazed in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

However, in the Coney East Subdistrict and along Riegelmann Boardwalk and boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 50 percent of the area of the ground floor level street wall# of a commercial# use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

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## 131-16 - Authorization for Use Modifications

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LAST AMENDED  
2/2/2011

Along streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter, other than Riegelmann Boardwalk, the City Planning Commission may authorize establishments containing Use Group A, B or C uses# within buildings# with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

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## 131-20 - SIGN REGULATIONS

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LAST AMENDED  
7/29/2009

- (a) In the Coney East Subdistrict, the underlying C7 sign# regulations shall apply, except that:
  - (1) no advertising signs# shall be permitted above a height of 40 feet; and
  - (2) the provisions of Sections [32-66](#) (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and [32-67](#) (Special Provisions Applying Along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 District sign# regulations shall apply, except that the height restrictions of Section [32-655](#) shall be modified to allow permitted signs# at the level of any story# occupied by a commercial# use#.

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## 131-30 - FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

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LAST AMENDED  
2/2/2011

The floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

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## 131-31 - Coney East Subdistrict

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LAST AMENDED  
2/2/2011

- (a) Except on Parcel 3, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios) in the Appendix to this Chapter, the maximum floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum floor area ratio# is specified for each block#, or portion thereof, as shown on Map 3. On Parcel 2, as shown on Map 3, the maximum floor area ratio# for a public parking garage# shall be 4.0.

On Parcel 3, the maximum floor area ratio# of the underlying C7 District shall apply. Furthermore, floor area# attributable to Parcel 3 shall be used exclusively within Parcel 3.

- (b) In the Coney East Subdistrict, no rear yards# shall be required.

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## 131-32 - Coney West, Coney North and Mermaid Avenue Subdistricts

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LAST AMENDED  
7/29/2009

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## 131-321 - Special floor area regulations for residential uses

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LAST AMENDED

10/9/2013

R7A R7D R7X

(a) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the table in this Section. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #affordable housing#, pursuant to the provisions for #Inclusionary Housing designated areas#, as set forth in Section [23-90](#) (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict/Parcels	Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels: A, B, C, D	R7D	4.35	5.8
Coney West Parcels: E, F	R7D	4.12	5.5
Coney North	R7X	3.75	5.0
Mermaid Avenue	R7A	3.45	4.6

(c) Coney West #floor area# distribution

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

In addition, #floor area# attributable to #block# 7071, lot 130, within Parcel B may be distributed anywhere within Parcels C or D.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

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## 131-322 - Special floor area regulations for community facility uses

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LAST AMENDED

7/29/2009

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

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## 131-323 - Special floor area ratio regulations for hotel uses

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LAST AMENDED

7/29/2009

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

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### 131-324 - Lot coverage

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LAST AMENDED  
10/10/2013

In the #Special Coney Island District#, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

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### 131-40 - HEIGHT AND SETBACK REGULATIONS

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LAST AMENDED  
7/29/2009

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

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### 131-41 - Rooftop Regulations

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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 Coney Island District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

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### 131-42 - Coney East Subdistrict

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LAST AMENDED  
2/2/2011

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. #Street wall# location rules and maximum base height rules shall apply only to #buildings#. Maximum heights shall apply to all #buildings or other structures#.

For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section.

A #building or other structure# that exceeds a height limit shall be permitted where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

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### 131-421 - Coney East Subdistrict, south side of Surf Avenue

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LAST AMENDED  
5/12/2021

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street line# of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and



- (3) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section [131-47](#) (Design Requirements for Ground Level Setbacks).

(b) #Building# base

- (1) Surf Avenue, west of West 12th Street

West of West 12th Street, the #street wall# of a #building# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with the requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

Any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with the location requirements of paragraph (d) of this Section.

- (2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #building# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section shall be set back from the #street line# at least 20 feet except that, where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

- (1) West of West 12th Street

All portions of a #building# that exceed the maximum base height set forth in paragraph (b)(1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

- (2) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum #building# height after the required setbacks shall be 85 feet.

- (3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c)(1) and (c)(2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use# or to #buildings# where the Chairperson of the Department of City Planning certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #building# located partially or wholly above a height of 65 feet shall be considered a “tower” and shall comply with the provisions of this paragraph (d).

- (1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section [131-46](#).

- (3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

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## 131-422 - Coney East Subdistrict, north side of Surf Avenue

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LAST AMENDED  
7/29/2009

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

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## 131-423 - Along all other streets

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LAST AMENDED  
5/12/2021

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets#, and portions thereof, located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #building#, or portion thereof, shall be located within five feet of the #street line#;

(b) Maximum height

The #street wall# of a #building#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, provided that such portion is located within 150 feet of the intersection of two #street lines#. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A in paragraph (c)(3) of Section [131-421](#) (Coney East Subdistrict, south side of Surf Avenue), the #street wall# may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

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## 131-43 - Coney West Subdistrict

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LAST AMENDED  
7/29/2009

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

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## 131-431 - Coney West District, Surf Avenue

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LAST AMENDED  
5/12/2021

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and
- (2) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section [131-47](#) (Design Requirements for Ground Level Setbacks).

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the #block# front bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building or other structure# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least 10 feet.

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section [131-434](#) (Coney West Subdistrict towers).

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### 131-432 - Along all other streets, other than Riegelmann Boardwalk

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LAST AMENDED  
5/12/2021

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of Riegelmann Boardwalk.

(a) #Street wall# location

The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line# except that, to allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# at least 10 feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, #street walls# are set back a minimum distance of 10 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), at least 40 percent of the #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line# ;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least 10 feet, measured from the south-facing wall of the #story# directly below.

A #building or other structure# may exceed such transition heights only in accordance with the tower provisions of Section [131-434](#).

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### 131-433 - Riegelmann Boardwalk and building line of Parcel F

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LAST AMENDED  
2/2/2011

A #street wall# shall be located on Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum

height of 20 feet, as shown on Map 5 (Minimum and Maximum Base Heights). Any #building or other structure# within 70 feet of Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of Riegelmann Boardwalk.

In addition, on Parcel F, a #street wall# shall be located on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 4 (Street Wall Location). Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

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### 131-434 - Coney West Subdistrict towers

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LAST AMENDED

2/2/2011

All #stories# of a #building# or portions of other structures located partially or wholly above an applicable transition height shall be considered a “tower” and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

Where #affordable housing# is provided pursuant to Section [131-321](#) (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided either:

- (1) the outermost wall of all tower #stories# are inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) the outermost wall of all tower #stories# below a height of 120 feet are inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet and, above such height, no side of such rectangle shall exceed a length of 100 feet. In addition, above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section [131-46](#) (Tower Top Articulation).

(c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# fronting upon Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that where #affordable housing# is provided pursuant to Sections [23-90](#) and [131-321](#), no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, Parcel E may include two towers and, where #affordable housing# is provided pursuant to Section [131-321](#), a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

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### 131-44 - Coney North Subdistrict

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LAST AMENDED

2/2/2011

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum #building# height provisions of this Section, inclusive.

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### 131-441 - Coney North Subdistrict, Surf Avenue

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LAST AMENDED

5/12/2021

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and
  - (2) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section [131-47](#) (Design Requirements for Ground Level Setbacks).
- (b) #Building# base

The #street wall# of a #building# base fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# fronting on Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building or other structure# that exceed a height of 85 feet shall be set back from the #street line# at least 10 feet, and shall comply with the tower provisions of Section [131-444](#) (Coney North Towers).

- (c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section [131-444](#) (Coney North Subdistrict towers).

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### **131-442 - Along all other streets, other than Stillwell Avenue**

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LAST AMENDED  
2/2/2011

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

- (a) #Street wall# location

The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line# except that, to allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be recessed 10 feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to, and exits from, the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

- (b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least 10 feet, except such setback distance may include the depth of any permitted recesses.

- (c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the #street line#. All portions of #buildings or other structures# that exceed a transition height of 85 feet shall comply with the tower provisions of Section [131-444](#) (Coney North Subdistrict towers).

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### **131-443 - Mermaid and Stillwell Avenues**

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LAST AMENDED  
5/12/2021

Within 100 feet of Mermaid Avenue and within 100 feet of Stillwell Avenue, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall

comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and
- (b) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

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### 131-444 - Coney North Subdistrict towers

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LAST AMENDED  
2/2/2011

All #stories# of a #building# or portions of other structures located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a “tower” and shall comply with the provisions of this Section.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

Where #affordable housing# is provided pursuant to Section [131-321](#) (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either:

- (1) the outermost wall of all tower #stories# are inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) the outermost wall of all tower #stories#, below a height of 120 feet, are inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet, and above such height, no side of such rectangle shall exceed a length of 100 feet. In addition, above a height of 120 feet, the maximum floorplate shall be 80 percent of the #story# immediately below such height or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section [131-46](#) (Tower Top Articulation).

- (c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that where #affordable housing# is provided pursuant to Sections [23-90](#) and [131-321](#), a second tower shall be permitted anywhere on the #zoning lot# where such tower is entirely beyond 175 feet of Surf Avenue and 10 feet from any other #street#. All towers shall be located at least 10 feet from a #side lot line#.

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### 131-45 - Mermaid Avenue Subdistrict

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LAST AMENDED  
5/12/2021

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and
- (b) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

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### 131-46 - Tower Top Articulation

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LAST AMENDED  
7/29/2009

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north-facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north-facing or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least 18 inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

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### 131-47 - Design Requirements for Ground Level Setbacks

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LAST AMENDED  
2/2/2011

Wherever a #building# base below a tower is set back from the #street line#, and the #building# walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level #building# walls bounding such setback area not otherwise subject to the transparency requirements of Section [131-15](#), shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such #building# wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section [131-15](#).

(2) All other #building# walls shall comply with one of the following provisions:

(i) such #building# walls shall be glazed with transparent materials in accordance with the transparency provisions of Section [37-34](#) (Minimum Transparency Requirements), except that such transparency shall be measured from the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or

(ii) such #building# walls shall be articulated with artwork or landscaping to a height of at least 10 feet.

(d) #Building# entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) Additional amenities



For setback areas of 500 square feet or more, there shall be the following additional amenities:

- (1) an additional public entrance to the #building# that fronts upon such setback area; and
- (2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

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### **131-48 - Street Trees**

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LAST AMENDED  
7/29/2009

The provisions of Section [33-03](#) (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

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### **131-49 - Authorization for Exterior Ramps**

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LAST AMENDED  
5/12/2021

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to allow exterior ramps for access from the public sidewalk to the lowest #story# above the #flood-resistant construction elevation#, as defined in Section [64-11](#) (Definitions), provided the Commission finds that the design of such ramps:

- (a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;
- (b) incorporates amenities such as seating and planting as the Commission may find appropriate; and
- (c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

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

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### **131-50 - OFF-STREET PARKING AND LOADING REGULATIONS**

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LAST AMENDED  
7/29/2009

The special provisions of this Section shall apply to all off-street parking spaces and loading facilities within the #Special Coney Island District#.

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### **131-51 - Amount of Required and Permitted Parking**

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LAST AMENDED  
2/2/2011

- (a) #Residential# and #community facility# parking

The underlying regulations shall apply, except that the number of #accessory# off-street parking spaces required pursuant to Section [36-33](#) (Requirements Where Group Parking Facilities Are Provided) shall be modified to require off-street parking spaces for at least 60 percent of #dwelling units# or #rooming units developed#, under single ownership or control, where group parking facilities are provided.

- (b) #Commercial# parking

The underlying regulations shall apply, except that:

- (1) For Use Group A #uses#

One off-street parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-street parking spaces per 1,000 square feet of #floor area# shall be provided.

- (2) For #transient hotels#

One off-street parking space shall be provided for every six guest rooms or suites.

- (c) Public parking facilities

In accordance with the provisions of Section [131-043](#) (Applicability of Article VII, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section [131-52](#) (Use and Location of Parking Facilities).

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## 131-52 - Use and Location of Parking Facilities

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LAST AMENDED  
2/2/2011

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupants of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.
- (b) The off-site parking space provisions of Sections [36-42](#) and [36-43](#) shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
  - (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
  - (2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:
    - Parcels A and B
    - Parcels C and D
    - Parcels E and F.
  - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (c) All off-street parking facilities shall be located within facilities that, except for entrances and exits, are:
  - (1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or
  - (2) wrapped by #floor area# or screened in accordance with the provisions of Section [37-35](#) (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, Surf Avenue, Stillwell Avenue, Ocean Way, Parachute Way and Riegelmann Boardwalk shall be considered designated retail streets, and the wrapping provisions of paragraph (a) of Section [37-35](#) shall apply to such #street# frontages at all levels above grade. All such parking facilities shall be exempt from the definition of #floor area#.
- (d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

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## 131-53 - Curb Cuts

LAST AMENDED  
2/2/2011

No curb cuts shall be permitted on Surf Avenue, Wonder Wheel Way or Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section [36-58](#) shall apply.

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## 131-60 - SPECIAL PERMIT FOR AUDITORIUMS

LAST AMENDED  
12/19/2013

The special permit set forth in this Section is established to allow outdoor entertainment #uses# on a limited-term basis in a unique beachfront location within the #Special Coney Island District#. The development of such #uses# on a temporary basis pursuant to this special permit provides for the opportunity for a valuable public amenity to exist within an area that, while approved for future #residential development# pursuant to the #Special Coney Island District# plan, is currently underutilized and does not exhibit the characteristics of a well-developed #residential# neighborhood. Any special permit granted under this Section shall be subject to a term of years, in order to ensure that such #uses# are consistent with, and do not impede, the goal of long-term revitalization of the surrounding area, pursuant to the #Special Coney Island District# plan.

In the Coney West Subdistrict, for Parcels B and G, the City Planning Commission may approve, by special permit, open-air auditoriums with greater than 2,000 seats, for a term no greater than 10 years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued, provided that the proposed auditorium meets the conditions of paragraph (a) and the findings of paragraph (b) of this Section, in addition to the #sign# provisions of paragraph (c) and parking provisions of paragraph (d) of this Section.

For any application for such special permit, the applicant shall provide plans to the Commission including, but not limited to, a site plan, signage plan, parking and loading plan, lighting plan and an operations plan (the "Proposed Plans").

- (a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:
- (1) at all times when Riegelmann Boardwalk is open to the public, all publicly accessible space, as shown on the Proposed Plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities. Any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;
  - (2) the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of Riegelmann Boardwalk;
  - (3) any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;
  - (4) the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively; and
  - (5) the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #use# as a #public park#.
- (b) In granting such permit, the Commission shall find that:
- (1) such open-air auditorium will not unduly impair the essential character or the future #use# or #development# of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;
  - (2) the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that the Proposed Plans include noise attenuation features and measures which serve to reduce the effect of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities# ;
  - (3) the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:
    - (i) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #uses# with an eating and drinking establishment or other #use# permitted on Parcel B; and
    - (ii) allow for such #building# to be operated, subsequent to the expiration of the special permit, for #uses# permitted on Parcel B, such as eating or drinking establishments with entertainment;
  - (4) appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22st Street to Riegelmann Boardwalk;
  - (5) the portions of the site not dedicated to the stage area or event seating are so designed to serve as a full time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;
  - (6) any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and Riegelmann Boardwalk;
  - (7) the operations plan, which shall include a protocol for queuing for concertgoers, demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and
  - (8) the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.
- (c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air auditorium and not visible from Riegelmann Boardwalk or other public area shall be permitted.

In order to permit such #signs#, the Commission shall find that proposed signage is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

- (d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking or loading requirements, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# surrounding the auditorium.

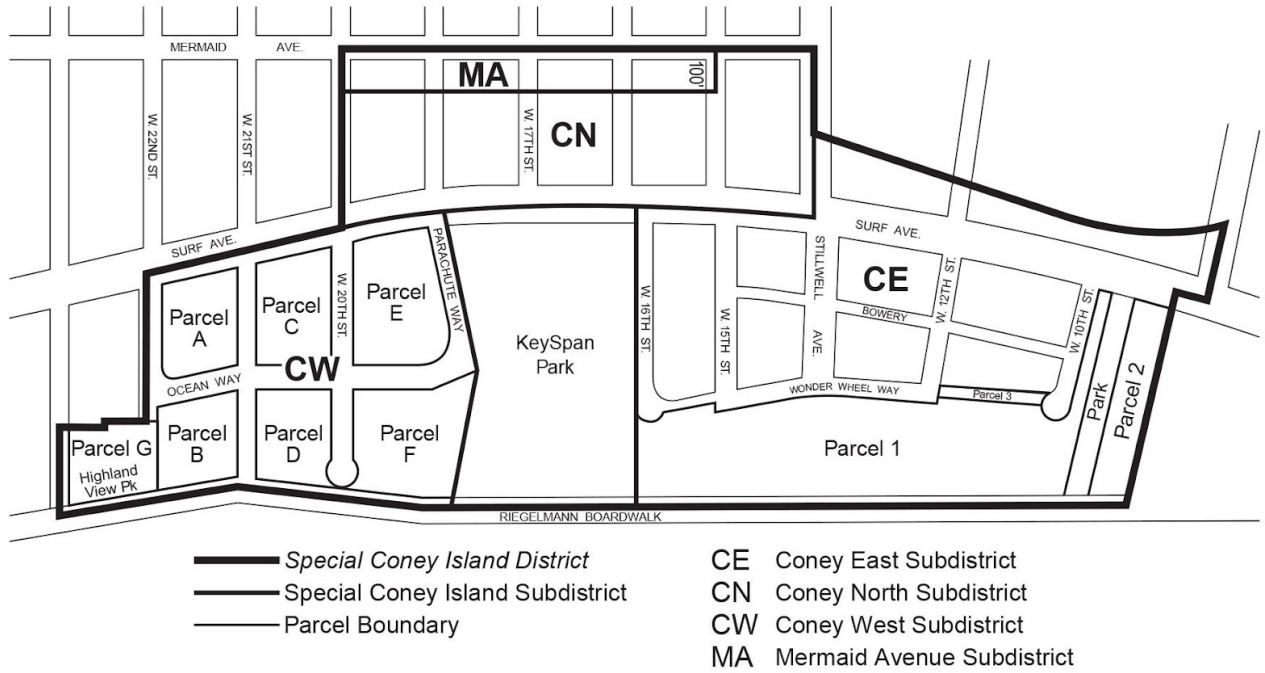
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include, but are not limited to, restrictions on signage or requirements for soundproofing of auditoriums, shielding of floodlights or screening of open #uses#.

Upon the first issuance of this permit for an open-air auditorium, the effective period of the permit shall be 10 years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued. To establish the term of years for subsequent applications for this special permit, the Commission shall, in determining whether the finding of paragraph (b)(1) of this Section is met, take into account the existing character of the surrounding area, as well as #residential# and #community facility development# proposed or under construction on surrounding #blocks#, and shall also consider whether continuation of such auditorium #use# within a proposed term of years would be compatible with or may hinder achievement of the goals and objectives of the #Special Coney Island District# plan. Subsequent applications for this special permit shall be filed no later than one year prior to expiration of the term of the permit then in effect.

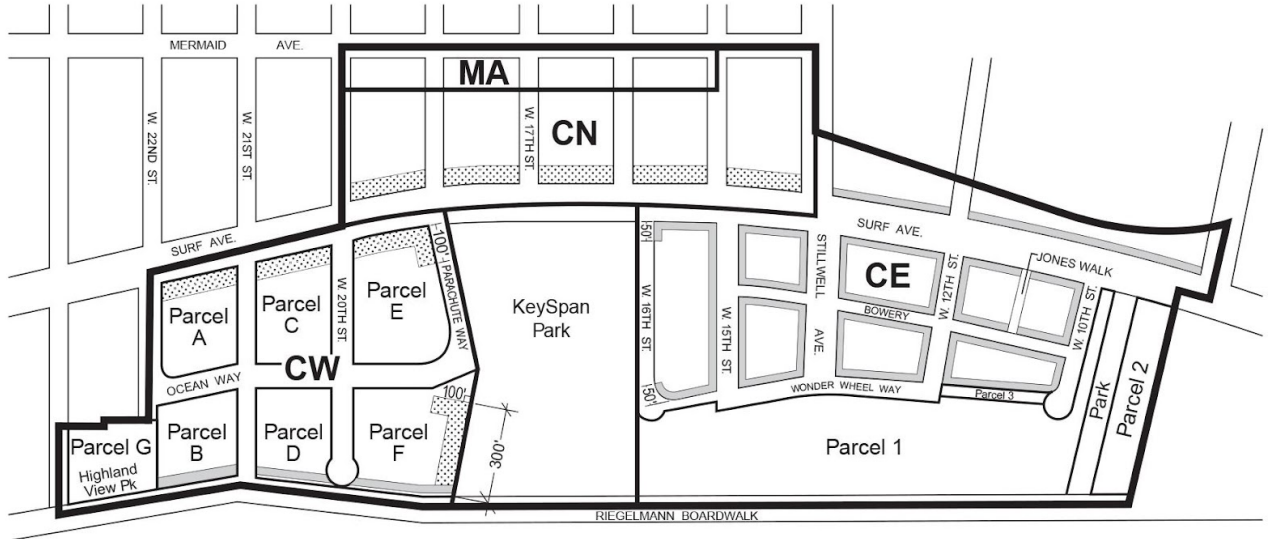
# Appendix A - Coney Island District Plan

LAST AMENDED  
12/19/2013

Map 1 - Special Coney Island District and Subdistricts

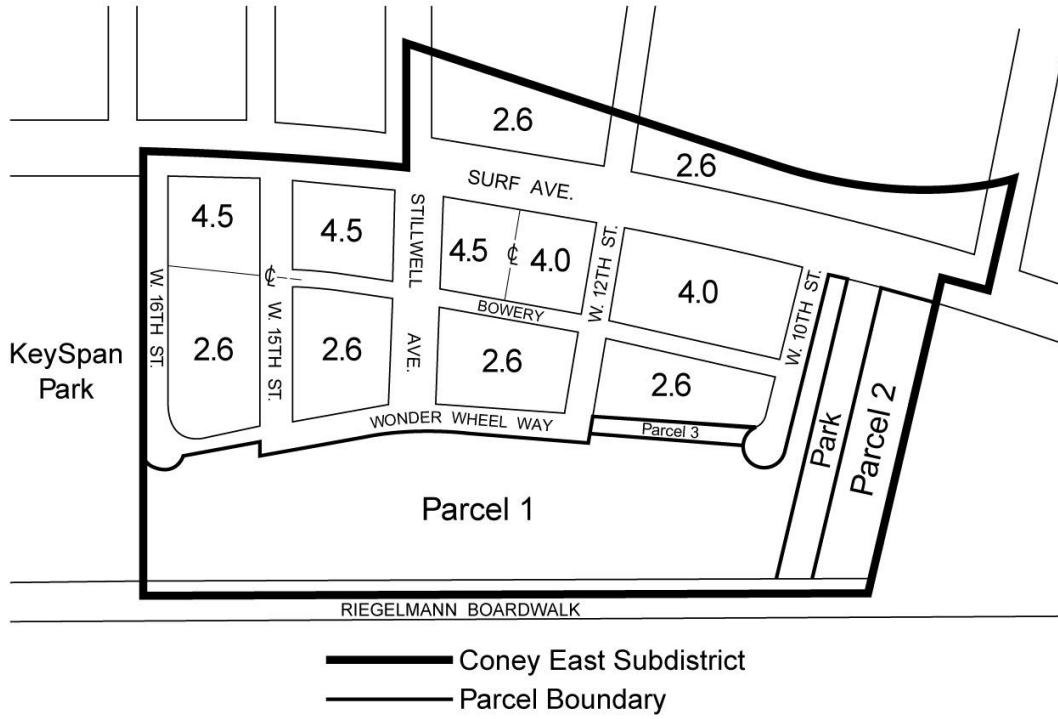


Map 2 - Mandatory Ground Floor Use Requirements

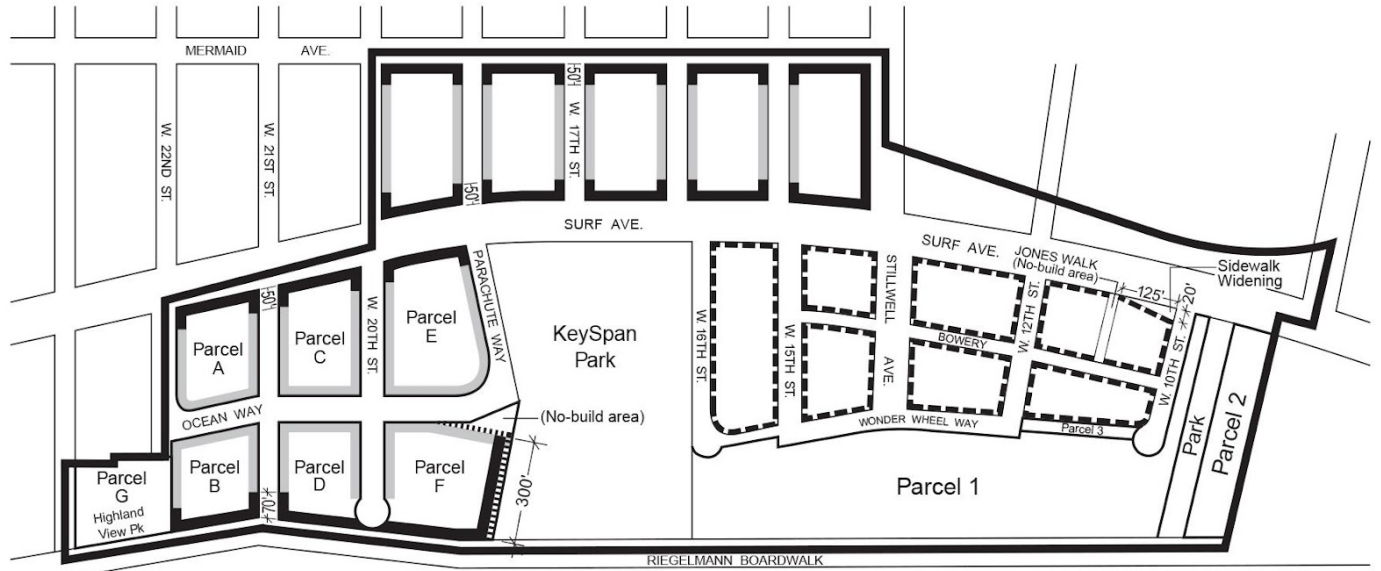








-  Special Coney Island District
-  Special Coney Island Subdistrict
-  Parcel Boundary
-  15' Depth (See Section 131-13)
-  50' Depth (See Section 131-13)

Map 3 - Coney East Subdistrict Floor Area Ratios

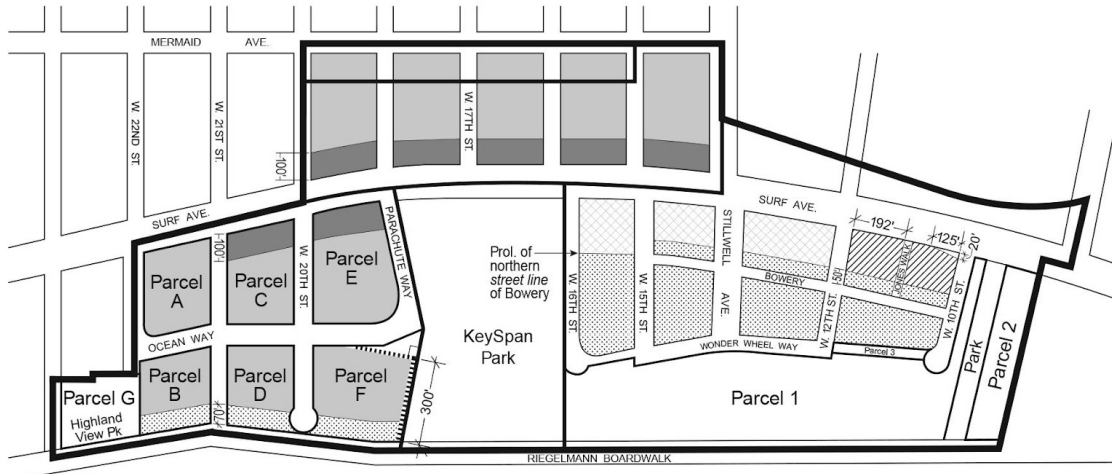


Map 4 - Street Wall Location



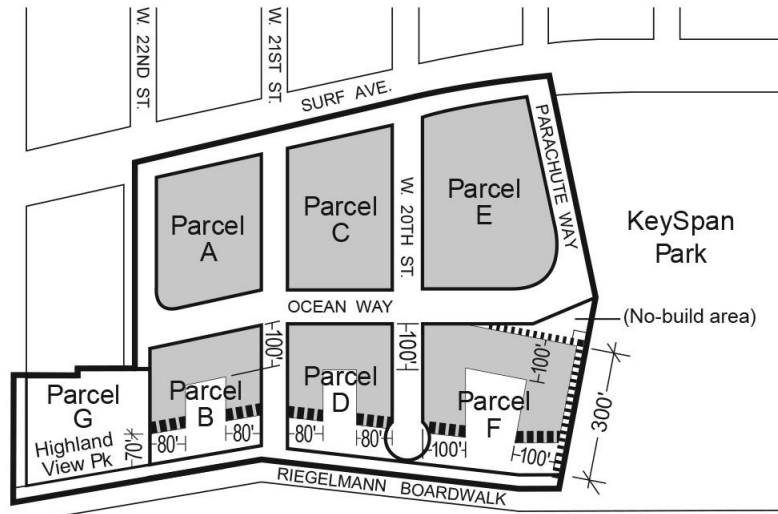
- |   |   |
|---|---|
|  Special Coney Island District |  On Street Line           |
|  Parcel Boundary               |  Within 5' of Street Line |
|  Building Lines of Parcel F    |  Within 8' of Street Line |

Map 5 - Minimum and Maximum Base Heights



- Special Coney Island District**
  - Special Coney Island Subdistrict**
  - Parcel Boundary**
  - Building Line of Parcel F**
- |  |   |
|--|---|
|  | 20' Minimum; 40' Maximum Base Height            |
|  | 35' Minimum; 45' Maximum Base Height            |
|  | 40' Minimum; 65' Maximum Base Height            |
|  | 35' Minimum; 65' Maximum Base Height with Tower |
|  | 65' Minimum; 85' Maximum Base Height            |
- (See Sections 131-42, 131-43, 131-44)

Map 6 - Coney West Subdistrict Transition Heights



- Coney West Subdistrict
- Parcel Boundary
- Building Line of Parcel F
- Required Setbacks  
(See Section 131-432(c)(3))
- 95' Transition Height  
(See Section 131-431(c), 131-432(c))







## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 2 - Special Enhanced Commercial District (EC)**

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## Chapter 2 - Special Enhanced Commercial District (EC)

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### 132-00 - GENERAL PURPOSES

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LAST AMENDED

4/20/2016

The “Special Enhanced Commercial District,” established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in “Special Enhanced Commercial District” 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;
- (b) in “Special Enhanced Commercial District” 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;
- (c) in “Special Enhanced Commercial District” 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (e) in “Special Enhanced Commercial District” 5, to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (f) in “Special Enhanced Commercial District” 6, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and
- (g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

### 132-10 - GENERAL PROVISIONS

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LAST AMENDED

10/7/2021

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

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#, 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. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

### 132-11 - Special Enhanced Commercial Districts Specified

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LAST AMENDED

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (1) Fourth Avenue, in the Borough of Brooklyn, generally between 25th Street and 15th Street, and Pacific Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2

The #Special Enhanced Commercial District# 2 (EC-2) is established on June 28, 2012, on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and
- (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3

The #Special Enhanced Commercial District# 3 (EC-3) is established on June 28, 2012, the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4

The #Special Enhanced Commercial District# 4 (EC-4) is established on October 11, 2012, the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

- (1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;
- (2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;
- (3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway and Van Sinderen Avenue; and
- (4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Fulton Street, in the Borough of Brooklyn, between Sheffield Avenue and Euclid Avenue.

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## 132-12 - Definitions

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LAST AMENDED  
6/28/2012

### Designated commercial street

For the purposes of this Chapter, a “designated commercial street” shall be the portion of those #streets# specified in Section [132-11](#).

### Ground floor level

For the purposes of this Chapter, “ground floor level” shall mean a #building’s# lowest #story# located within 30 feet of the #building’s# #street wall# along a #designated commercial street#.

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## 132-13 - Applicability of Special Use, Transparency, Street Wall and Parking Regulations

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The special #use#, transparency, street wall and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections [132-21](#), [132-31](#) and [132-41](#).

SPECIAL REGULATIONS FOR ENHANCED COMMERCIAL DISTRICTS

#Special Enhanced Commercial District#	Mandatory Ground Floor #Use# Regulations			
	Minimum Percentage of #Commercial# #Uses# ( <a href="#">132-22(a)</a> )	Mandatory Non-#Residential Uses# ( <a href="#">132-22(b)</a> )	Other Permitted #Uses# ( <a href="#">132-22(c)</a> )	Minimum Number of Establishments ( <a href="#">132-23</a> )
EC – 1 (Fourth Avenue, Brooklyn)	x		x	
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)				x
EC – 3 (Broadway, Manhattan)				
EC – 4 (Broadway, Brooklyn)		x	x	
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street, Brooklyn)		x	x	

EC – 6 (Fulton Street, Brooklyn)		x	x	
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#Special Enhanced Commercial District#	Supplemental Ground Floor #Use# Regulations			
	Banks and Loan Offices ( <a href="#">132-24(a)</a> )	Other Non- #Residential# Establishments ( <a href="#">132-24(b)</a> )	Ground Floor Lobbies ( <a href="#">37-33(a)</a> (1))	Ground Floor Transparency ( <a href="#">132-32</a> )
EC – 1 (Fourth Avenue, Brooklyn)			x	x
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)	x	x	x	x
EC – 3 (Broadway, Manhattan)	x		x	x
EC – 4 (Broadway, Brooklyn)			x	x
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street Brooklyn)			x	x

EC – 6 (Fulton Street, Brooklyn)			x	x
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#Special Enhanced Commercial District#	#Street Wall# Location ( <a href="#">132-33</a> )	Parking Regulations	
		Location of Parking Spaces ( <a href="#">132-42</a> )	Curb Cuts ( <a href="#">132-43</a> )
EC – 1 (Fourth Avenue, Brooklyn)		x	x
EC – 2 (Columbus and Amsterdam Avenues, Manhattan)			
EC – 3 (Broadway, Manhattan)			
EC – 4 (Broadway, Brooklyn)		x	x
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street, Brooklyn)		x	x



EC – 6 (Fulton Street, Brooklyn)	x	x	x
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## 132-20 - SPECIAL USE REGULATIONS

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LAST AMENDED

4/20/2016

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section [132-21](#) (Applicability of Use Regulations).

In all #Special Enhanced Commercial Districts#:

- (a) the finished floor of the #ground floor level#, for #developments# or #ground floor level# #enlargements#, shall be located not higher than two feet above, nor lower than two feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#; and
- (b) where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to June 28, 2012, the finished floor of the #ground floor level# shall be located not higher than five feet above, nor lower than five feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#.

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## 132-21 - Applicability of Use Regulations

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LAST AMENDED

4/20/2016

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial Districts# 1, 4, 5 and 6

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# 1, 4, 5 and 6, the applicable special #use# provisions indicated in the table in Section [132-13](#) shall apply to #developments# and to #buildings# #enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:

- (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
  - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
  - (3) April 20, 2016, in #Special Enhanced Commercial District# 5; and
  - (4) April 20, 2016, in #Special Enhanced Commercial District# 6.
- (b) #Special Enhanced Commercial Districts# 2 and 3

In #Special Enhanced Commercial Districts# 2 and 3, the applicable special #use# provisions indicated in the table in Section [132-13](#) shall apply to all #buildings# with frontage along a #designated commercial street#, except that such provisions shall not apply to:

- (1) the portion of a #ground floor level# of a #building# containing a #commercial use# continuously existing since June 28, 2012, where the average depth of such #commercial# #use# is less than 30 feet, as measured from the #street wall# of the #building# fronting upon the #designated commercial street#;
- (2) any establishment which has been lawfully issued a building permit on or before June 28, 2012, authorizing “other construction,” as set forth in paragraph (c)(3) of Section [11-31](#) (General Provisions), that would create a #street wall# width exceeding the maximum #street wall# width set forth in Section [132-24](#), provided that such “other construction” is completed by December 28, 2012. However, where such establishment is located within a landmark #building# or within an Historic District designated by the Landmarks Preservation Commission, and a completed application has been filed at the Landmarks Preservation Commission on or before June 28, 2012, such “other construction” shall be completed within six months after a Certificate of Appropriateness or other permit approving the #building# design was obtained from the Landmarks Preservation Commission.

In the event that such “other construction” has been commenced but not completed before the applicable date set forth in this paragraph (b)(2), the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit pursuant to the provisions set forth in paragraph (b) of Section [11-332](#) (Extension of period to complete construction); and

- (3) in #Special Enhanced Commercial District# 2, the portion of a #ground floor level# of a #building# containing a food store, as listed in Use Group 6A, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non food grocery products shall be distributed as follows:
  - (i) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
  - (ii) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

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## **132-211 - Non-conforming uses**

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LAST AMENDED  
10/11/2012

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified, as follows:

- (a) For the purposes of this Chapter, #non-conforming# #uses# shall include #ground floor level# #uses# exceeding the applicable maximum #street wall# widths set forth in Section [132-24](#).
- (b) Any #ground floor level# #use# with a #non-conforming# #street wall# width may be continued or changed to another #use# permitted by the applicable district regulations, provided that such change of #use# does not create a new #non-conformance# or increase the degree of #non-conformance# with regard to the permitted #street wall# width of such

proposed #use#. The discontinuance provisions of Section [52-60](#) shall not apply to such change of #use# within establishments with #non-conforming# #street wall# widths.

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## 132-22 - Mandatory Ground Floor Uses

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LAST AMENDED

4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# #street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level# #street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's# #ground floor level# fronting upon a #designated commercial street#.

(a) Minimum percentage of #commercial# #uses#

Mandatory #commercial# #use# regulations shall apply to an area of a #building's# #ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's# #street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial# #uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.

(b) Mandatory non-#residential uses#

In the applicable #Special Enhanced Commercial Districts#, the #ground floor level# of a #building# fronting along a #designated commercial street# shall be occupied by any non-#residential use# permitted by the underlying district regulations or by other #uses# permitted pursuant to paragraph (c) of this Section.

(c) Other permitted #uses#

In the applicable #Special Enhanced Commercial Districts#, Type 1 lobbies, entrances and exits to #accessory# parking facilities and entryways to subway stations, where applicable, shall be permitted on the #ground floor level# of a #building# along a #designated commercial street#, in accordance with the provisions of Section [37-33](#) (Maximum Width of Certain Uses).

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## 132-23 - Minimum Number of Establishments

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LAST AMENDED

6/28/2012

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall comply with the minimum depth requirements of Section [37-32](#) (Ground

Floor Depth Requirements for Certain Uses).

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## 132-24 - Maximum Street Wall Width

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LAST AMENDED

4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

(a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's# #street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

(b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential# #ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

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## 132-30 - SPECIAL TRANSPARENCY AND STREET WALL LOCATION REGULATIONS

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LAST AMENDED

4/20/2016

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section [132-31](#).

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## 132-31 - Applicability of Transparency Regulations

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LAST AMENDED

4/20/2016

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to #developments# and to #buildings# #enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

(a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:

- (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
- (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3;
- (3) October 11, 2012, for #Special Enhanced Commercial District# 4; and

(4) April 20, 2016, for #Special Enhanced Commercial Districts# 5 and 6;

(b) in #Special Enhanced Commercial Districts# 1, 4, 5 and 6, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units#.

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## 132-32 - Ground Floor Level Transparency Requirements

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LAST AMENDED

4/20/2016

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the special transparency regulations of Section [37-34](#) (Minimum Transparency Requirements) shall apply to the #ground floor level# #street walls# of #buildings# fronting along a #designated commercial street#.

However, in #Special Enhanced Commercial Districts# 5 and 6, for #buildings# containing Use Groups 16, 17 and 18 at the #ground floor level#, up to 50 percent of the length of a #street wall# may be exempt from such regulations. Where the exempted portion is 50 feet or more in length and contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is less, such exempted portion shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. Where an #extension# or a #conversion# of the #ground floor level# results in a reduction of the exempted portion, provisions set forth in Section [37-34](#) shall apply to such reduced portion.

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## 132-33 - Street Wall Location

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LAST AMENDED

4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to a #street wall# or its prolongation fronting along a #designated commercial street#. The open area between the #street line# and #street wall#, or its prolongation, resulting from requirements set forth in this Section, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. When applying requirements set forth in this Section, two or more adjacent #developments# or #enlargements# under common ownership or control shall be considered a single #development# or #enlargement#.

In #Commercial# and #Manufacturing Districts#, other than C4-4L Districts, mapped within #Special Enhanced Commercial District# 6, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line# of the #designated commercial street#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

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## 132-40 - SPECIAL PARKING REGULATIONS

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LAST AMENDED

4/20/2016

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations).

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## 132-41 - Applicability of Parking Regulations

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LAST AMENDED

4/20/2016

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

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## 132-42 - Locations of Parking Spaces

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LAST AMENDED

4/20/2016

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

All off-street parking spaces shall be located within a #completely enclosed# #building# and shall be wrapped by #floor area# or screened in accordance with the provisions of Section [37-35](#) (Parking Wrap and Screening Requirements), as applicable.

Entrances to such spaces along a #designated commercial street# shall be permitted only where a curb cut is allowed in accordance with the provisions of Section [132-43](#).

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## 132-43 - Curb Cut Requirements

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LAST AMENDED

4/20/2016

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
  - (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
  - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
  - (3) April 20, 2016, in #Special Enhanced Commercial District# 5; or
  - (4) April 20, 2016, in #Special Enhanced Commercial District# 6;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and

- (d) has a #lot area# of at least 5,700 square feet.

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## 132-50 - CERTIFICATIONS AND AUTHORIZATIONS

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LAST AMENDED

6/28/2012

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### 132-51 - Certification to Allow a Limited Increase in Street Wall Width

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LAST AMENDED

6/28/2012

In #Special Enhanced Commercial District# 2, an establishment may #extend#, thereby exceeding the maximum #street wall# width for non-#residential# establishments set forth in paragraph (b) of Section [132-24](#), and may reduce the number of establishments required pursuant to [132-23](#) upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and
- (b) the applicant has submitted an affidavit attesting to and including information that:
  - (1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and
  - (2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:
    - (i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;
    - (ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or
    - (iii) regulatory limitations; and
- (c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment, either existing, or with an approved certification or authorization pursuant to Section [132-50](#) that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

- (1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and
- (2) provide at the time of application, pursuant to Section [132-50](#), evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such

application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

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## **132-52 - Authorization to Modify Maximum Street Wall Widths of Establishments**

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LAST AMENDED

6/28/2012

In #Special Enhanced Commercial Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in paragraphs (a) and (b) of Section [132-24](#), provided the Commission finds that:

- (a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or
- (b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.





## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 3 - Special Southern Roosevelt Island District (SRI)**

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# Chapter 3 - Special Southern Roosevelt Island District (SRI)

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## 133-00 - GENERAL PURPOSES

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LAST AMENDED

5/8/2013

The “Special Southern Roosevelt Island 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 provide opportunities for the development of an academic and research and development campus in a manner that benefits the surrounding community;
- (b) to allow for a mix of residential, retail and other commercial uses to support the academic and research and development facilities and complement the urban fabric of Roosevelt Island;
- (c) to establish a network of publicly accessible open areas that take advantage of the unique location of Roosevelt Island and that integrate the academic campus into the network of open spaces on Roosevelt Island and provide a community amenity;
- (d) to strengthen visual and physical connections between the eastern and western shores of Roosevelt Island by establishing publicly accessible connections through the Special District and above-grade view corridors;
- (e) to encourage alternative forms of transportation by eliminating required parking and placing a maximum cap on permitted parking;
- (f) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street and surrounding waterfront open areas, and thus to encourage more attractive and innovative building forms; and
- (g) to promote the most desirable use of land in this area and thus conserving the value of land and buildings, and thereby protecting the City’s tax revenues.

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## 133-01 - Definitions

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LAST AMENDED

5/8/2013

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section [12-10](#) (DEFINITIONS). Where matter in italics is defined both in Section [12-10](#) and in this Chapter, the definitions in this Chapter shall govern.

### Base plane

The definition of #base plane# is hereby modified to mean elevation 19.0, which elevation reflects the measurement in feet above Belmont Island Datum, which is 2.265 feet below the mean sea level at Sandy Hook, N.J.

### Development parcel

The “development parcel” is all of the property located within the boundaries of the #Loop Road#, as shown in the Appendix to this Chapter. The #development parcel# shall be deemed a single #zoning lot# for the purpose of applying all regulations of this

Resolution.

Loop Road - East Loop Road, North Loop Road, South Loop Road, West Loop Road

The “Loop Road” shall be comprised of the “East Loop Road”, the “North Loop Road”, the “South Loop Road”, and the “West Loop Road”, as shown in the Appendix to this Chapter. All such roads shall be deemed separate #streets# for the purpose of applying all regulations of this Chapter and shall not generate #floor area#.

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### **133-02 - General Provisions**

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LAST AMENDED  
5/8/2013

The provisions of this Chapter shall apply within the #Special Southern Roosevelt Island 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.

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### **133-03 - District Plan and Maps**

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LAST AMENDED  
5/8/2013

The regulations of this Chapter are designed to implement the #Special Southern Roosevelt Island District# Plan.

The District Plan includes the following maps:

Map 1 – Special Southern Roosevelt Island District, Development Parcel and Loop Road

Map 2 – Public Access Areas.

The maps are located in Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. The maps are incorporated for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

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### **133-04 - Applicability of Article III, Chapter 6**

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LAST AMENDED  
5/8/2013

The provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, a maximum of 500 #accessory# parking spaces shall be permitted, which may be made available for public use.

However, bicycle parking shall be provided in accordance with the provisions of Section [36-70](#).

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### **133-05 - Applicability of Special Regulations Applying in the Waterfront Area**

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LAST AMENDED

5/8/2013

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, the area between the #shoreline# and the western #street line# of the #West Loop Road# and the area between the #shoreline# and the eastern #street line# of the #East Loop Road# shall be used exclusively for open recreational uses, and shall be accessible to the public at all times.

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## **133-10 - SPECIAL USE REGULATIONS**

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LAST AMENDED

5/8/2013

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## **133-11 - Additional Uses**

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LAST AMENDED

5/8/2013

Within the #development parcel#, the provisions of Section [32-10](#) (USES PERMITTED AS-OF-RIGHT) are modified to permit Use Group 17B research, experimental or testing laboratories. Any Use Group 17B #uses# within the #development parcel# shall conform with the performance standards of Section [42-20](#), inclusive, applicable to such #use# in an M1 District.

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## **133-12 - Location Within Buildings**

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LAST AMENDED

5/8/2013

Within the #development parcel#, the provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall not apply.

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## **133-20 - SPECIAL BULK REGULATIONS**

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LAST AMENDED

5/8/2013

Within the #development parcel#, the special #bulk# regulations of this Section, inclusive, shall apply.

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## **133-21 - Floor Area Ratio**

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LAST AMENDED

5/8/2013

The #floor area# provisions of Section [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts) shall be modified to permit a maximum #residential# #floor area ratio# of 3.44 without regard to a #height factor#. In addition, the maximum permitted #floor area ratio# for a Use Group 17B research, experimental or testing laboratory shall be 3.40.

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## **133-22 - Lot Coverage**

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LAST AMENDED

5/8/2013

The #open space ratio# requirements of Section [23-15](#) (Open Space and Floor Area Regulations in R6 1 through R10 Districts) and the #lot coverage# requirements of Sections [23-15](#) and [24-11](#) (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the aggregate #lot coverage# for all #buildings# shall comply with the following requirements:

- (a) The maximum #lot coverage# from the #base plane# to a height that is 20 feet above the #base plane# shall be 70 percent.
- (b) The maximum #lot coverage# from a height that is more than 20 feet above the #base plane# to a height that is 60 feet above the #base plane# shall be 60 percent.
- (c) The maximum #lot coverage# from a height that is more than 60 feet above the #base plane# to a height that is 180 feet above the #base plane# shall be 45 percent.
- (d) The maximum #lot coverage# above a height of 180 feet above the #base plane# shall be 25 percent.

The City Planning Commission may authorize an increase in the maximum #lot coverage# as set forth in paragraph (c) of this Section to up to 55 percent, upon finding that such increase is necessary to achieve the programmatic requirements of the development, and will not unduly restrict access of light and air to publicly accessible areas and #streets#.

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### **133-23 - Height and Setback**

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LAST AMENDED  
5/8/2013

The height and setback regulations of Sections [23-60](#), [24-50](#) and [33-40](#) shall apply, except as modified by this Section. All heights shall be measured from the #base plane#.

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### **133-231 - Modification of height and setback controls**

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LAST AMENDED  
5/8/2013

#Buildings or other structures# may exceed the underlying height and setback regulations for a percentage of the length of each #street line# of the #Loop Road#, as follows:

- (a) #North Loop Road# - 65 percent
- (b) #East Loop Road# - 35 percent
- (c) #West Loop Road# - 35 percent
- (d) #South Loop Road# - 65 percent.

Furthermore, the #street line# length percentages set forth in paragraphs (a) through (d) of this Section may be exceeded by one percentage point for every two percentage points that the #lot coverage# within 50 feet of a #street line# is less than the following percentage:

- (1) #North Loop Road# - 50 percent
- (2) #East Loop Road# - 30 percent
- (3) #South Loop Road# - 50 percent
- (4) #West Loop Road# - 30 percent.

All portions of #buildings or other structures# that exceed the underlying height and setback regulations in accordance with this Section shall comply with the height regulations of Section 133-232.

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### **133-232 - Height regulations**

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LAST AMENDED

5/8/2013

For the portion of any #building or other structure# exceeding the height and setback regulations set forth in Section [133-231](#), the maximum height of such portion located within 500 feet of the #North Loop Road# shall be 320 feet, exclusive of permitted obstructions allowed by the underlying height and setback regulations, and the maximum height for any such portion on the remainder of the #development parcel# shall be 280 feet, exclusive of such permitted obstructions.

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### **133-233 - Maximum area of stories above a height of 180 feet**

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LAST AMENDED

5/8/2013

The gross area of any #story# located entirely above a height of 180 feet shall not exceed 15,000 square feet. Where a single #building# has two or more portions located above 180 feet that are entirely separate from one another above such height, each such portion shall not exceed a gross area of 15,000 square feet for any #story# located in whole or part above 180 feet.

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### **133-234 - Permitted obstructions**

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LAST AMENDED

12/6/2023

Sections [23-62](#), [24-51](#) and [33-42](#) (Permitted Obstructions) shall be modified to allow #energy infrastructure equipment# and #accessory# mechanical equipment on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

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### **133-24 - Distance Between Buildings**

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LAST AMENDED

5/8/2013

The requirements of Sections [23-70](#) (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and [23-82](#) (Building Walls Regulated by Minimum Spacing Requirements) shall not apply, provided that if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings#, or such detached portions of #buildings#, shall at no point be less than eight feet apart at or below a height of 180 feet, and shall at no point be less than 60 feet apart above a height of 180 feet.

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### **133-25 - Modification of Bulk Regulations**

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LAST AMENDED

5/8/2013

Within the #Special Southern Roosevelt Island District#, the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

- (a) such modifications are necessary to achieve the programmatic requirements of the academic and research and development campus;
- (b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Southern Roosevelt Island District# and the surrounding neighborhood;
- (c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and
- (d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Southern Roosevelt Island District# to the detriment of the occupants or users of #buildings# in the Special District or on nearby #blocks#.

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## **133-30 - PUBLIC ACCESS AREAS**

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LAST AMENDED  
5/8/2013

At least 20 percent of the #lot area# of the #development parcel# shall be publicly accessible and shall include, but need not be limited to, a Central Open Area, a North-South Connection, and a Waterfront Connection Corridor, for which the size and location requirements are set forth in Section [133-31](#). Any supplemental public access areas provided in order to meet the minimum public access #lot area# requirements of this Section shall comply with the requirements of paragraph (d) of Section [133-31](#). Design and operational standards for such public access areas are set forth in Section [133-32](#).

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## **133-31 - Size and Location of Public Access Areas**

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LAST AMENDED  
5/8/2013

- (a) Central Open Area

A Central Open Area shall front upon the #West Loop Road# for a minimum linear distance of 150 feet and be located at least 300 feet south of the #North Loop Road#, and at least 300 feet north of the #South Loop Road#. The Central Open Area shall be at least 30,000 square feet in area, with no portion having a dimension less than 20 feet in all directions counting toward such minimum area.

- (b) North-South Connection

A continuous pedestrian connection shall be provided through the #development parcel# from the #North Loop Road#, or from the #West Loop Road# or #East Loop Road# within 200 feet of the #North Loop Road#, to the #South Loop Road#, or to the #West Loop Road# or #East Loop Road# within 200 feet of the #South Loop Road#. Such North-South Connection shall have a minimum width of 50 feet throughout its required length. The North-South Connection shall include at least one segment with a minimum length of 300 feet located more than 100 feet from both the #West Loop Road# and #East Loop Road#.

The North-South Connection shall connect to the Central Open Area either directly, or through a supplemental public access area having a minimum width of 30 feet. In the event that the North-South Connection traverses the Central

Open Area, the area within the North-South Connection, as determined by its length and minimum required width, shall not be included in the 30,000 square foot minimum area of the Central Open Area.

There shall be at least one publicly accessible connection from the #East Loop Road# and from the #West Loop Road# to the North-South Connection. Such connections shall have a minimum width of 30 feet, and shall be located a minimum of 300 feet south of the #North Loop Road# and a minimum of 300 feet north of the #South Loop Road#. In addition, such connections may be coterminous with the Waterfront Connection Corridor required by paragraph (c) of this Section.

(c) Waterfront Connection Corridor

A Waterfront Connection Corridor shall be provided through the #development parcel# allowing for pedestrian access between the western boundary of the #East Loop Road# and either the eastern boundary of the #West Loop Road# or the eastern boundary of the Central Open Area. Such corridor shall be located in its entirety in the area located 300 feet south of the #North Loop Road# and 300 feet north of the #South Loop Road#. The Waterfront Connection Corridor shall have a minimum width of 30 feet.

(d) Supplemental Public Access

Supplemental public access areas may be located anywhere within the #development parcel#, provided such areas have a minimum dimension of 20 feet in all directions and connect directly to one or more of the #Loop Roads#, the North-South Connection, the Central Open Space and the Waterfront Connection Corridor.

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## 133-32 - Design Requirements for Public Access Areas

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LAST AMENDED  
5/8/2013

(a) Level of public access areas and limits on coverage

At least 80 percent of publicly accessible areas shall be located at grade level, or within five feet of grade level, as such grade level may change over the #development parcel#, and shall be open to the sky. The remainder of such publicly accessible areas may be enclosed, covered by a structure, or located more than five feet above or below grade level, provided that such publicly accessible areas are directly accessible from public access areas that are at grade level or within five feet of grade level, and in all cases have a minimum clear height of 15 feet.

At least 50 percent of the linear #street# frontage for the Central Open Area required under Section [133-31](#), paragraph (a), shall be located at the same elevation as the adjoining sidewalk of the #West Loop Road#. At least 80 percent of the area of the Central Open Area shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 30 feet shall be provided in any area of the Central Open Area covered by a #building or other structure#.

The northern and southern access points to the North-South Connection shall be located at the same elevation as the adjoining public sidewalk. The elevation of the North-South Connection may vary over the remainder of its length. At least 70 percent of the area of the North-South Connection shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 15 feet shall be provided in any area of the North-South Connection covered by a #building or other structure#.

Any portion of the Waterfront Connection Corridor that is covered by a #building# or located within a #building# shall



have a minimum clear height of 30 feet, provided that overhead walkways, structures and lighting occupying in the aggregate no more than 10 percent of the area of the Waterfront Connection Corridor, as determined by the minimum required width, shall be permitted within the required clear height.

(b) Clear paths

The North-South Connection and the Waterfront Connection Corridor shall each have a clear path of 12 feet throughout their entire required lengths, including those connections required between the North-South Connection and the #East# and #West Loop Roads#. All such clear paths shall be accessible to persons with disabilities.

(c) Permitted obstructions

Permitted obstructions allowed under paragraph (a) of Section [62-611](#) may be located within any required public access area, provided that no such permitted obstructions shall be located within a required clear path. Furthermore, kiosks may be up to 500 square feet in area, and open air cafes may occupy not more than five percent of any required public access area.

(d) Seating

A minimum of one linear foot of seating shall be provided for each 200 square feet of required public access areas. Required seating types may be moveable seating, fixed individual seats, fixed benches with or without backs, and design-feature seating such as seat walls, planter edges or steps. All required seating shall comply with the following standards:

- (1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.
- (2) Seating shall have a height not less than 16 inches or greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (d)(5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.
- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.
- (4) Moveable seating shall be credited as 24 inches of linear seating per chair. All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the public access area is open to the public.
- (5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of all required seating. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of a public access area.

Seating shall be provided in the Central Open Area in an amount equal to a minimum of one linear foot for every 100 square feet of the Central Open Area. Such seating shall include at least one moveable chair for every 500 square feet of the Central Open Area, and at least one other seating type. One table shall be provided for every four moveable chairs. At least 15 percent of the required seating shall be located within 20 feet of any #Loop Road#, and at least 10 percent of such required seating shall be located within 20 feet of the North-South Connection or any supplemental public access area that connects the Central Open Area to the North-South Connection.

Seating shall be provided in the North-South Connection in an amount equal to at least one linear foot for every 150 square feet of the North-South Connection. At least 20 linear feet of such seating shall be located within 20 feet of its northern entrance and an additional 20 linear feet of such seating shall be located within 20 feet of its southern entrance. There shall be at least two types of seating in the North-South Connection.

Seating for open air cafes may be used by members of the public regardless of whether such persons are patrons of a cafe when not being used for service.

(e) Planting

At least 20 percent of the required public access areas on the #development parcel# shall be comprised of planted areas, including planting beds and lawns.

At least 30 percent of the Central Open Area shall be planted with lawns, planting beds or a combination thereof.

(f) Hours

All required public access areas shall be open daily from 6:00 a.m. to 10:00 p.m. Signs stating that the North-South Connection is publicly accessible shall be posted at its northern and southern entrances. Signs indicating that the Central Open Space is publicly accessible shall be posted at its entrance from the #West Loop Road# and the North-South Connection.

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## 133-40 - BUILDING PERMITS

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LAST AMENDED  
5/8/2013

The Department of Buildings shall not approve any application for a building permit for a #development# or #enlargement# unless such application shows the location of the Central Open Area, the North-South Connection and the Waterfront Connection Corridor, and any supplemental public access areas, for the purpose of demonstrating that the required amount of public access area, as set forth in Sections [133-30](#) and [133-31](#), is able to be accommodated on the #development parcel#.

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## 133-50 - PHASING

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LAST AMENDED  
5/8/2013

The public access areas required pursuant to Section [133-30](#), inclusive, may be built out in phases on the #development parcel# in accordance with this Section.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 300,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 25,000 square feet of public access area is substantially complete and open to the public.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 500,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 40,000 square feet of public access area is substantially complete and open to the public. The Central Open Area shall be part of the public access area required to be substantially completed and open to the public under this paragraph.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for each additional 200,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that an additional 12,000 square feet of public access area is substantially completed and open to the public. A portion of the North-South Connection connecting at least one of the #Loop Roads# and the Central Open Area shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 750,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel#. The Waterfront Connection shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 900,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel#.

Except as set forth above, the open space provided pursuant to this Section may include interim open space areas, provided that no temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 1,700,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that all of the Central Open Area, the North-South Connection and the Waterfront Connection are substantially complete and open to the public.

Not more than 20 percent of the #lot area# of the #development parcel# shall be required to be improved as public access areas, and the obligation to provide public access areas, in accordance with paragraphs (a), (b), (c) and (d) of this Section, shall terminate at such time as 20 percent of the #lot area# of the #development parcel# has been improved as public access areas and has been opened to the public.

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## **133-60 - MODIFICATION OF PUBLIC ACCESS AREAS**

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LAST AMENDED

5/8/2013

Any public access area may be modified, eliminated or reconfigured over time, provided that such modification, elimination or reconfiguration does not reduce the amount of public access area required under Section [133-60](#) (PHASING) for the amount of #floor area# located on the #development parcel# at the time of such activity. Any modified or reconfigured public access area shall comply with the applicable provisions of Section [133-30](#), inclusive.

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## **133-70 - NO-BUILD VOLUME**

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LAST AMENDED

5/8/2013

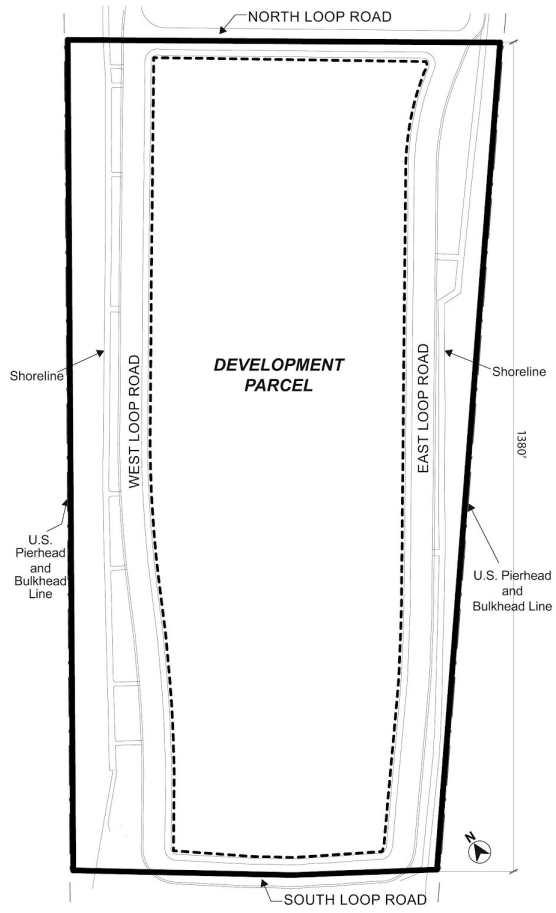
A volume shall be established on the #development parcel# between a line that is 300 feet south of the #North Loop Road# and a line that is 300 feet north of the #South Loop Road#. Such volume shall extend from the #East Loop Road# to the #West Loop Road# along a line that is within 30 degrees of the line connecting true east and true west. The minimum width of such volume shall be 50 feet, with its lowest level 60 feet above the #base plane#. Such volume shall be open to the sky. No obstructions of any kind shall be permitted within such volume.

## **APPENDIX A - Special Southern Roosevelt Island District Plan**

LAST AMENDED

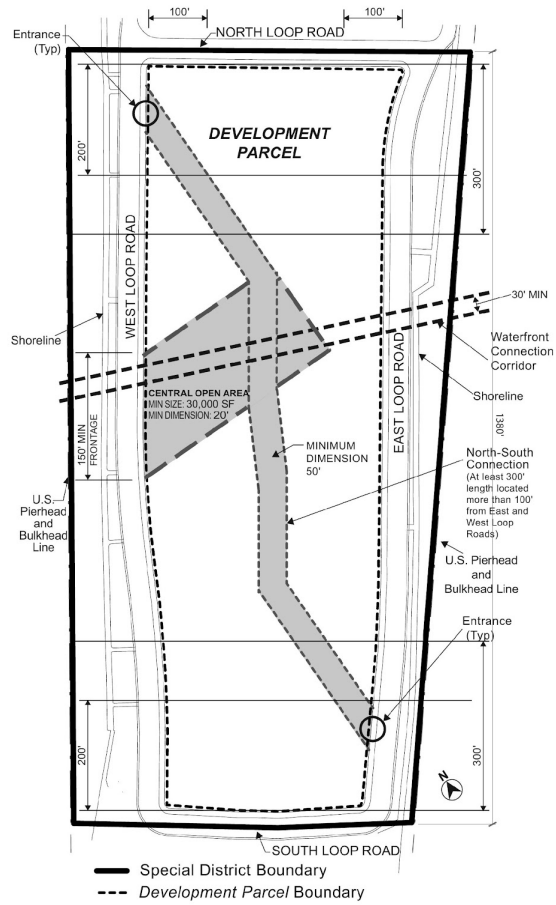
5/8/2013

Map 1 – Special Southern Roosevelt Island District, Development Parcel and Loop Road



- Special District Boundary
- - - Development Parcel Boundary

# Map 2 – Public Access Areas



Entrance (Typ)

100'

NORTH LOOP ROAD

DEVELOPMENT PARCEL

200'

WEST LOOP ROAD

300'

Shoreline

30' MIN

Waterfront Connection Corridor

Shoreline

CENTRAL OPEN AREA  
MIN SIZE: 30,000 SF  
MIN DIMENSION: 20'

MINIMUM DIMENSION 50'

EAST LOOP ROAD

150' MIN FRONTAGE

North-South Connection  
(At least 300' length located more than 100' from East and West Loop Roads)

U.S. Pierhead and Bulkhead Line

U.S. Pierhead and Bulkhead Line

Entrance (Typ)

300'

SOUTH LOOP ROAD





## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 4 - Special Governors Island District (GI)

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## Chapter 4 - Special Governors Island District (GI)

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### 134-00 - GENERAL PURPOSES

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LAST AMENDED

5/27/2021

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

- (a) to promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
- (b) to encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
- (c) to promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;
- (d) to preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural and commercial uses;
- (e) to facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource;
- (f) to provide additional opportunities for new development in defined areas of the southern part of the Island with connections to and an appropriate relationship with publicly accessible open spaces and the Governors Island Historic District;
- (g) to provide flexibility of architectural design within limits established to preserve views and activate buildings along publicly accessible open spaces;
- (h) to create a network of publicly accessible open spaces that provides pedestrian connections and view corridors and provides a community amenity that takes advantage of the unique geography of the Island; and
- (i) to promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

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### 134-01 - General Provisions

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LAST AMENDED

5/27/2021

The provisions of this Chapter shall apply within the #Special Governors Island District#. Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and the 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 Hazard Areas), the provisions of Article VI, Chapter 4, shall control.



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## **134-02 - District Plan and Maps**

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LAST AMENDED

5/27/2021

The regulations of this Chapter are designed to implement the #Special Governors Island District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Governors Island District, Subdistricts and Subareas

Map 2. Building Parcels, Primary Connection Locations and Esplanade

Map 3. Secondary Connection Locations

Map 4. Maximum Base Heights and Setbacks

The maps 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.

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## **134-03 - Subdistricts and Subareas**

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LAST AMENDED

5/27/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section [134-22](#) (Special Height and Setback Regulations).

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

Northern Subdistrict

Southern Subdistrict

In each of these Subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Governors Island District#. Within the Southern Subdistrict, three subareas are established, as follows:

Eastern Subarea

Containing #building parcels# E-1 through E-4

Western Subarea

Containing #building parcel# W-1

Open Space Subarea

The location and boundaries of the subdistricts, subareas, and #building parcels# are shown on Maps 1 and 2 in the Appendix to this Chapter.

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## **134-04 - Definitions**

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LAST AMENDED

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

### Building parcel

A “building parcel” is a portion of the #zoning lot# located within the Eastern Subarea or Western Subarea that is bounded on each side by #primary connections#, subarea boundaries or #Yankee Pier Plaza#. For the purposes of applying the regulations of this Resolution, other than #floor area ratio#, the boundary of any #building parcel# shall be considered a #street line# and a wall or portion of a wall of a #building# facing such #street line# shall be considered a #street wall#.

### Esplanade

The “esplanade” is that portion of the Open Space Subarea along the #shoreline# identified on Map 2 in the Appendix to this Chapter, that includes the public way existing as of May 27, 2021.

### Primary connection

A “primary connection” is a public way within one of the primary connection locations shown on Map 2 in the Appendix to this Chapter, that complies with the requirements of Section [134-41](#) (Primary Connections).

### Secondary connection

A “secondary connection” is a public way within one of the secondary connection locations shown on Map 3 in the Appendix to this Chapter, that complies with the requirements of Section [134-42](#) (Secondary Connections).

### Yankee Pier Plaza

The “Yankee Pier Plaza” is the portion of the Eastern Subarea designated to contain a publicly accessible open space, as shown on Map 2, that complies with the requirements of Section [134-43](#) (Yankee Pier Plaza).

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## **134-05 - Applicability of Article VI, Chapter 2**

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LAST AMENDED  
5/27/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply within the #Special Governors Island District#.

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## **134-06 - Applicability of Article VII, Chapter 6**

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LAST AMENDED

5/27/2021

The provisions of Section [76-145](#) (Boundary Line Coinciding With Parks, Cemeteries or Navigable Waters) shall be modified such that where the zoning district boundaries shown on the applicable zoning map coincide with the #shoreline#, such zoning district boundaries shall be deemed to extend beyond the #shoreline# to also include any piers contained within the #Special Governors Island District#.

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## **134-10 - SPECIAL USE REGULATIONS**

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LAST AMENDED

5/27/2021

The #use# regulations of the underlying districts are hereby superseded, modified or supplemented as set forth in this Section, inclusive

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## **134-11 - Permitted Uses**

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LAST AMENDED

5/27/2021

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## **134-111 - Permitted uses in subdistricts**

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LAST AMENDED

5/27/2021

In the Northern Subdistrict and the Southern Subdistrict, the following #uses# shall be permitted, except as otherwise specified in Section [134-112](#) (Permitted uses in the Open Space Subarea). In addition, in the Northern Subdistrict, the provisions of Section [134-14](#) (Certification for Large Commercial Establishments) shall apply to any #commercial# #use# exceeding 7,500 square feet of #floor area#.

From Use Groups 1 through 4, as set forth in Sections [22-11](#) through [22-14](#):

All #uses#.

From Use Group 5, as set forth in Section [32-14](#):

All #uses#, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels).

From Use Group 6, as set forth in Section [32-15](#):

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Group 7, as set forth in Section [32-16](#):

All #uses# in Use Group 7A, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels).

From Use Group 7B: bicycle rental or repair shops, sailmaking establishments, and sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

From Use Group 8A, as set forth in Section [32-17](#):

All #uses#.

From Use Group 9A, as set forth in Section [32-18](#):

All #uses#, except automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostating establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs, or umbrella repair shops.

From Use Group 10A, as set forth in Section [32-19](#):

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load; eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels; photographic or motion picture production studios; and radio or television studios.

Additionally, in the Southern Subdistrict only, carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment; and furniture stores, with no limitation on #floor area# per establishment.

From Use Group 11A, as set forth in Section [32-20](#):

In the Northern Subdistrict: all #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments; or orthopedic or medical appliances custom manufacturing.

In the Southern Subdistrict: all #uses#.

From Use Group 12, as set forth in Section [32-21](#):

In the Northern Subdistrict, from Use Group 12A: all #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or of any capacity with dancing; stadiums or trade expositions.

In the Southern Subdistrict, from Use Group 12A: all #uses#, except stadiums

In the Northern and Southern Subdistricts, from Use Groups 12B and 12C: all #uses#.

From Use Groups 13 and 14, as set forth in Sections [32-22](#) and [32-23](#):

All #uses#.

From Use Group 15, as set forth in Section [32-24](#):

Merry-go-rounds.

From Use Group 16, as set forth in Section [32-25](#):

In the Southern Subdistrict, from Use Group 16A: carpentry, custom woodworking or custom furniture making shops.

In the Southern Subdistrict, from Use Group 16C: warehouses.

From Use Group 17, as set forth in Section [42-14](#):

In the Southern Subdistrict, from Use Group 17B: research, experimental or testing laboratories; furniture manufacture; manufacture of pharmaceutical products, chemical compounding or packaging; manufacture of non-alcoholic beverages; food product manufacture (except slaughtering of meat or preparation of fish for packing); building and repair of boats of less than 200 feet in length.

In the Southern Subdistrict, from Use Group 17C: electric utility substations, enclosed, with no limitation as to size; and docks for vessels, other than passenger ocean vessels or gambling vessels.

From Use Group 18, as set forth in Section [42-15](#):

In the Southern Subdistrict, from Use Group 18A: the manufacture of alcoholic beverages and breweries, without limitation on size; sewage disposal plants.

In the Southern Subdistrict, from Use Group 18B: marine transfer stations.

Transit facilities, open or enclosed.

#Accessory uses#, open or enclosed.

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## **134-112 - Permitted uses in the Open Space Subarea**

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LAST AMENDED

5/27/2021

In the Open Space Subarea of the Southern Subdistrict, the following #uses# shall be permitted.

(a) In locations of the Open Space Subarea other than piers, #uses# shall be limited to:

From Use Group 4, as set forth in Section [22-14](#):

#Public parks# or playgrounds or private parks.

From Use Group 6A, as set forth in Section [32-15](#):

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

From Use Group 13, as set forth in Section [32-22](#):

All open #uses# in Use Group 13A.

Transit facilities, open or enclosed.

#Accessory# #uses#, open or enclosed.

#Uses# otherwise permitted in the Southern Subdistrict pursuant to Section [134-111](#) (Permitted uses in subdistricts) may be located in #cellars# within the Open Space Subarea.

(b) On any pier in the Open Space Subarea, #uses# shall be limited to the following:

From Use Group 4, as set forth in Section [22-14](#):

Clubs, limited to non-profit private beach clubs and non-profit private boat clubs.

From Use Group 6, as set forth in Section [32-15](#):

Docks for water taxis, with a vessel capacity of up to 99 passengers.

From Use Group 7, as set forth in Section [32-16](#):

#Boatels#, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels).

From Use Group 9, as set forth in Section [32-18](#):

Docks for sightseeing, excursion or sport fishing vessels, other than gambling vessels.

From Use Group 10, as set forth in Section [32-19](#):

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load.

From Use Group 14, as set forth in Section [32-23](#):

Boat launching facilities for non-commercial pleasure boats; boat rental establishments, open or enclosed; boat storage, repair, or painting establishments.

From Use Group 16, as set forth in Section [32-25](#):

Warehouses.

From Use Group 18, as set forth in Section [42-15](#):

Sewage disposal plants; marine transfer stations.

#Accessory# #uses#, open or enclosed.

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## **134-12 - Applicability of Performance Standards**

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LAST AMENDED

5/27/2021

In all districts, any #use# listed in Use Group 16, 17, or 18 shall conform to the performance standards for M1 Districts as set forth in Sections [42-20](#) and [42-28](#), inclusive, except that the provisions of Section [42-27](#) (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to the manufacture of alcoholic beverages and breweries.

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## **134-14 - Certification for Large Commercial Establishments**

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LAST AMENDED

5/27/2021

In the Northern Subdistrict, any #commercial# #use# larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

In the Northern Subdistrict, no building permit shall be issued with respect to a #commercial# #use# larger than 7,500 square feet of #floor area# unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial# #uses# permitted pursuant to Section [134-15](#) (Authorization for Certain Commercial Uses).

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## **134-15 - Authorization for Certain Commercial Uses**

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LAST AMENDED

5/27/2021

The City Planning Commission may authorize any #commercial# #use# not allowed pursuant to Section [134-11](#), inclusive, to locate within the Northern Subdistrict, Eastern Subarea or the Western Subarea of the #Special Governors Island District#, provided that such #commercial# #use#:

- (a) will promote the goals of the #Special Governors Island District#;
- (b) will complement existing #uses# within the special district; and
- (c) is compatible with the nature, scale and character of other #uses# within its subdistrict.

Any application to authorize a #commercial# #use# in the Eastern Subarea or Western Subarea pursuant to this Section shall be referred to the local community board. The City Planning Commission shall not grant such authorization prior to forty-five (45) days after the referral.

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## **134-16 - Special Supplemental Use Regulations**

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LAST AMENDED

5/27/2021

In the Southern Subdistrict, special supplemental #use# regulations shall apply to all #buildings# as set forth in this Section, inclusive.

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## **134-161 - Location of uses**

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LAST AMENDED

5/27/2021

- (a) Buildings containing #commercial# and #residential uses#

In any #mixed building#, the provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall apply, except that #dwelling units# shall be permitted on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#.

However, #commercial# #uses# may be located on a higher #story# than any #dwelling units#, including over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#. Any application to authorize such a modification shall be referred to the local community board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

- (b) Buildings containing certain #commercial# or industrial #uses#

No #dwelling units# shall be permitted within any #building# which also contains a #use# listed in Use Groups 16, 17,

or 18.

(c) Limitation on access to #dwelling units#

In any #building# containing #residential uses#, no direct access shall be provided from the exterior of the #building# to an individual #dwelling unit#. However, access to #dwelling units# shall be permitted through shared entrances, lobbies or #courts#.

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## 134-162 - Enclosure of uses

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LAST AMENDED

5/27/2021

In the #Special Governors Island District#, the underlying supplemental #use# regulations of Section [32-412](#) (In other Commercial Districts) shall be modified to also apply to any permitted #manufacturing uses#.

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## 134-17 - Special Signage Regulations

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LAST AMENDED

5/27/2021

In the #Special Governors Island District#, the #sign# regulations shall apply as follows:

- (a) In the Northern Subdistrict, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.
- (b) In the Southern Subdistrict, the #sign# regulations of a C4 District shall apply, except that no #flashing signs# shall be permitted.
- (c) No #signs# shall be permitted on any pier within the Southern Subdistrict. However, such restriction shall not apply to informational or wayfinding signs not exceeding 25 square feet each, or to signage identifying “Governors Island” or a pier from the waterway.

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## 134-20 - SPECIAL BULK REGULATIONS

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LAST AMENDED

5/27/2021

In the Northern Subdistrict, the underlying #bulk# regulations shall apply, as superseded, modified, or supplemented by this Section, inclusive. The #bulk# regulations of a C1 District mapped within an R3-2 District shall apply to all #commercial# #uses#.

In the Southern Subdistrict, the underlying #bulk# regulations shall not apply. In lieu thereof, the provisions of this Section, inclusive, shall apply. All heights within the Southern Subdistrict shall be measured from the #base plane#, except as otherwise provided for by the provisions of Article VI, Chapter 4 (Regulations Applying in Special Flood Hazard Areas).

For the purposes of applying the regulations of this Section, inclusive, to the #esplanade#, the open area required by paragraph (d) of Section [134-44](#) shall be considered part of the #esplanade#.

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## 134-21 - Floor Area Regulations

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LAST AMENDED



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## 134-211 - Floor Area Regulations in the Northern Subdistrict

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LAST AMENDED

5/27/2021

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Northern Subdistrict shall be considered a single #zoning lot#.

Within the Northern Subdistrict, the underlying #floor area ratios# shall apply to all permitted #uses#.

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## 134-212 - Floor Area Regulations in the Southern Subdistrict

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LAST AMENDED

5/27/2021

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Eastern and Western Subarea of the Southern Subdistrict shall, in combination, be considered a single #zoning lot#. No #floor area# may be generated from the Open Space Subarea.

Within the Southern Subdistrict, the maximum #floor area ratios# permitted for #residential# and non-#residential uses# on a #zoning lot#, along with the total #floor area ratio# permitted on a #zoning lot#, shall be as set forth in the following table:

### MAXIMUM FLOOR AREA RATIO IN SOUTHERN SUBDISTRICT

Use Group 3 & 4 (exclusive of ambulatory diagnostic or treatment health care facilities)	2.63
All other #uses#	2.0
#residential uses#	0.5
Use Group 5	0.313
total maximum FAR	2.63

In addition, the following provisions shall apply:

- (a) the aggregate #lot area# of the Eastern and Western Subareas, shall be considered to be 1,436,930 square feet. #Floor area# shall be permitted to be located anywhere within such subareas without regard to the #lot area# of a subarea or the separation of the subareas by the Open Space Subarea;
- (b) no #floor area# shall be generated within the Open Space Subarea, but the #floor area# contained in any #buildings or other structures# permitted as obstructions within the Open Space Subarea pursuant to paragraph (b)(5) of Section [134-24](#) (Height and Setback Regulations) shall be included in the calculation of aggregate #floor area# for the purposes of paragraph (c) of this Section; and

(c) in no event shall the aggregate #floor area# in the Southern Subdistrict exceed 3,775,000 square feet.

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## 134-22 - Lot Coverage

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LAST AMENDED

5/27/2021

For the purposes of determining the permitted #lot coverage# pursuant to this Section, each #building parcel# shall be considered a separate #zoning lot#. Within the Eastern and Western Subareas, the maximum #lot coverage# shall be as set forth in the following table:

### MAXIMUM LOT COVERAGE

height above #base plane# (in feet)	#lot coverage# (in percent)
Below 60	80
60 to 125	50
above 125	30

In the Open Space Subarea, no #lot coverage# regulations shall apply.

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## 134-23 - Yard Regulations

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LAST AMENDED

5/27/2021

Within the Southern Subdistrict, no #yard# regulations shall apply.

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## 134-24 - Height and Setback Regulations

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LAST AMENDED

12/6/2023

(a) Northern Subdistrict

The underlying district height and setback regulations of Article II (Residence District Regulations) are applicable or modified as follows:

- (1) For #buildings# containing #residences#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for in #buildings# in which 75 percent or more of the #floor area# is #community facility# #floor area#.
- (2) For #buildings# in which 75 percent or more of the #floor area# is #community facility# #floor area#, the underlying height and setback regulations shall not apply. In lieu thereof, any portion of a #building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet.
- (3) For #buildings# containing #commercial# #uses#, the underlying height and setback regulations for #commercial# #uses# are modified as follows: no #building# containing #commercial# #uses# shall exceed a height of 30 feet, except for #buildings# subject to paragraphs (a)(1) or (a)(2) of this Section.
- (4) All structures other than #buildings# shall be limited to a height of 35 feet.

(b) Southern Subdistrict

Within the Southern Subdistrict, the following height and setback regulations shall apply.

Where heights are measured from the #base plane#, the #base plane# shall be established at 12.348 feet above Manhattan Datum.

(1) #Street wall# location

On #building parcel# E-2, where any portion of a #building# is located within 60 feet of #Yankee Pier Plaza#:

- (i) at least 65 percent of the #street wall# facing #Yankee Pier Plaza# shall be located within 15 feet of the #street line# adjoining #Yankee Pier Plaza#, and shall rise to a minimum base height of 30 feet; and
- (ii) where any portion of such #building# exceeds 125 feet in height, at least 50 percent of the #street wall# facing the #esplanade# shall rise to a minimum base height of 30 feet and be located within 30 feet of the #esplanade#.

On all other #building parcels# and for the #street lines# on #building parcel# E-2 other than the #street lines# facing #Yankee Pier Plaza# and the #esplanade#, no #street wall# location requirements shall apply.

(2) Maximum base height and required setback

Within 15 feet of the #street line#, or as otherwise specified in Map 4 of the Appendix to this Chapter, the height of a #building# shall not exceed the maximum base heights set forth in Map 4 for the applicable frontage of a #building parcel#.

(3) Maximum #building# height

The maximum height of a #building or other structure# shall not exceed the height set forth in the following table for the applicable #building parcel#:

MAXIMUM HEIGHT

#Building parcel#	Height above #base plane# (in feet)
E-1	125
E-2	225
E-3	175
E-4	125
W-1	200

In addition, the following shall apply:

- (i) In the Eastern Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within 150 feet of the boundary of the Northern Subdistrict.

- (ii) In the Eastern Subarea, no portion of a #building or other structure# may be located in the open area required by paragraph (d) of Section [134-44](#) (Other Open Areas).
  
- (iii) In the Western Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within:
  - (a) 100 feet of the #esplanade#;
  
  - (b) 150 feet of the boundary of the Northern Subdistrict; or
  
  - (c) 100 feet of the southern end of #building parcel# W-1.

For the purposes of this Section, the southern end of #building parcel# W-1 shall be measured from a line drawn perpendicular to the #esplanade# and intersecting #building parcel# W-1.

- (iv) In the Open Space Subarea, no portion of a #building or other structure# shall be permitted above #base plane#, except as provided in paragraph (b)(5) of this Section.
- (4) Permitted obstructions in the Eastern Subarea and Western Subarea

In the Eastern Subarea and Western Subarea, the provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings#, modified as follows:

- (i) the obstructions permitted by paragraph (b) of Section [33-42](#) may exceed the maximum #building# height by 40 feet with no restriction on area; and
  
  - (ii) no such obstructions shall be permitted within the setback required by paragraph (b)(2) of this Section.
- (5) Permitted obstructions in the Open Space Subarea

In the Open Space Subarea, permitted obstructions shall include:

- (i) #buildings or other structures# containing permitted #uses#, up to a height of not more than 25 feet;
- (ii) #buildings or other structures# containing permitted theater #uses#, up to a height of not more than 35 feet; and
- (iii) equipment and appurtenances associated with public parks and playgrounds, including, but not limited to, sculptures, works of art and other amenities referenced in Section [37-726](#) (Permitted obstructions).

The permitted obstructions set forth in paragraphs (b)(5)(i) and (b)(5)(ii) of this Section shall occupy no more than 20 percent of the Open Space Subarea.

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## 134-25 - Maximum Floor Plate Size

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LAST AMENDED  
5/27/2021

Within the Southern Subdistrict, the maximum area and length of any #story# shall be as specified in this Section, as applicable.

Within the Eastern Subarea, the maximum length of a #building# at any height shall be 400 feet, as measured parallel to the #street line#. For the purposes of the Section, #abutting# #buildings# shall be considered a single #building#. However, #buildings# that only #abut# via an enclosed bridge that is located at least 30 feet above the adjoining grade, and that has a width of not more than 30 feet, length of not more than 60 feet and a height not exceeding 15 feet, shall not be considered a single #building#.

For any #story# fully above a height of 125 feet, the following provisions shall apply. Where a #building# has multiple portions above such height, the maximum size requirements shall apply to each portion separately.

- (a) In the Eastern Subarea, no #story# shall be permitted to have a gross area in excess of 30,000 square feet.
- (b) In the Western Subarea, no #story# shall be permitted to have a gross area in excess of 27,000 square feet.

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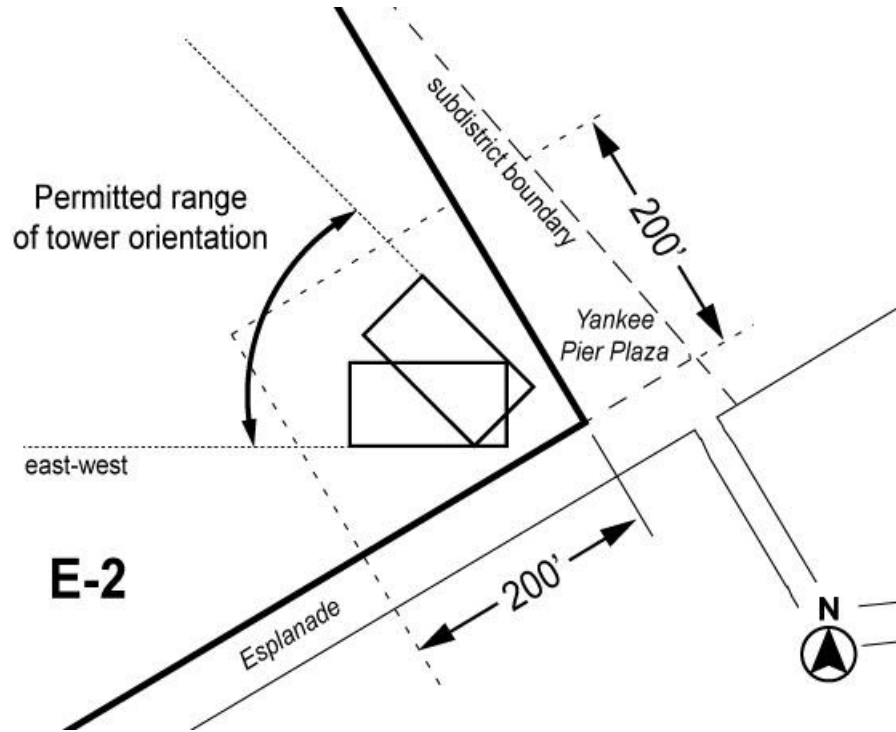
## 134-26 - Orientation and Maximum Widths of Upper Portions of Buildings

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LAST AMENDED  
5/27/2021

On #building parcel# E-2, within 200 feet of #Yankee Pier Plaza# and 200 feet of the #esplanade#, the longest side of any

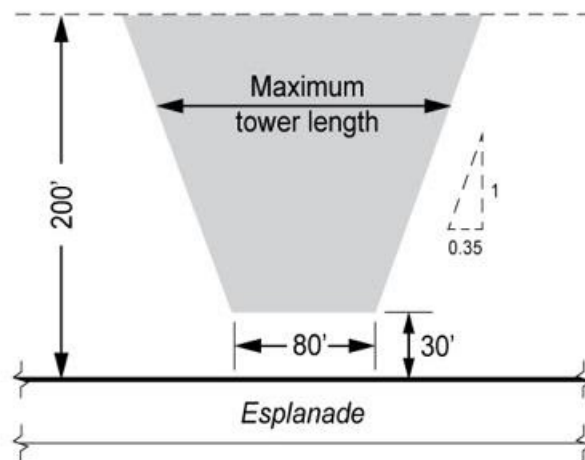
portion of a #building# located within this area, and above a height of 125 feet, shall be oriented parallel to the boundary of the Northern Subdistrict, true East-West, or anywhere between these two directions.



On the portion of #building parcel# E-2 that is beyond 200 feet of #Yankee Pier Plaza#, and on #building parcels# E-3 and E-4, for portions of #buildings# above a height of 125 feet, the provisions of paragraph (a) of this Section shall apply where no #story# within such portion has a gross area greater than or equal to 20,000 square feet, and the provisions of paragraph (b) shall apply where any #story# within such portion has a gross area greater than 20,000 square feet.

(a) For floor plates less than 20,000 square feet

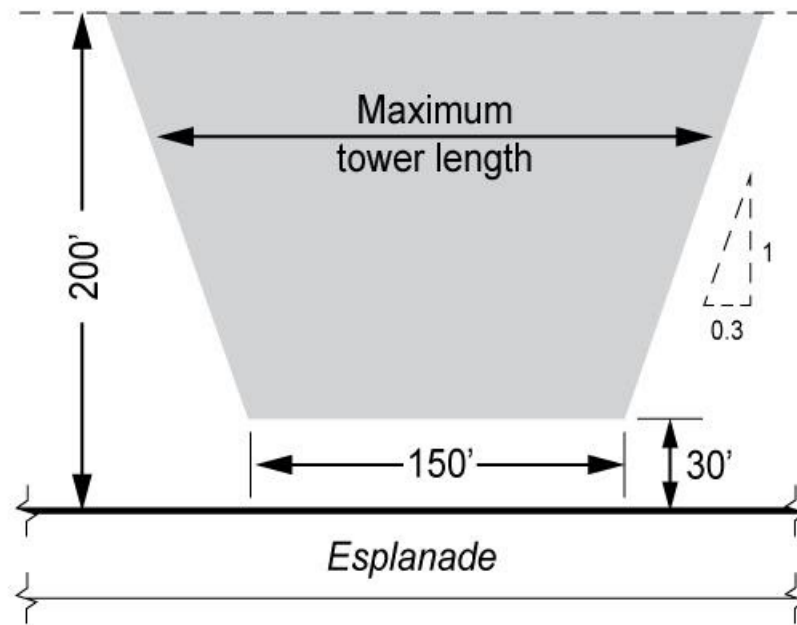
Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 80 feet along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.35 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



(b) For floor plates equal to or greater than 20,000 square feet

Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 150 feet

along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.3 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



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### 134-27 - Minimum Distance Between Buildings

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LAST AMENDED  
5/27/2021

Within the Southern Subdistrict, the requirements of this Section shall apply to all #buildings#.

- (a) No separation shall be required between portions of #buildings# that are less than or equal to a height of 75 feet, except as set forth in paragraph (d) of this Section.

However, in the Eastern Subarea, where the total #street wall# width of all #buildings# along a single #street line# exceeds 400 feet along such #street line#, such #buildings# shall be at least 30 feet apart.

- (b) Portions of #buildings# located above a height of 75 feet and below 125 feet shall at no point be located less than 60 feet apart.
- (c) Portions of #buildings# located at or above a height of 125 feet shall at no point be located less than 90 feet apart.
- (d) The regulations of Sections [23-70](#) (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and [23-80](#) (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS) shall apply to any portion of a #building# containing #residences# or #community facility uses# containing living accommodations with required windows, except where more stringent requirements apply pursuant to paragraphs (a) through (c) of this Section.

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### 134-28 - Building Articulation

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LAST AMENDED  
5/27/2021



Within the Southern Subdistrict, any portion of a #building# that is located at or below a height of 75 feet, and has a #street wall# width greater than 200 feet, as measured parallel to the #street line#, shall provide recesses in accordance with the following requirements:

- (a) recesses shall be required to extend along at least 25 percent of the #street wall# width that is in excess of 200 feet. No required recess shall have a width of less than 10 feet;
- (b) such recesses shall have an average depth of at least 10 feet;
- (c) such recesses may be of varying dimensions and heights, provided that the requirements of this Section are met at each level of the #building#.

No articulation shall be required where frontage requirements apply pursuant to paragraph (b)(1) of Section [134-24](#) (Height and Setback Regulations).

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## **134-29 - Authorization for Bulk Modifications in the Southern Subdistrict**

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LAST AMENDED

5/27/2021

The City Planning Commission may authorize modification of the provisions of Sections [134-25](#) through [134-28](#), provided that the Commission finds that such modification:

- (a) will promote the goals of the #Special Governors Island District#; and
- (b) will result in a superior urban design relationship with surrounding ways, #buildings# and public open areas or provide an equivalent or better distribution of #bulk# on the #building parcel#.

Any application pursuant to this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

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## **134-30 - SPECIAL GROUND FLOOR AND STREETScape REQUIREMENTS**

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LAST AMENDED

5/27/2021

In the Southern Subdistrict, the ground floor and streetscape requirements of this Section, inclusive, shall apply to all #buildings#.

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## **134-31 - Transparency Requirements**

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LAST AMENDED

5/27/2021

- (a) Facing #Yankee Pier Plaza#

On #building parcel# E-2, the ground floor level #street wall# facing #Yankee Pier Plaza# shall comply with the requirements of Section [37-34](#) (Minimum Transparency Requirements). For the purpose of applying these requirements, such ground floor level #street wall# shall be considered a #primary street frontage#, as that term is defined in Section [37-311](#) (Definitions).

(b) Enclosed #secondary connections#

For any entrance to a #secondary connection# that is enclosed at the point of entry, 50 percent of the surface area of the #street wall# of such #secondary connection# between a height of two feet and the height of the #secondary connection# at the point of entry shall be glazed with transparent materials.

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## 134-32 - Mechanical Screening Requirements

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LAST AMENDED

5/27/2021

Mechanical equipment located on top of #buildings#, and below the maximum base height or maximum #building# height, shall be screened with plantings, solid walls, or fences from the Open Space Subarea, as well as from any connections and open spaces required pursuant to Section [134-40](#) (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive.

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## 134-40 - REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS

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LAST AMENDED

5/27/2021

In the Southern Subdistrict, connections and open spaces shall be provided as set forth in this Section, inclusive.

- (a) No building permit shall be issued by the Department of Buildings for a #development# or #enlargement# on a #building parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a site plan designating the location of any connection or open area required within or adjacent to such #building parcel# by Sections [134-41](#) through [134-44](#), has been approved by the Chairperson.

Notwithstanding the foregoing, the Chairperson shall allow for the phased development of such connections or open area within each #building parcel#, or portion thereof, upon certification to the Commissioner of Buildings that a site plan has been submitted that provides for the location of any connection or open space required by Sections [134-41](#) through [134-44](#), in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

- (b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the connections and open area, or portions thereof, in the phase that is subject to the application, which shall demonstrate that:
- (1) any partial connections and open areas are of sufficient length and width to provide adequate site access for the benefit of residents and workers in the phase to which they relate, as well as for the general public;
  - (2) the site plan is consistent with, and appropriate in relation to, any previously approved plan for other phases; and
  - (3) the site plan is consistent with the requirements set forth in this Section, inclusive.
- (c) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are substantially complete in accordance with the site plan, and are useable by the public.
- (d) No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are fully complete in accordance with the site plan.
-

## 134-41 - Primary Connections

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LAST AMENDED

5/27/2021

The Eastern Subarea shall be subdivided by #primary connections# within the flexible locations identified on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

#Primary connections# shall comply with the following requirements:

- (a) a #primary connection# shall have a minimum width of 60 feet;
- (b) a #primary connection# shall be open to the sky for its full length and width, except that awnings or canopies of less than 250 square feet per awning or canopy shall be permitted at #building# entrances. Awnings and canopies, and associated structural supports extending from the #street wall#, shall extend no farther than 15 feet, and shall be located not less than 15 feet above grade and no vertical supports shall be permitted;
- (c) an unobstructed path having a width of at least 24 feet shall be provided for the full length of each #primary connection#. Such clear path shall be designed for pedestrian use, and may additionally be designed for, and crossed by, pathways for bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path; and
- (d) #primary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public.

## 134-42 - Secondary Connections

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LAST AMENDED

5/27/2021

#Secondary connections# shall be provided in the locations identified on Map 3 (Secondary Connection Locations) in the Appendix to this Chapter. #Secondary connections# shall comply with the following requirements:

- (a) one #secondary connection# shall be provided within each of the #building parcels# W-1 and E-2;
- (b) one #secondary connection# shall be provided within #building parcel# E-3, except that where the #primary connections# abutting #building parcel# E-3 are less than 500 feet apart, the #secondary connection# may instead be provided within #building parcel# E-4;
- (c) a #secondary connection# may be open, covered, enclosed, or some combination thereof;
- (d) a #secondary connection# shall have a minimum width of 30 feet;
- (e) any portion of a #secondary connection# that is enclosed or covered shall have a minimum clear height of 30 feet;
- (f) an unobstructed path having a width of at least 12 feet shall be provided for the full length of each #secondary connection#. Such clear path shall permit pedestrian use, and may additionally permit bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path;
- (g) open or covered #secondary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public. Enclosed #secondary connections# shall be open to the public at all times that the Open Space Subarea, other than the #esplanade#, is open to the public; and

- (h) signage shall be located at each point of entry to a #secondary connection# and shall state that the #secondary connection# is “OPEN TO THE PUBLIC,” list its hours of operation, and include a public space symbol exactly matching the symbol provided in the Required Signage Symbols file on the Department of City Planning website.
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### **134-43 - Yankee Pier Plaza**

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LAST AMENDED

5/27/2021

The Eastern Subarea shall include a public open area, within the location designated as #Yankee Pier Plaza# on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

Such plaza:

- (a) shall have a minimum area of 25,000 square feet;
  - (b) shall provide connections between Yankee Pier, the Northern Subdistrict and portions of the Open Space Subarea north of the Eastern Subarea;
  - (c) shall be open to the public at all times that the Southern Subdistrict is open to the public;
  - (d) may have areas designed and designated for vehicular and pedestrian access; and
  - (e) may include stairs, ramps, planted areas, open or enclosed facilities for ferry passengers, kiosks containing no more than 250 square feet of #floor area#, ticket machines, information booths, temporary structures not exceeding one #story#, bicycle parking, #cellars#, and other amenities not containing #floor area#, as permitted obstructions.
- 

### **134-44 - Other Open Areas**

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LAST AMENDED

5/27/2021

- (a) Adjacent to #Yankee Pier Plaza#

Open areas between #Yankee Pier Plaza# and any wall of a #building# or open #commercial# #use# that is within 60 feet of #Yankee Pier Plaza# shall be provided as publicly accessible open area and subject to the requirements of paragraphs (c) through (e) of Section [134-43](#) (Yankee Pier Plaza).

- (b) Adjacent to #primary connections#

Open areas between a #primary connection# and any wall of a #building# or open #commercial# #use# that is within 50 feet of such #primary connection# shall be provided as publicly accessible open areas, and shall be open to the public at all times that such adjoining #primary connection# is open to the public. In addition, open areas beyond 50 feet of a #primary connection# may be provided as publicly accessible open areas. All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

- (c) Adjacent to portions of the Open Space Subarea

Open areas located between a #building# or open #commercial# #uses# and the Open Space Subarea or an open area required by paragraph (d) of this Section, shall be provided as publicly accessible open areas, and shall be open to the public at all times that the adjoining portion of the Open Space Subarea is open to the public.

Where portions of such open areas are located beyond 50 feet of the Open Space Subarea or an open area required by paragraph (d), such portions may be provided as publicly accessible open areas.

All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(d) Adjacent to the eastern #esplanade#

Within the Eastern Subarea, on all #building parcels#, an open area with a depth of 20 feet shall be provided along the entire portion of the #esplanade# which #abuts# the #building parcel#. This open area shall be provided as a publicly accessible widening of the #esplanade#, and shall be open to the public at all times that the Open Space Subarea is open to the public.

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## 134-45 - Fences

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LAST AMENDED

5/27/2021

Fences, where provided, shall be considered permitted obstructions within any of the connections or open spaces required by Section [134-40](#) (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive, provided they comply with the requirements of this Section:

- (a) no fence shall be permitted within any clear circulation path required by Section [134-40](#), inclusive;
- (b) within any required connection or open space, fences shall only be permitted:
  - (1) at the perimeter of recreation spaces, such as any playgrounds, tot lots, or dog runs, provided within such connection of open space; and
  - (2) along the boundary of an adjoining open #commercial# #use# or other private area;
- (c) a fence shall have a maximum height of four feet measured from the adjoining grade level, and must be at least 70 percent open; and
- (d) chain link fencing or barbed or razor wire fencing shall not be permitted.

The City Planning Commission may authorize modification of provisions of paragraphs (a) and (b) of this Section, upon a finding that such modification is necessary to facilitate site safety and operations, and does not adversely impact access to the required connection or open space during operable hours. Fences which are permitted pursuant to this authorization may rise to a maximum height of five feet measured from the adjoining grade.

Any application to authorize modification of the provisions of paragraphs (a) and (b) of this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

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## 134-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

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LAST AMENDED

5/27/2021

The off-street parking and loading regulations of the underlying districts shall not apply, exclusive of bicycle parking, in the #Special Governors Island District#. In lieu thereof, the provisions of this Section [134-50](#), inclusive, shall apply.

No accessory off-street parking facilities or loading berths shall be required for any #development# or #enlargement# within the #Special Governors Island District#.

#Accessory# off-street parking spaces may be provided for all permitted #uses#. Within the Southern Subdistrict a maximum of 200 such spaces shall be permitted.

#Accessory# off-street loading berths may be provided for all permitted #uses#. All loading berths within the Southern Subdistrict shall either be enclosed or screened from the Open Space Subarea, as well as any connections and open spaces required pursuant to Section [134-40](#) (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive, with planting, solid walls or fences, except that screening may be interrupted by vehicular and pedestrian entrances.

No more than two entrances to enclosed facilities containing off-street parking spaces, loading berths, or a combination thereof shall be permitted on #street walls# facing the Open Space Subarea, per #building parcel#. Such limitation shall not apply to #street walls# facing a #primary connection# or #secondary connection#.

The underlying bicycle parking regulations of Section [25-80](#), inclusive and Section [36-70](#) (BICYCLE PARKING), inclusive, shall apply in the #Special Governors Island District#. For any #use# permitted in the Southern Subdistrict where the number of required bicycle parking spaces is not provided in the tables in Sections [25-811](#) or [36-711](#) (Enclosed bicycle parking spaces), the required number of bicycle parking spaces for such #use# shall be one per 10,000 square feet of #floor area#.

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## **134-51 - Certification for Additional Access to Accessory Off-Street Parking Spaces and Loading Berths**

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LAST AMENDED  
5/27/2021

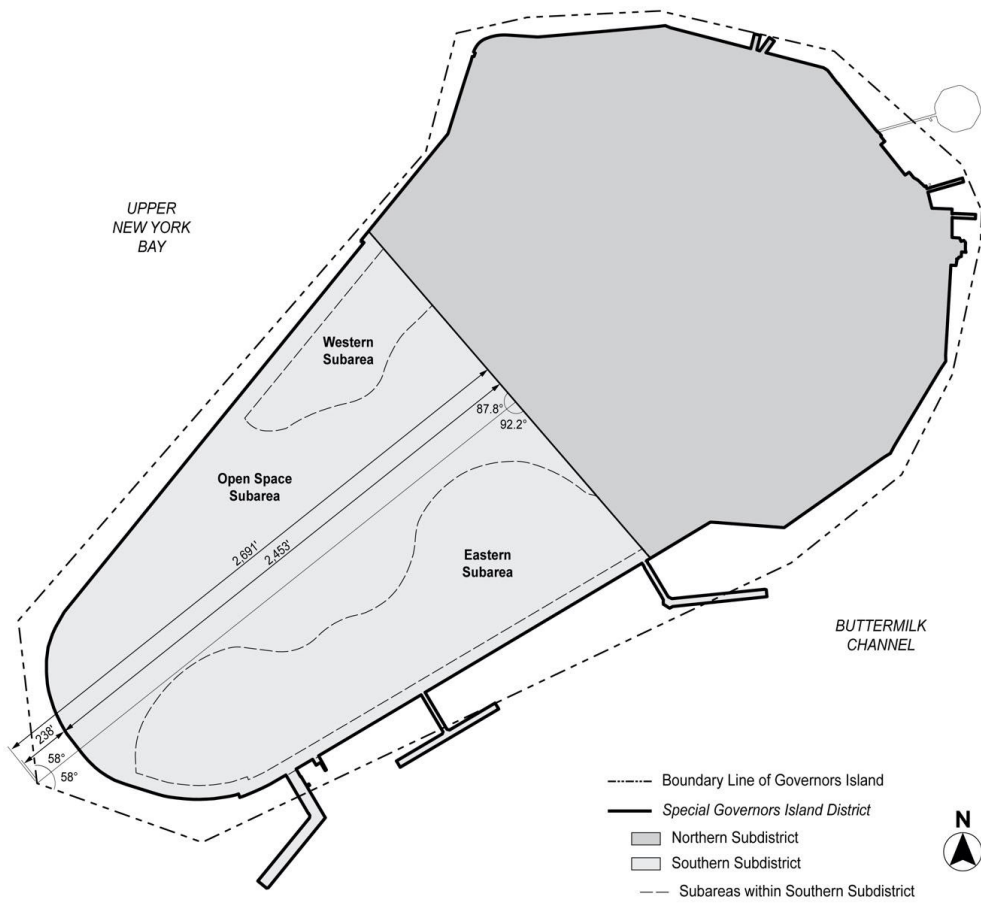
In the Southern Subdistrict, if access to #accessory# off-street parking spaces or loading berths is necessary beyond the number of entrances to loading berths permitted pursuant to Section [134-50](#) (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), an additional entrance may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:

- (a) such #accessory# off-street parking spaces or loading berths cannot be practically accessed from existing entrances along the #esplanade#;
- (b) the proposed entrance location will not be hazardous to pedestrian safety;
- (c) the proposed entrance will be located not less than 50 feet from the intersection of a #primary connection# or #Yankee Pier Plaza#;
- (d) the proposed entrance will be screened, constructed and maintained so as to have a minimal effect on the streetscape; and
- (e) the entrance, if allowed, shall be no greater than 20 feet in width.

## **APPENDIX - Special Governors Island District Plan**

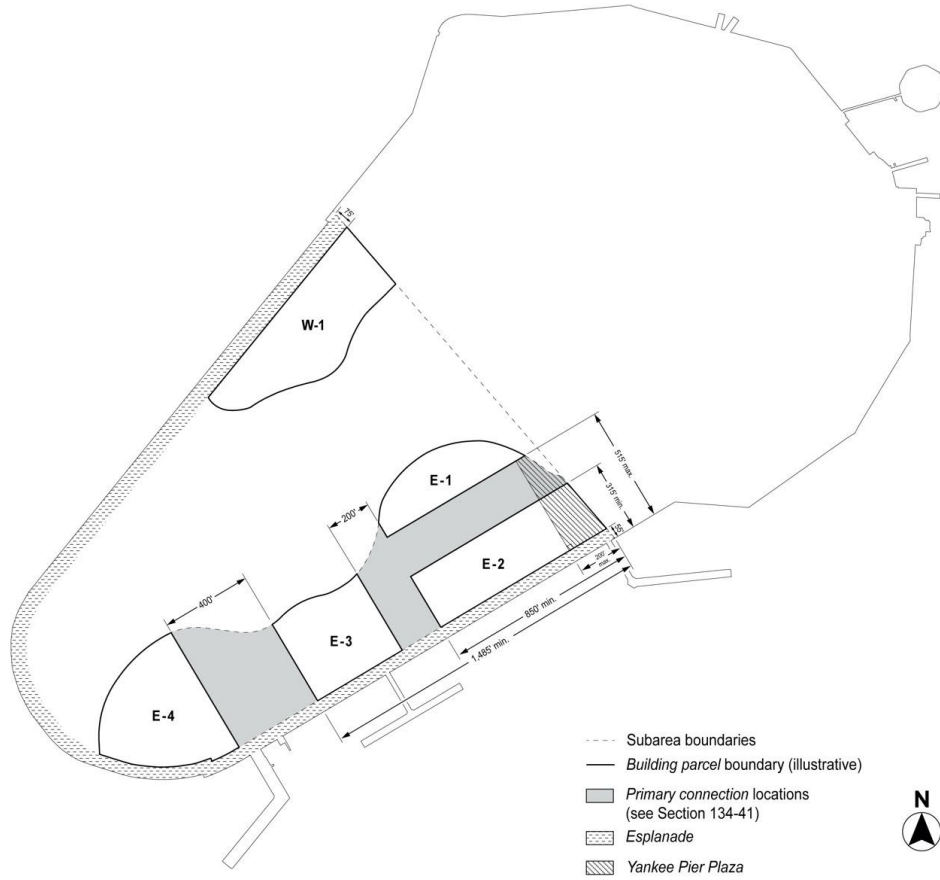
LAST AMENDED 5/27/2021

Map 1 - Special Governors Island District, Subdistricts, and Subareas



For the purpose of dimensioning the subareas illustrated above, the dimensions shall be as shown on the surveys dated April 17, 2020, available on the Department of City Planning website.

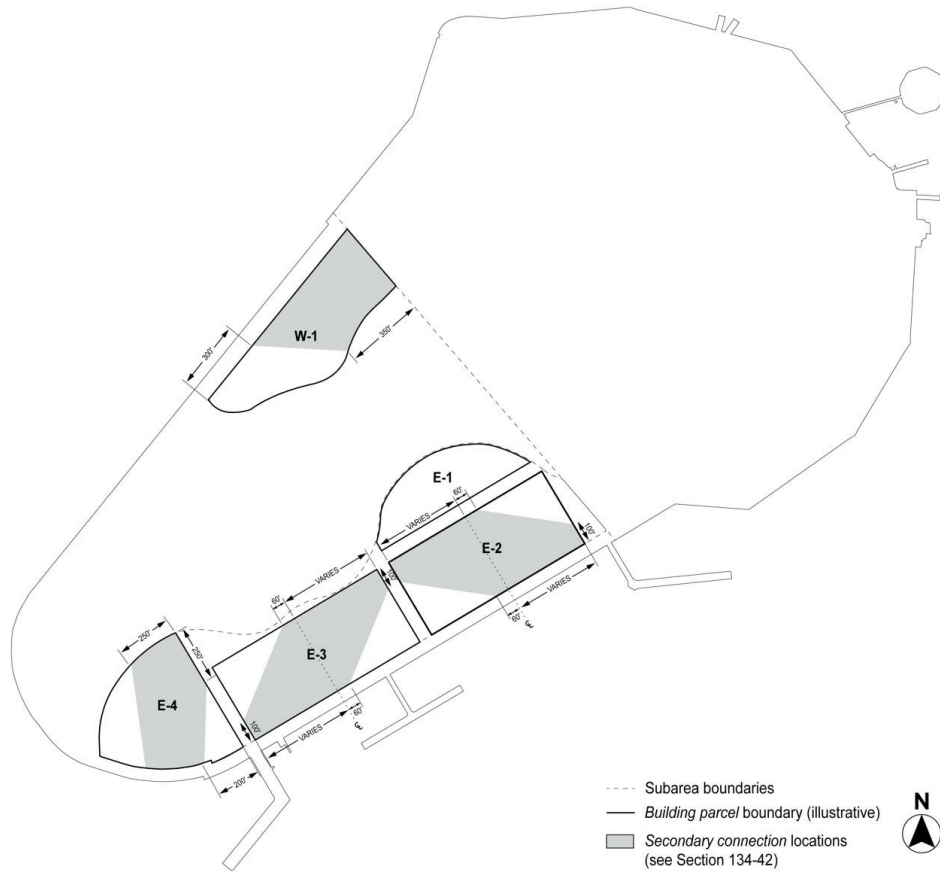
Map 2 - Building Parcels, Primary Connection Locations and Esplanade



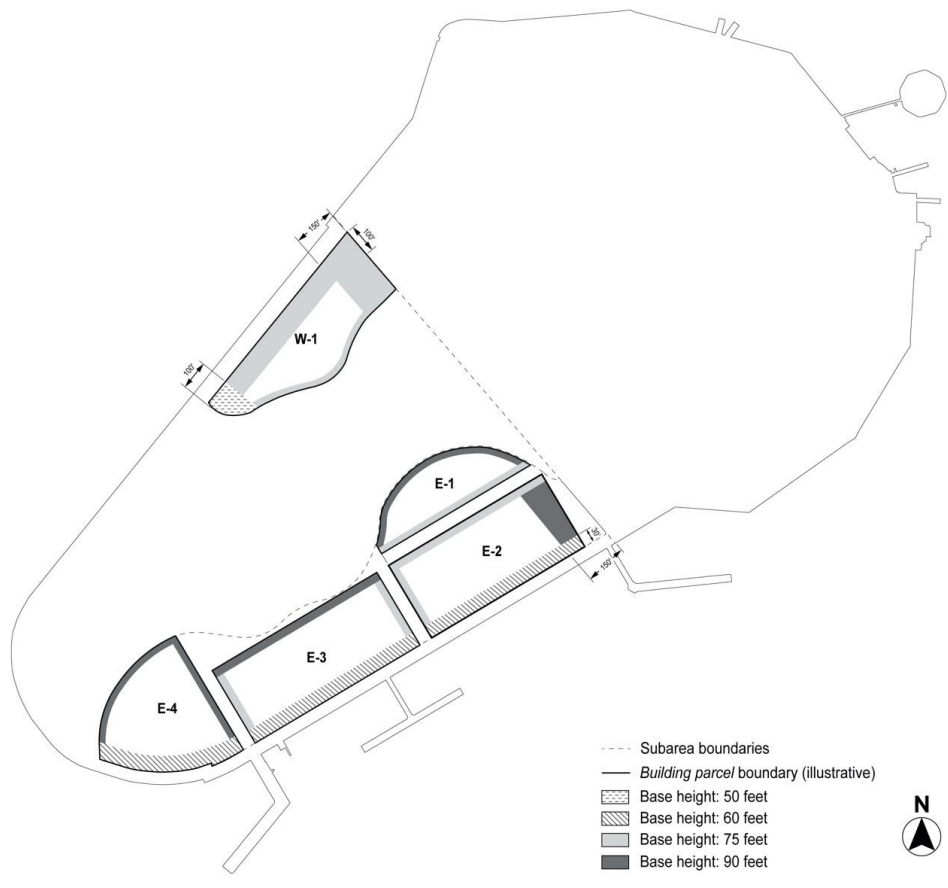


For the purpose of dimensioning the esplanade, the dimensions shall be as shown on the surveys dated April 17, 2020, available on the Department of City Planning website.

Map 3 - Secondary Connection Locations



Map 4 – Maximum Base Heights and Setbacks







## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 5 - Special Bay Street Corridor District (BSC)**

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

# Chapter 5 - Special Bay Street Corridor District (BSC)

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## 135-00 - GENERAL PURPOSES

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LAST AMENDED

6/26/2019

The “Special Bay Street Corridor 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 well-designed buildings that complement the built character of the St. George, Stapleton and Tompkinsville neighborhoods;
- (b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;
- (c) to maintain and reestablish physical and visual public access to the Stapleton neighborhood and to the waterfront;
- (d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (e) to provide flexibility to attract new commercial and retail uses and support the existing businesses that define the area;
- (f) to create a livable community combining housing, retail and other uses throughout the district;
- (g) to create a walkable, urban streetscape environment through a mix of ground floor uses that connect the town centers of St. George and Stapleton;
- (h) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;
- (i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (j) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

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## 135-01 - General Provisions

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LAST AMENDED

6/26/2019

The provisions of this Chapter shall apply within the #Special Bay Street Corridor 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.

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## 135-02 - District Plan and Maps

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LAST AMENDED

6/26/2019

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set

forth in the text of this Chapter, apply.

Map 1 - Special Bay Street Corridor District, Subdistricts and Subareas

Map 2 - Location of Visual Corridors

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## **135-025 - Applicability of Article VI, Chapter 6**

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LAST AMENDED  
6/26/2019

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.

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## **135-03 - Subdistricts**

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LAST AMENDED  
12/20/2023

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

- Subdistrict A
- Subdistrict B
- Subdistrict C
- Subdistrict D
- Subdistrict E
- Subdistrict F

Within Subdistrict B, subareas are established as follows:

- Subarea B1
- Subarea B2

Within Subdistrict D, subareas are established as follows:

- Subarea D1
- Subarea D2

The location and boundaries of these subdistricts are shown on Map 1 (Special Bay Street Corridor District and Subdistricts) in Appendix A of this Chapter.

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## **135-04 - Applicability**

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LAST AMENDED  
6/26/2019

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## **135-041 - Applicability of Article I, Chapter 2**

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LAST AMENDED  
6/26/2019

The definition of “lower density growth management area” in Section [12-10](#) shall exclude all districts within the #Special Bay Street Corridor District#.

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## **135-042 - Applicability of the Quality Housing Program**

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LAST AMENDED  
6/26/2019

Any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building#, and shall comply with the provisions of Article II, Chapter 8 (The Quality Housing Program).

---

## **135-043 - Applicability of the Inclusionary Housing Program**

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LAST AMENDED  
6/26/2019

For the purposes of applying the Inclusionary Housing Program set forth in Section [23-90](#), the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

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## **135-044 - Applicability of Article VI, Chapter 4**

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LAST AMENDED  
5/12/2021

Notwithstanding the general provisions of Section [135-01](#), 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.

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## **135-045 - Applicability of Article VI, Chapter 6**

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LAST AMENDED  
10/7/2021

Notwithstanding the general provisions of Section [135-01](#), 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.

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## **135-046 - Applicability of this Chapter to certain zoning lots in Subdistrict D**

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LAST AMENDED  
10/7/2021

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the

provisions of an M1-1 District shall apply.

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## 135-10 - SPECIAL USE REGULATIONS

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LAST AMENDED

6/26/2019

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

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## 135-11 - Ground Floor Use Regulations

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†

LAST AMENDED

12/20/2023

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section [37-30](#), any portion of a #ground floor level# #street# frontage along Bay Street, as well as any #ground floor level# #street# frontage within 50 feet of Bay Street or along Prospect Street, shall be considered a #primary street frontage#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, inclusive, defined terms shall include those in Sections [12-10](#) and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section [37-33](#) (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

For #zoning lots# with a #lot area# of less than 5,000 square feet existing both on June 26, 2019 and on the date of application for a building permit, the provisions of this paragraph (a) shall not apply. In lieu thereof, the provisions of paragraph (b) of this Section shall apply.

In #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section [37-361](#) (Blank wall thresholds).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section [37-35](#).

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.



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## 135-13 - Breweries

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LAST AMENDED

5/12/2021

Within the #Special Bay Street Corridor District#, breweries, as listed in Use Group 18A, shall be permitted in Commercial Districts provided that:

- (a) the size of such brewery does not exceed 30,000 square feet; and
- (b) any brewery #developed# or #enlarged# after June 26, 2019, shall contain an #accessory# eating or drinking establishment.

For the purposes of applying the underlying regulations, such brewery shall be considered a Use Group 11A #use# and shall be within parking requirement category PRC-F. The performance standards for an M1 District set forth in Section [42-20](#), inclusive, shall apply to such breweries.

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## 135-14 - Modification of Supplemental Use Provisions

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†

LAST AMENDED

12/6/2023

In Subdistricts A, B and C, the underlying provisions of Section [32-421](#) (Limitation on floors occupied by commercial uses) shall be modified as follows:

- (a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;
- (b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Groups 6A, 6B, 6C, 7, 8, 9 or 14 to two #stories#, shall not apply; and
- (c) Any brewery #developed# or #enlarged# in accordance with the provisions of Section [135-14](#), shall be subject to the provisions of Section [32-421](#).

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## 135-20 - SPECIAL BULK REGULATIONS

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LAST AMENDED

6/26/2019

The underlying #floor area#, #yard#, #street wall# location and height and setback regulations are modified by the provisions of this Section.

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## 135-21 - Special Floor Area Regulations

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LAST AMENDED

The underlying #floor area# regulations are modified by the provisions of this Section. For the purpose of this Section, defined terms include those set forth in Sections [12-10](#) and 23-911.

The table below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict. Column 1 sets forth the maximum #floor area ratio# for #commercial# #uses# other than offices, as listed in Use Group 6B, and Column 2 sets forth the maximum #floor area ratio# for offices. Column 3 sets forth the maximum #floor area ratio# for #residences#, other than #MIH sites# and #affordable independent residences for seniors#, that are subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section [23-154](#) (Inclusionary Housing). Column 4 sets forth the maximum #residential# #floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section [23-154](#), or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. Column 4 also sets forth the maximum #floor area ratio# for #community facility uses#, other than #long-term care facilities#. Column 5 sets forth the maximum #floor area ratio# for #zoning lots# containing #affordable independent residences for seniors# or #long-term care facilities#.

For #zoning lots# with #buildings# containing multiple #uses# or for #zoning lots# with multiple #buildings# containing different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the table, and the maximum #floor area ratio# for the #zoning lot# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

#### MAXIMUM #FLOOR AREA RATIO#

	Column 1	Column 2	Column 3	Column 4	Column 5
Subdistrict, or Subarea, as applicable	For #commercial# #uses# other than offices	For offices	For #residences# other than #MIH sites# and #affordable independent residences for seniors#	For #MIH sites# and #community facility uses# other than #long-term care facilities#	For #affordable independent residences for seniors# or #long-term care facilities#
A	2.0	4.0	3.6	4.0	4.6
B	2.0	3.6	3.0	3.6	3.9
C	2.0	3.0	2.5	3.0	3.25
D1	2.0	2.0	2.5	3.0	3.25

D2	2.0	2.0	2.25	2.75	3.0
E	2.0	2.0	2.0	2.2	2.2
F	2.0	2.0	3.0	3.6	3.9

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## 135-22 - Special Lot Coverage Regulations

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LAST AMENDED  
6/26/2019

The underlying #lot coverage# regulations are modified by the provisions of this Section.

The maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

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## 135-23 - Special Yard Regulations

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LAST AMENDED  
6/26/2019

The underlying #yard# regulations are modified by the provisions of this Section.

In Subdistrict A, no #rear yard# or #rear yard equivalent# need be provided for #commercial buildings#, #community facility buildings#, or the portion of a #mixed building# containing #commercial# or #community facility uses#.

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## 135-24 - Special Street Wall Location Regulations

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†

LAST AMENDED  
12/20/2023

The underlying #street wall# location provisions are modified by the provisions of this Section.

(a) Along Bay Street or Prospect Street

Along Bay Street or Prospect Street, and along #streets# within 50 feet of their intersection with Bay Street, the following #street wall# regulations shall apply:

- (1) At least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#, and shall rise without setback up to at least the minimum base height specified in Section [135-25](#) (Special Height and Setback Regulations), or the height of the #building#, whichever is lower. Pursuant to Section [135-31](#) (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.
- (2) For #developments# or horizontal #enlargements# of #buildings#, or portions thereof, within the #flood zone# where no transparent materials are provided on the #ground floor level# #street wall# below a height of four feet above the level of the adjoining sidewalk, pursuant to the provisions of Sections [135-11](#) (Ground Floor Use

Regulations) and [37-34](#) (Minimum Transparency Requirements) for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#. Such #street wall# shall not be located beyond five feet of the #street line#. Such #street wall# shall provide visual mitigation elements in accordance with the provisions for Type 2 blank walls set forth in Section [37-361](#) (Blank wall thresholds), and any area between the #street wall# and the sidewalk that does not contain any planting material pursuant to the provisions of Section [37-362](#) (Mitigation elements) shall be improved to Department of Transportation standards for sidewalks.

- (3) A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection of two #street lines#.

(b) Along Van Duzer Street

Along Van Duzer Street, and along #streets# within 50 feet of their intersection with Van Duzer Street, the underlying #street wall# location regulations shall apply.

(c) Along all other #streets#

Along all #streets# that are not subject to paragraphs (a) or (b) of this Section, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line#. The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet are located within an #outer court#. Where the #street wall# of a #building#, or an individual segment thereof, exceeds the maximum base height established in Section [135-25](#), such #street wall# shall rise without setback to at least the minimum base height specified in Section [135-25](#).

The underlying allowances for #street wall# articulation, set forth in paragraph (d) of Section [23-661](#) or paragraph (e) of Section [35-651](#), as applicable, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section.

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## 135-25 - Special Height and Setback Regulations

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†

LAST AMENDED  
12/20/2023

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section [135-31](#) (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(a) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, where applicable, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings# in the #Special Bay Street Corridor District#.

In all subdistricts, a setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the subdistrict, and shall be provided in accordance with paragraph (b) of this Section.

In Subdistrict A and Subarea B1, any portion of a #building or other structure# located above the maximum transition height, and in Subarea B2 and Subdistrict C, any portion of a #building or other structure# located above the maximum base height, shall be subject to the maximum #street wall# width restrictions set forth in paragraph (c) of this Section.

**MAXIMUM BASE HEIGHTS AND MAXIMUM #BUILDING# HEIGHTS**

Subdistrict or Subarea, as applicable	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Transition Height (in feet)	Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)	Maximum Number of #Stories#
A	40	65	85	125	12
B1	40	65	85	125	12
B2	40	65	N/A	125	12
C	40	65	N/A	85	8
D1	40	65	N/A	75	7
D2	40	65	N/A	65	6
E	30	45	N/A	55	5
F	40	65	N/A	85	8

**(b) Required setbacks**

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in the table in paragraph (a), a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, and a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section [23-662](#) (Maximum height of buildings and setback regulations) shall apply to such setbacks.

**(c) Maximum #street wall# width in Subdistricts A, B and C**

In Subdistricts A, B and C, the maximum #building# height set forth in the table in paragraph (a) shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in Subdistrict A and Subarea B2, such maximum #building# height shall be permitted beyond 100 feet of #streets# intersecting Bay Street, provided that the maximum #street wall# width above the maximum base height does not exceed 100 feet.

In all such Subdistricts, at least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

(d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

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## 135-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS

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LAST AMENDED

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## 135-31 - Special Visual Corridor Requirements

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LAST AMENDED

Within the #Special Bay Street Corridor District#, visual corridors shall be provided east of Bay Street, prolonging Swan Street, Clinton Street, and Grant Street, as shown on Map 2 in the Appendix to this Chapter. The location of the visual corridor prolonging Grant Street may be located anywhere within the flexible location designated on Map 2.

(a) General Requirements

The boundaries of visual corridors shall be considered #street lines# for the purposes of applying the #use#, #bulk# and parking provisions of this Resolution, except that such portion of the #zoning lot#:

- (1) shall continue to generate #floor area# ;
- (2) may be included for the purposes of calculating #lot coverage# ; and
- (3) shall be permitted to accommodate open, unscreened, tandem (one behind the other) #accessory# off-street parking spaces, provided that any such parking spaces are provided in accordance with DOT standards for on-street parking.

Such visual corridors shall be a minimum of 60 feet wide and shall be improved in accordance with paragraph (b) of this Section

(b) Required improvements

All required visual corridors shall be improved as follows:

- (1) Where a visual corridor is utilized to provide access to #accessory# off-street parking, such visual corridor shall be improved to the minimum Department of Transportation (DOT) standards for public #streets#, from its intersection with Bay Street to at least the curb cut provided to such #accessory# off-street parking, or as deep as

necessary to accommodate any parking located on the visual corridor, as applicable. Any remaining portion of the visual corridor may be improved in accordance with the standards in paragraph (b)(2)(ii) of this Section.

- (2) Where a visual corridor does not provide access to #accessory# off-street parking, such visual corridors, may either:
- (i) be improved to the minimum DOT standards for public #streets#; or
  - (ii) be improved to provide an open area, as follows:
    - (a) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;
    - (b) the remainder of the open area, as applicable, may contain any combination of:
      - (1) streetscape amenities including, but not limited to, benches or tables and chairs;
      - (2) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks;
      - (3) unenclosed eating or drinking establishments; or
      - (4) streetscape-enhancing amenities including, but not limited to, lighting or sculptural artwork.
    - (c) In no event shall fencing be permitted in any open area of the visual corridor, except along the portion of a #lot line# adjacent to a railroad right-of-way.

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## **135-40 - SPECIAL PARKING AND LOADING REGULATIONS**

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LAST AMENDED

The underlying parking provisions are modified by the provisions of this Section.

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## **135-41 - Commercial Parking Requirements**

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LAST AMENDED

In #mixed buildings#, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for #commercial# #uses# other than offices, as listed in Use Group 6B, the equivalent of 0.5 #floor area ratio#, or the amount of non-office #commercial# #floor area# in the #building#, whichever is less, may be deducted from the #floor area# used to determine such #commercial# parking calculation.

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## **135-42 - Residential Parking Waivers**

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LAST AMENDED

The underlying #residential# parking waivers shall apply only to #zoning lots# existing both on June 26, 2019, and on the date

of application for a building permit.

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## 135-43 - Location of Parking Spaces

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LAST AMENDED

All #accessory# off-street parking spaces may be provided within #public parking garages#. Such spaces may also be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

- (a) such parking facilities are located either:
  - (1) within the #Special Bay Street Corridor District#; or
  - (2) outside the #Special Bay Street Corridor District#, subject to the underlying provisions for off-site parking spaces set forth in Sections [25-52](#) (Off-site Spaces for Residences), [25-53](#) (Off-site Spaces for Permitted Non-residential Uses), [36-42](#) (Off-site Spaces for Residences) or [36-43](#) (Off-site Spaces for Commercial or Community Facility Uses), as applicable;
- (b) each off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and
- (c) in no event shall the number of #accessory# parking spaces within such facility exceed that permitted in accordance with the underlying regulations.

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## 135-44 - Special Loading Regulations

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LAST AMENDED

For the purposes of applying the underlying loading regulations, the requirements for C2 Districts mapped within an R7 District shall apply to all #Commercial Districts# in the #Special Bay Street Corridor District#.

In addition, the underlying loading regulations shall be modified as follows:

- (a) the requirements of Section [36-60](#), inclusive, shall not apply to changes of #uses#;
- (b) the provisions of Sections [36-63](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and [36-64](#) (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses) shall not apply; and
- (c) the minimum length requirements for loading berths #accessory# to #commercial# #uses#, other than funeral establishments, set forth in Section [36-681](#) (Size of required berths) shall be increased to 37 feet.

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## 135-45 - Location of Curb Cuts

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LAST AMENDED

For #zoning lots# existing on June 26, 2019, with frontage along Bay Street and along another #street# frontage, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along Bay Street.

## Appendix A - SPECIAL BAY STREET CORRIDOR DISTRICT

LAST AMENDED

12/20/2023



Map 1 – Special Bay Street Corridor District, Subdistricts and Subareas

Map 2 – Location of visual corridors



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 6 - Special Downtown Far Rockaway District (DFR)**

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

# Chapter 6 - Special Downtown Far Rockaway District (DFR)

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## 136-00 - GENERAL PURPOSES

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LAST AMENDED

9/7/2017

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

- (a) to strengthen the commercial core of Downtown Far Rockaway by improving the working and living environments;
- (b) to support the development of vacant and underutilized parcels in Downtown Far Rockaway with a mix of residential, commercial and community facility uses;
- (c) to encourage the design of new buildings to blend into the existing neighborhood fabric by providing a transition in height between the downtown commercial core and the lower-scale residential communities;
- (d) to establish a center to the downtown with lively new gathering and civic spaces along Mott Avenue that complement and strengthen the existing neighborhood;
- (e) to encourage the development of affordable housing;
- (f) to expand the retail, entertainment and commercial character of areas around transit nodes to enhance the area’s role as a local transportation hub;
- (g) to integrate new roadways into an improved pedestrian and vehicular network with key north-south and east-west connections;
- (h) to ensure the provision of adequate accessory parking that reflects both the automobile ownership patterns of the neighborhood and public transit access;
- (i) to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and
- (j) to promote the most desirable use of land and building development and thus conserve and enhance the value of land and buildings, and thereby protect the City’s tax revenues.

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## 136-01 - General Provisions

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LAST AMENDED

10/7/2021

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway 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.

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.

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## **136-02 - Definitions**

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LAST AMENDED

9/7/2017

For purposes of this Chapter, matter in italics is defined in Section [12-10](#) (DEFINITIONS) and in this Section.

### Open Space A

“Open Space A” shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section [136-324](#) (Publicly accessible open space requirements) and located within the area designated as “Flexible Open Space A Location” on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

### Open Space B

“Open Space B” shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section [136-324](#) (Publicly accessible open space requirements) and located within the area designated as “Flexible Open Space B Location” on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

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## **136-03 - District Plan and Maps**

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LAST AMENDED

9/7/2017

The regulations of this Chapter implement the #Special Downtown Far Rockaway District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1 - Special Downtown Far Rockaway District and Subdistrict

Map 2 - Commercial Core

Map 3 - Ground Floor Use and Transparency Requirements

Map 4 - Maximum Building Height

Map 5 - Maximum Building Height Within Subdistrict A

Map 6 - Publicly Accessible Private Streets

Map 7 - Mandatory Street Walls and Flexible Public Open Space Locations

Map 8 - Sidewalk Widening

The maps 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 apply.

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## **136-04 - Subdistricts**

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LAST AMENDED  
9/7/2017

In order to carry out the purposes and provisions of this Chapter, Subdistrict A is established. The location of Subdistrict A is shown on Map 1 in the Appendix to this Chapter.

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## **136-05 - Applicability of District Regulations**

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LAST AMENDED  
9/7/2017

## **136-051 - Applicability of the Quality Housing Program**

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LAST AMENDED  
9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building# and shall comply with the provisions of Article II, Chapter 8 (The Quality Housing Program) of this Resolution.

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## **136-052 - Applicability of the Mandatory Inclusionary Housing Program**

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LAST AMENDED  
9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the regulations for a #Mandatory Inclusionary Housing area# shall apply. The locations of #Mandatory Inclusionary Housing areas# are shown on the maps in APPENDIX F of this Resolution.

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## **136-06 - Private Streets and Publicly Accessible Open Spaces**

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LAST AMENDED  
9/7/2017

Except as otherwise provided herein, private streets that are in accordance with the provisions of this Chapter within the locations shown on Map 6 (Publicly Accessible Private Streets) in Appendix A of this Chapter, and publicly accessible open spaces that are in accordance with the provisions of this Chapter within the locations shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in Appendix A, shall be considered #streets# for the purposes of establishing the #use#, #bulk# and parking regulations of this Resolution. However, for the purposes of #floor area# regulations, such private streets and publicly accessible open spaces shall be considered part of a #zoning lot#. In addition, for the purpose of determining minimum and maximum base heights and minimum setback depth pursuant to paragraph (a) of Section [136-313](#) (Minimum and maximum base height), private streets and publicly accessible open spaces shall be distinguished from #streets#.

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## 136-10 - SPECIAL USE REGULATIONS

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LAST AMENDED  
9/7/2017

The #use# regulations of the underlying district shall apply except as modified in Section [136-10](#), inclusive.

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## 136-11 - Location Within Buildings

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LAST AMENDED  
9/7/2017

Within the locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the provisions of Section [32-421](#) (Limitation on floors occupied by commercial uses) shall not apply. In lieu thereof, the provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall apply.

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## 136-12 - Use Groups 10A and 12 in C2 Districts

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LAST AMENDED  
9/7/2017

Within the locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the provisions of Sections [32-19](#) (Use Group 10) and [32-21](#) (Use Group 12) shall be modified to allow Use Groups 10A and 12 in C2 Districts.

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## 136-13 - Ground Floor Use Regulations

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LAST AMENDED  
9/7/2017

The special ground floor #use# provisions of this Section shall apply to any portion of a #building#:

- (a) fronting on a designated #street#, as shown on Map 3 (Ground Floor Use and Transparency Requirements); or
- (b) located within 175 feet of Mott Avenue and fronting on #Open Space A#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, shall be limited to non-#residential uses#. The #street# frontage of a #building# shall be allocated exclusively to such #uses#, except for Type 1 lobby space, entrances and exits to #accessory# off-street parking facilities, and entryways or entrances to subway stations in accordance with Section [37-33](#) (Maximum Width of Certain Uses). Such non-#residential uses# shall comply with the minimum depth provisions of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses).

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## 136-14 - Transparency and Parking Wrap Requirements

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LAST AMENDED  
9/7/2017

The provisions of this Section shall apply to #buildings# #developed# or #enlarged# after September 7, 2017, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter. These provisions shall also apply to the frontage of #buildings# located along #Open Space A#. The ground floor #street wall# of such #building# or portion thereof shall be glazed in accordance with Section [37-34](#) (Minimum Transparency Requirements).

The provisions of Section [37-35](#) (Parking Wrap and Screening Requirements) shall apply along designated #streets# as shown on Map 3 and along #Open Space A#. In addition, the screening requirements of paragraph (b) of Section [37-35](#) shall apply along intersecting #streets# within 50 feet of designated #streets#, and along intersecting #streets# or private streets within 50 feet of #Open Space A#.

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## **136-15 - Special Use Regulations Within Subdistrict A**

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LAST AMENDED

9/7/2017

The following additional special #use# provisions of Section [136-15](#), inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter.

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## **136-151 - Modification of Supplemental Use Provisions**

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LAST AMENDED

9/7/2017

For #mixed buildings#, the underlying provisions of Section [32-421](#) (Limitation on floors occupied by non-residential uses) shall not apply. In lieu thereof, Use Groups 6, 7, 8, 9 or 14, other than offices listed in Use Group 6B, shall not be located above the level of the second #story# ceiling. Offices shall be permitted above the level of the second #story#, provided that where any floor space allocated to such offices is located on the same #story# as a #dwelling unit#, no access exists between such #uses#, and further provided that no floor space allocated to such offices is located directly over #dwelling units#.

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## **136-152 - Location of entrances**

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LAST AMENDED

9/7/2017

(a) Non-#residential# entrances

Within Subdistrict A, on designated #streets#, as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter, the requirements of this paragraph (a) shall apply to any #building or other structure# fronting on such #streets#. These provisions shall also apply to the frontage of #buildings# along #Open Space A#. Access to each ground floor #commercial# establishment or #community facility# establishment shall be provided directly from a #street# or from #Open Space A#.

(b) #Residential# entrances

Eighty percent of all ground floor #dwelling units# with frontage only on Redfern Avenue shall have a #primary entrance# directly accessible from Redfern Avenue.

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## **136-20 - SPECIAL BULK REGULATIONS**

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LAST AMENDED

9/7/2017

The #bulk# regulations of the underlying district shall apply except as modified in Section [136-20](#), inclusive.

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## 136-21 - Lot Coverage

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LAST AMENDED

9/7/2017

The #residential# portion of a #building# shall comply with the maximum #lot coverage# provisions of the underlying district applicable to #Quality Housing buildings#.

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## 136-22 - Height and Setback Regulations

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LAST AMENDED

9/7/2017

For #residential buildings#, #mixed buildings# and #commercial buildings#, the height and setback regulations of the underlying district shall be modified by the regulations of Section [136-22](#), inclusive. The provisions of Sections [23-952](#) (Height and setback in Mandatory Inclusionary Housing areas) and [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply within the #Special Downtown Far Rockaway District#.

All heights shall be measured from the #base plane#.

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## 136-221 - Street wall location

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LAST AMENDED

9/7/2017

In C2 Districts, the #street wall# location regulations of the underlying district shall apply except as modified in this Section.

- (a) In C2 Districts mapped within R6 and R7-1 Districts, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Section [136-222](#) (Minimum and maximum base height), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.
- (b) In C2 Districts mapped within R5 Districts, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to a height of 30 feet, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.
- (c) Below a height of 15 feet or the height of the second #story# floor, whichever is lower, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except recesses that do not exceed a depth of 12 inches.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section [35-651](#) (Street wall location) shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a) and (b) of this Section.

Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.



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## 136-222 - Minimum and maximum base height

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LAST AMENDED

9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the minimum and maximum heights before setback of a #street wall# required pursuant to Section [136-221](#) (Street wall location) shall be as set forth in the following table:

District	Minimum Base Height (feet)	Maximum Base Height (feet)
R6	30	55
R7-1	40	55

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district in this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section [23-662](#) (Maximum height of buildings and setback regulations) shall apply to such setbacks.

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## 136-223 - Maximum building height

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LAST AMENDED

9/7/2017

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the height of a #building or other structure# shall not exceed the maximum height or the maximum number of #stories#, whichever is less, as shown on Map 4 (Maximum Building Height) in the Appendix to this Chapter.

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## 136-30 - SPECIAL REGULATIONS WITHIN SUBDISTRICT A

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LAST AMENDED

9/7/2017

The regulations of Section [136-30](#), inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter. The regulations of the #Special Downtown Far Rockaway District# shall apply, except as modified by the regulations of Section [136-30](#), inclusive.

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## 136-31 - Special Height and Setback Regulations Within Subdistrict A

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LAST AMENDED

9/7/2017

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## 136-311 - Street wall location

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LAST AMENDED

9/7/2017

The provisions of Section [136-221](#) (Street wall location) shall apply within Subdistrict A, except as provided in this Section.

- (a) For portions of #buildings# or #building segments# with frontage on Redfern Avenue located between the prolongation of the northerly #street line# of Dix Avenue and a line 150 feet south of and parallel to Nameoke Street, the #street wall# location rules of Section [136-221](#) shall not apply. In lieu thereof, paragraph (b) of Section [23-661](#) (Street wall location) shall apply.
- (b) For Street Wall A and Street Wall B, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter, the provisions of Section [136-221](#) shall not apply. In lieu thereof, the provisions of this Section shall apply.

- (1) Street Wall A

#Buildings# on the west side of #Open Space A# shall have a #street wall# located along the required sidewalk widening on Mott Avenue, shown as a line designated A1 on Map 7, except that #street wall# articulation set forth in paragraph (e) of Section [35-651](#) (Street wall location) shall be permitted. Beyond 112 feet of Redfern Avenue, the #street wall# shall be located no closer to Central Avenue than the line designated A2 as shown on Map 7.

- (2) Street Wall B

#Street walls# fronting #Open Space A# shall be located no closer to Redfern Avenue than as shown as a line designated B1 on Map 7. The #street walls# of #buildings# on the east side of #Open Space A# with frontage on Mott Avenue shall be located no closer to Mott Avenue than as shown as lines designated B2 and B3 on Map 7. Portions of #street walls# with frontage on Mott Avenue, located so that a line drawn perpendicular to the line designated B3 intersects such #street walls#, shall be located no further than 30 feet from B3. #Street walls# fronting Central Avenue shall be located no closer to Central Avenue than as shown for the line designated B4 on Map 7, and shall be located no further than 30 feet from B4.

- (c) For #blocks# with a dimension of less than 100 feet between #streets# or private streets that are parallel or do not intersect, the provisions of Section [136-221](#) shall be modified to require a minimum of 40 percent of the #aggregate width of street walls# to be located within eight feet of the #street line# and to extend to at least the minimum base height specified in Section [136-222](#) (Minimum and maximum base height), or the height of the #building#, whichever is less.

All #street walls# governed by this Section shall extend to the minimum base height specified in Section [136-313](#) (Minimum and maximum base height), or the height of the #building#, whichever is less.

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## 136-312 - Street wall recesses

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LAST AMENDED

9/7/2017

For each #building# within Subdistrict A, where the #aggregate width of street walls# is greater than 90 feet, a minimum of 20 percent of the surface area of #street walls# below the maximum base height and above the level of the first #story# shall be

recessed beyond three feet of the #street line#. Portions of #street lines# with no #street walls# may be counted towards the recess requirements of this Section. No portion of such minimum recessed area shall be located within 30 feet of the intersection of two #street lines#. However, such minimum recessed area shall be permitted within 30 feet of Redfern Avenue, except at the intersection of Redfern Avenue and Mott Avenue.

### 136-313 - Minimum and maximum base height

†

LAST AMENDED  
12/6/2023

Within Subdistrict A, the provisions of Section [136-222](#) (Minimum and maximum base height) shall not apply. In lieu thereof, for #residential buildings#, #mixed buildings# and #commercial buildings#, the provisions of this Section shall apply. The #street wall# height and setback regulations of the underlying district shall apply except as modified in this Section.

- (a) The minimum and maximum heights before setback of a #street wall# required pursuant to Section [136-221](#) (Street wall location), shall be as set forth in the following table:

Condition	Minimum Base Height (feet)	Maximum Base Height (feet)	Minimum Setback Depth (feet)
Fronting on, or within 100 feet of, a #street#, other than a private street or publicly accessible open space	40 <sup>1</sup>	65	10
Fronting on a private street or a publicly accessible open space and beyond 100 feet of a #street# that is not a private street or publicly accessible open space	40 <sup>1</sup>	85	7
Fronting on Redfern Avenue	30 <sup>1</sup>	45 <sup>2</sup>	10

<sup>1</sup> Within 300 feet of Mott Avenue, the minimum base height shall be 20 feet

- 2 The maximum base height for the portion of a #building# subject to the 65 foot or six story maximum height provisions of Section [136-314](#) shall be 65 feet

(b) Dormers

The provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts) shall be modified to allow dormers as a permitted obstruction within the required front setback distance above a maximum base height, as follows:

- (1) Within 75 feet of intersecting #streets#, dormers shall be permitted without limitation on width.
- (2) Where dormers are provided pursuant to paragraph (b)(1) of this Section, and such dormers exceed the maximum width permitted pursuant to paragraph (c) of Section [23-623](#), for any portion of a #building# with an #aggregate width of street walls# greater than 75 feet, a setback shall be provided above the maximum base height between such dormer and any other dormer for a width of at least 20 feet, or the remaining width of such #street wall#, as applicable.
- (3) Beyond 75 feet of intersecting #streets#, the provisions of paragraph (c) of Section [23-623](#) shall apply. The width of any dormers provided pursuant to the provisions of paragraph (b)(1) of this Section shall be included in the aggregate width of all dormers.

However, the provisions of this paragraph (b) shall not apply to portions of #buildings# with frontage on Redfern Avenue, except that these provisions shall apply to portions of #buildings# with frontage on both Redfern Avenue and Mott Avenue.

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## **136-314 - Maximum building height**

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LAST AMENDED  
9/7/2017

The height of a #building or other structure# shall not exceed the maximum #building# height or the maximum number of #stories#, whichever is less, as shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter. However, within 75 feet of the intersection of the southerly cross street with Redfern Avenue, and within 75 feet of the intersection of the northerly cross street with Redfern Avenue, the maximum height for #buildings or other structures# shall be six #stories# or 65 feet, whichever is less. Any such 65 foot or six story maximum #building# height limit falling within 300 feet of Mott Avenue shall only extend to a depth of 25 feet from Redfern Avenue, after which the maximum #building# height and maximum number of #stories# shown on Map 5 shall apply.

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## **136-315 - Maximum building height and horizontal dimension for tall buildings**

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LAST AMENDED  
9/7/2017

Within the Tower Location Area shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter, the height of a #building# may exceed the height limits specified in Section [136-314](#) (Maximum building height) only as set forth in this Section. Any portion of a #building# above a height of 125 feet shall hereinafter be referred to as a “tower.”

- (a) Towers shall be located within portions of #zoning lots# bounded by intersecting #street lines# and lines parallel to and 200 feet from each intersecting #street line#.
- (b) Towers shall be separated from one another by a minimum distance of 60 feet, measured in all horizontal directions.
- (c) The outermost walls of each #story# of a #building# located entirely above a height of 125 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of such rectangle shall be 170 feet. The maximum length of any other side of such rectangle shall be 100 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 125 feet shall be considered a single tower.
- (d) To permit portions of a #building# to rise from grade to a tower portion without setback, the setback provisions of Section [136-313](#) (Minimum and maximum base height) shall not apply to any portion of a #building# located within 100 feet of intersecting #street lines#.
- (e) The maximum height of a tower shall be 155 feet or 15 #stories#, whichever is lower.
- (f) No more than two towers shall be permitted within Subdistrict A.

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### **136-316 - Maximum length of buildings**

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LAST AMENDED  
9/7/2017

The outermost walls of each #story# of a #building# located entirely above a height of 95 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of any side of such rectangle shall be 170 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 95 feet shall be considered a single #building#.

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### **136-32 - Streets and Public Open Spaces**

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LAST AMENDED  
9/7/2017

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### **136-321 - Certification**

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LAST AMENDED  
9/7/2017

The requirements of this Section shall apply to #zoning lots# containing #developments# or #enlargements# within the current or former Downtown Far Rockaway Urban Renewal Area.

No building permit shall be issued for any #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #development# or #enlargement# complies with the provisions of this Section.

The Chairperson shall certify that:

- (a) all publicly accessible open spaces adjacent to the proposed #development# or #enlargement# comply with the provisions

of Section [136-324](#) (Publicly accessible open space requirements);

- (b) the location of private streets adjacent to the proposed #development# or #enlargement# complies with the provisions of Section [136-323](#) (Private streets); and
- (c) for any portion of Subdistrict A outside the area of the proposed #development# or #enlargement# for which a certification pursuant to this Section has not been obtained, the applicant has submitted sufficient documentation showing that the #development# or #enlargement# that is the subject of this certification, and any associated private streets and publicly accessible open spaces required to be constructed in conjunction with such #development# or #enlargement#, shall not preclude such undeveloped portions of Subdistrict A from complying with the provisions of Sections [136-323](#) and [136-324](#) under future certifications pursuant to this Section.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including provisions for the maintenance and operation of such private streets and publicly accessible open spaces, indexed against the property, binding the owners, successors and assigns to provide and maintain such private streets and publicly accessible open spaces in accordance with the plans certified by the Chairperson. Such declaration, or any maintenance and operation agreement with the City or its designee executed in connection with such declaration, shall require that adequate security be provided to ensure that the private streets and public access areas are maintained in accordance with the declaration and any related maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building#, as indicated in the plans certified by the Chairperson, shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the declaration of restrictions shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

The property owner shall be responsible for the construction and maintenance of all required private streets and publicly accessible open spaces on the #zoning lot#. No temporary or final certificate of occupancy shall be issued for any #building# adjacent to such private street or publicly accessible open space until all required improvements are completed, except as set forth in a phasing plan that has been incorporated in a signed and duly recorded declaration of restrictions, and that has provided for interim improvements and access where these do not present conflicts with construction, staging or public safety.

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## **136-322 - Sidewalk widening**

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LAST AMENDED  
9/7/2017

For #buildings# #developed# or #enlarged# after September 7, 2017, where the #development# or horizontal #enlargement# fronts upon designated #streets# as shown on Map 8 (Sidewalk Widening) in the Appendix to this Chapter, the provisions of this Section shall apply.

A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot#, located within the #zoning lot#. A sidewalk widening shall be provided along #streets# as shown on Map 8, to the extent necessary, so that a minimum sidewalk width of 13 feet or 18 feet, as applicable, is achieved, including portions within and beyond the #zoning lot#. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and shall be directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk widening to less than such minimum required depth.

Lighting shall be provided with a minimum level of illumination of not less than two horizontal foot candles throughout the

entire mandatory sidewalk widening. Lighting fixtures installed by the Department of Transportation within the #street# adjacent to such sidewalk widening shall be included in the calculation of the required level of illumination.

Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening within the #zoning lot# shall be considered to be the #street line# for the purposes of Sections [136-22](#) (Height and Setback Regulations) and [136-31](#) (Special Height and Setback Regulations Within Subdistrict A).

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### **136-323 - Private streets**

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LAST AMENDED

9/7/2017

In Subdistrict A, private streets shall be accessible to the public at all times, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area. Private streets shall have a minimum width of 60 feet. Private streets shall be constructed to Department of Transportation standards for public #streets#. Sidewalks shall have a minimum clear path of seven feet on each side of such private streets along their entire length. Such private streets shall be located as shown on Map 6 (Publicly Accessible Private Streets) in the Appendix to this Chapter. One street tree shall be planted for every 25 feet of curb length of each private street. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street.

The private street network shall be established as follows:

- (a) a central street shall connect #Open Space A# with Nameoke Avenue, as shown on Map 6. However, if the centerline of the new street is not within five feet of the extended centerline of Brunswick Avenue, then the easterly curb of the new street shall be greater than 50 feet from the extended line of the westerly curb of Brunswick Avenue;
- (b) a southerly cross street shall connect Redfern Avenue with the central street, intersecting Redfern Avenue within the area shown on Map 6. However, if the centerline of the new street is not within five feet of the extended centerline of Dix Avenue, then the northerly curb of the new street shall be greater than 50 feet from the extended line of the southerly curb of Dix Avenue;
- (c) a northerly cross street shall connect Birdsall Avenue with Bayport Place, intersecting Redfern Avenue so that the centerline of the new street is within five feet of the extended centerline of Birdsall Avenue and within five feet of the centerline of Bayport Place.

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### **136-324 - Publicly accessible open space requirements**

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LAST AMENDED

9/7/2017

Publicly accessible open spaces shall be provided within Flexible Open Space A Location and Flexible Open Space B Location, as applicable, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter. #Open Space A# shall contain a minimum of 23,000 square feet, and #Open Space B# shall contain a minimum of 7,000 square feet.

- (a) A portion of the required publicly accessible open space located within #Open Space A# shall have a minimum width of 80 feet within 55 feet of Mott Avenue. #Open Space A# shall extend from Mott Avenue to the nearest private street required pursuant to Section [136-323](#) (Private streets), and shall maintain a minimum width of 60 feet.
- (b) Publicly accessible open spaces shall comply with the provisions of Sections [37-725](#) (Steps), [37-726](#) (Permitted



obstructions), [37-727](#) (Hours of access) [37-728](#) (Standards of accessibility for persons with disabilities), [37-73](#) (Kiosks and Open Air Cafes), [37-74](#) (Amenities) and [37-75](#) (Signs), except for the following modifications:

- (1) Section [37-73](#) (Kiosks and Open Air Cafes) shall be modified as follows:
  - (i) paragraph (a) of Section [37-73](#) shall be modified to permit a kiosk to occupy an area no greater than 400 square feet within #Open Space A#, provided that such kiosk has a maximum width, measured along the same axis as the minimum width of #Open Space A# pursuant to paragraph (a) of this Section, of 20 feet, and provided that any canopies, awnings or other sun control devices extending from such kiosk shall be limited to a distance of five feet from such kiosk;
  - (ii) paragraph (b) of Section [37-73](#) shall be modified to limit the aggregate area of open air cafes to no more than 40 percent of the publicly accessible open space, to allow open air cafes to occupy up to 50 percent of #street# frontage along Mott Avenue, and to eliminate the requirement that open air cafes be located along the edge of the publicly accessible open space; and
  - (iii) paragraphs (c) and (d) of Section [37-73](#) shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;
- (2) Section [37-741](#) (Seating) shall be modified as follows:
  - (i) the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;
  - (ii) the requirement of one linear foot of seating for each 30 square feet of #public plaza# area shall be modified to one linear foot of seating for each 60 square feet of publicly accessible open space; and
  - (iii) seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 50 percent of the linear seating capacity is provided through other seating types;
- (3) For #Open Space A#, Section [37-742](#) (Planting and trees) shall be modified to require that at least 15 percent of the area of the publicly accessible open space shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls. For #Open Space B#, Section [37-742](#) (Planting and trees) shall be modified to eliminate the requirement for such planting beds;
- (4) Section [37-743](#) (Lighting) shall be modified to provide that for publicly accessible open spaces fronting on Mott Avenue, the lighting fixtures installed by the Department of Transportation within the #street# shall be included in the calculation of the required level of illumination;
- (5) Section [37-744](#) (Litter receptacles) shall be modified to require a minimum of one litter receptacle per 5,000 square feet of publicly accessible open space;
- (6) Entry plaques for publicly accessible open spaces shall be provided as described in paragraph (a) of Section [37-751](#) (Public space signage systems), except that one such plaque shall be located at each point of entry from a #street# to such publicly accessible open space; and
- (7) Section [37-753](#) (Accessory signs) shall be modified as follows:
  - (i) paragraphs (a), (c) and (d) shall not apply;
  - (ii) paragraph (b) shall be modified to permit non-#illuminated# or #illuminated accessory signs#, and the permitted #surface area# of such #signs# shall be as permitted by the underlying district, as if the



publicly accessible open space were a #street#; and

- (iii) paragraph (e) shall be modified to permit any number of #accessory signs# within the publicly accessible open space, subject to the remaining provisions of such paragraph (e).

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## **136-40 - SPECIAL OFF-STREET PARKING REGULATIONS**

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LAST AMENDED

9/7/2017

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## **136-41 - Parking Regulations**

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LAST AMENDED

9/7/2017

The off-street parking regulations shall be modified, as follows:

- (a) The regulations of Section [25-027](#) (Applicability of regulations in Community District 14, Queens) shall not apply. In lieu thereof, the regulations of the applicable underlying district shall apply, as modified by the provisions of this Section.
- (b) In a C2 District mapped within an R7-1 District, the regulations of Section [25-251](#) (Income-restricted housing units) shall be modified to require an #accessory# off-street parking requirement of 25 percent per #income-restricted housing unit#.
- (c) For #commercial# #uses# in Parking Requirement Categories PRC-A, PRC-B, PRC-B1 and PRC-C, the provisions of Section [36-21](#) (General Provisions) shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the provisions of Sections [25-31](#) (General Provisions) and [36-21](#) shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

- (d) Within Subdistrict A, parking spaces provided on private streets shall count towards the number of #accessory# off-street parking spaces required by the provisions of Sections [36-20](#) (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) and [36-30](#) (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS). For such parking spaces located within private streets, the provisions of Section [28-40](#) (PARKING FOR QUALITY HOUSING) shall not apply.

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## **136-50 - AUTHORIZATIONS**

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LAST AMENDED

9/7/2017

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## **136-51 - Authorization to Modify Provisions for Publicly Accessible Open Spaces and Private Streets**

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LAST AMENDED

9/7/2017

The City Planning Commission may authorize modification of the provisions of Sections [136-323](#) (Private streets) and [136-324](#) (Publicly accessible open space requirements), provided that the Commission shall find that:

- (a) the usefulness and attractiveness of the publicly accessible open space will be improved by the proposed design and layout;
- (b) such modification to private street provisions will result in a private street network that will ensure pedestrian and vehicular mobility and safety and will be well integrated with the surrounding #streets#; and
- (c) such modification will result in a superior urban design relationship with surrounding #buildings# and open areas, including #streets# and private streets.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such publicly accessible open spaces and private streets to surrounding #buildings# and open areas.

---

## **136-52 - Authorization to Modify Bulk Regulations for Income-Restricted Housing Units**

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LAST AMENDED  
9/7/2017

For #developments# or #enlargements# containing only #income-restricted housing units#, #affordable independent residences for seniors#, or other government-assisted #dwelling units#, the City Planning Commission may authorize modifications of:

- (a) #yard# regulations;
- (b) regulations governing the minimum required distance between #buildings# on the same #zoning lot#, provided that no waiver shall authorize a minimum distance of less than 40 feet; and
- (c) regulations governing the minimum required distance between #legally required windows# and walls or #lot lines#, provided that no waiver shall authorize a minimum of less than 20 feet between #legally required windows# and walls or #lot lines#.

The Commission shall find that such modifications:

- (1) will aid in achieving the general purposes and intent of this Chapter as set forth in Section [136-00](#) (GENERAL PURPOSES);
- (2) will provide a better distribution of #bulk# on the #zoning lot#, resulting in a superior site plan, in which the #buildings# subject to this authorization and any associated open areas will relate harmoniously with one another and with adjacent #buildings# and open areas; and
- (3) will not unduly increase the #bulk# of any #building# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces.

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

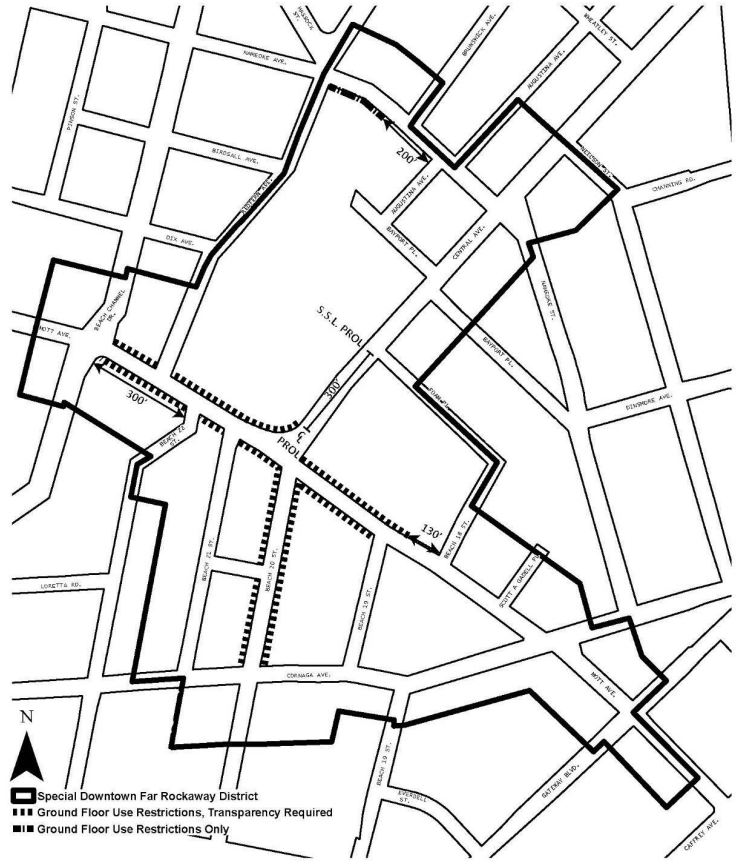
## **APPENDIX - Special Downtown Far Rockaway District Maps**

LAST AMENDED 9/7/2017



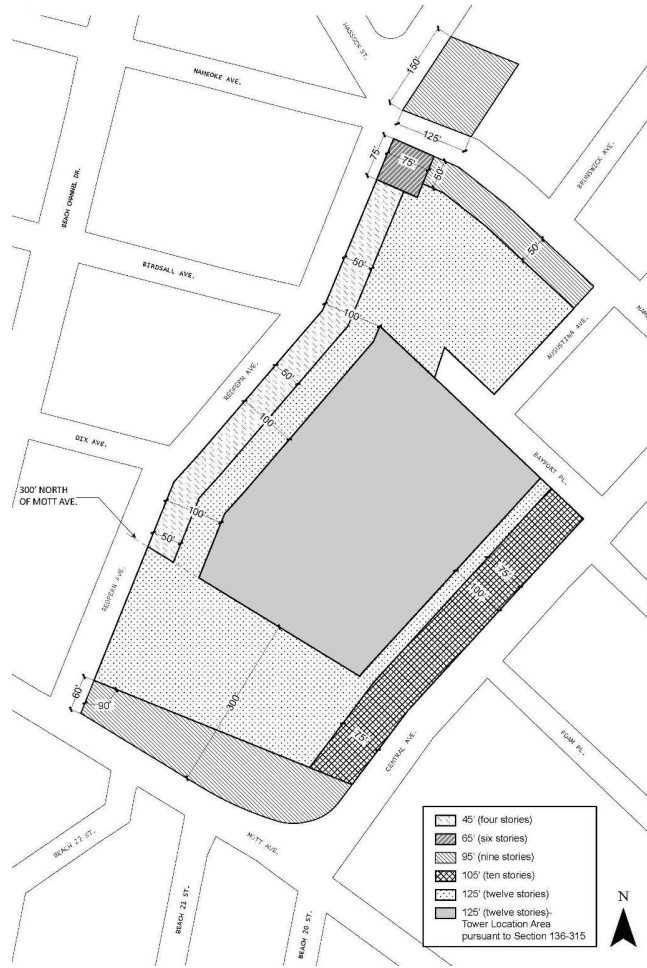


# Map 3 – Ground Floor Use and Transparency Requirements





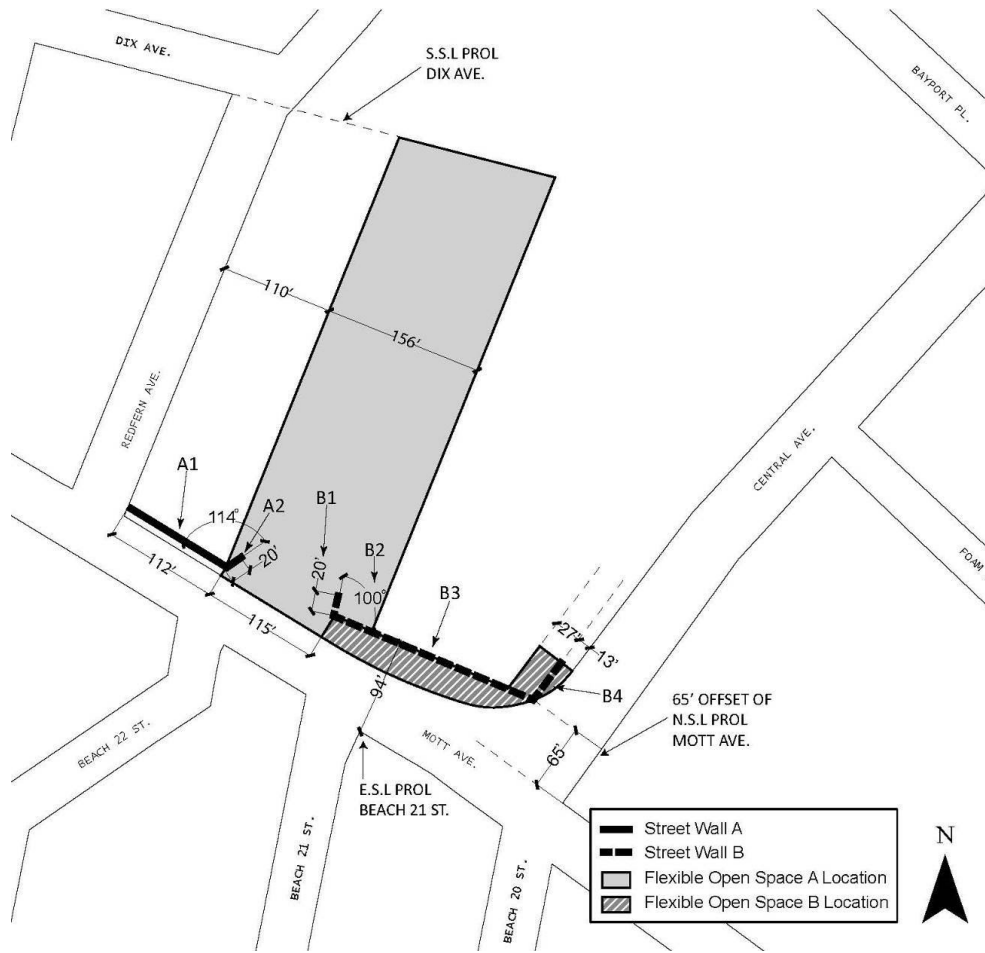
# Map 5 – Maximum Building Height Within Subdistrict A



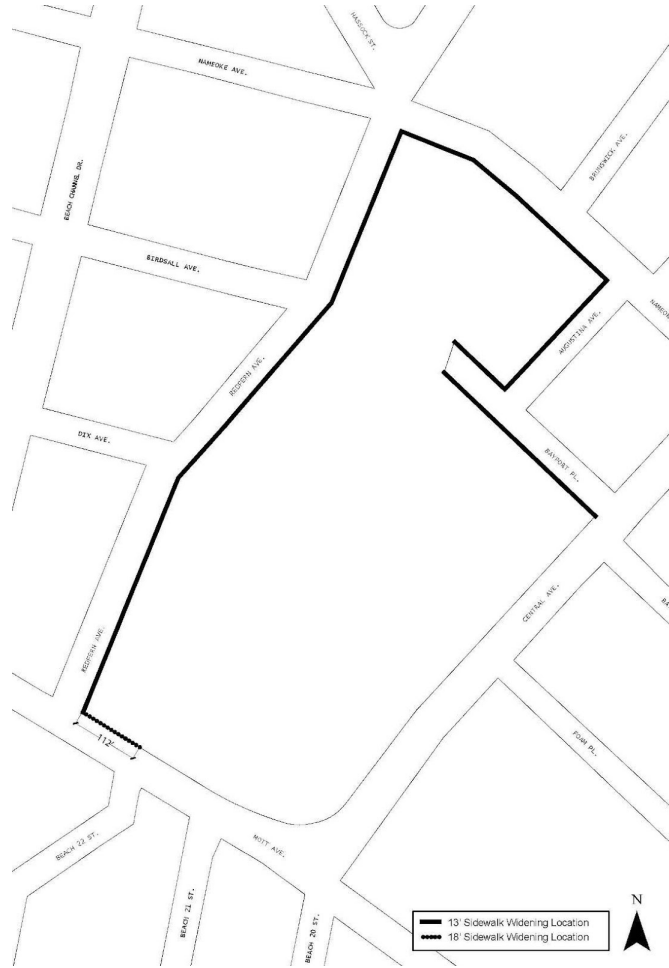




Map 7 – Mandatory Street walls and Flexible Public Open Space Locations



# Map 8 – Sidewalk Widening







## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 7 - Special Coastal Risk District (CR)

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

## Chapter 7 - Special Coastal Risk District (CR)

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### 137-00 - GENERAL PURPOSES

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LAST AMENDED

9/7/2017

The “Special Coastal Risk District” established in this Resolution is designed to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding and may face greater risk in the future. These general goals include, among others, the following specific purposes:

- (a) to limit the population in areas that are vulnerable to frequent flooding, including those areas exceptionally at risk from projected future tidal flooding;
- (b) to reduce the potential for property damage and disruption from regular flood events and support the City’s capacity to provide infrastructure and services;
- (c) to promote consistency with planned improvements, neighborhood plans, and other measures to promote drainage, coastal protection, open space and other public purposes;
- (d) provide sound planning in areas that have historically been occupied by wetlands and, where plans exist, for such areas to be maintained as open space; and
- (e) to promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City’s tax revenue.

---

### 137-10 - GENERAL PROVISIONS

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LAST AMENDED

10/7/2021

The provisions of this Chapter shall apply in the #Special Coastal Risk 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.

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, except as specifically modified in this Chapter.

---

### 137-11 - District Plan and Maps

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LAST AMENDED

5/12/2021

The District Maps are located in the Appendix to 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 this Chapter apply.

Map 1 #Special Coastal Risk District# 1 (CR-1), in Broad Channel, Community District 14, Borough of Queens

Map 2 #Special Coastal Risk District# 2 (CR-2), in Hamilton Beach, Community District 10, Borough of Queens

- Map 3 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island
- Map 4 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island
- Map 5 #Special Coastal Risk District# 4 (CR-4), in Gerritsen Beach, Community District 15, Borough of Brooklyn
- Map 6 #Special Coastal Risk District# 5 (CR-5), in Edgemere, Community District 14, Borough of Queens.

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## 137-12 - Applicability of Special Regulations

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LAST AMENDED  
5/12/2021

The special #use# and #bulk# regulations of this Chapter shall apply in the #Special Coastal Risk District# as set forth in the following table:

### SPECIAL REGULATIONS

#Special Coastal Risk District#	#Residential Use# ( <a href="#">137-21</a> )	#Community Facility Use# ( <a href="#">137-22</a> )	Modified #Bulk# Requirements ( <a href="#">137-31</a> )	Modifications to Article V ( <a href="#">137-40</a> )	Special Requirements ( <a href="#">137-50</a> )
CR-1 (Broad Channel, Queens)	x	x			
CR-2 (Hamilton Beach, Queens)	x	x	x		
CR-3 (buyout areas, Staten Island)	x	x		x	x
CR-4 (Gerritsen Beach, Brooklyn)	x	x	x		

CR-5 (Edgemere, Queens)	x	x			
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## 137-20 - SPECIAL USE REGULATIONS

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LAST AMENDED  
6/21/2017

The special #use# regulations of this Section [137-20](#), inclusive, shall apply in the #Special Coastal Risk Districts# as set forth in the table in Section [137-12](#) (Applicability of Special Regulations).

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## 137-21 - Residential Use

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LAST AMENDED  
5/12/2021

In #Special Coastal Risk Districts#, #residential uses# shall be permitted as follows:

- (a) In #Special Coastal Risk Districts# 1 and 3, #residential uses# shall be limited to #single-family# #detached residences#.
- (b) In #Special Coastal Risk District# 2, #residential uses# shall be limited to #single-# or #two-family# #detached residences#.
- (c) In #Special Coastal Risk District# 4, #residential uses# shall be permitted as follows:
  - (1) for #zoning lots# with a #lot area# of less than 3,000 square feet, #residential uses# shall be limited to #detached# or #semi-detached# #single-family residences#; and
  - (2) for #zoning lots# with a #lot area# of 3,000 square feet or more, #residential uses# shall be limited to #detached# or #semi-detached# #single-# or #two-family residences#.
- (d) In #Special Coastal Risk District# 5, #residential uses# shall be permitted as follows:
  - (1) in R3A and C3A Districts, #residential uses# shall be limited to #single-family detached residences#; and
  - (2) in R4-1 Districts:
    - (i) for #zoning lots# with a #lot width# of less than 25 feet, #residential uses# shall be limited to #single-family detached residences#; and
    - (ii) for #zoning lots# with a #lot width# of 25 feet or more, #residential uses# shall be limited to #single-# or #two-family detached residences#.

The inclusion of #accessory# #residential uses# shall not be precluded by the provisions of this Section.

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## 137-22 - Community Facility Use

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LAST AMENDED  
9/7/2017

In #Special Coastal Risk Districts#, #community facilities# with sleeping accommodations shall not be permitted.

In #lower density growth management areas# in #Special Coastal Risk District# 3, the regulations for #community facility uses# of the underlying districts shall be modified as follows:

- (a) ambulatory diagnostic or treatment health care facilities shall be limited on any #zoning lot# to 1,500 square feet of #floor area#, including #cellar# space; and
- (b) all #community facility uses# shall be subject to the maximum #floor area ratio#, and special #floor area# limitations, applicable to R3-2 Districts set forth in Section [24-162](#) (Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts).

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## **137-30 - SPECIAL BULK REGULATIONS**

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LAST AMENDED  
6/21/2017

The special #bulk# regulations of this Section [137-30](#), inclusive, shall apply to #buildings# in the #Special Coastal Risk Districts# as set forth in the table in Section [137-12](#) (Applicability of Special Regulations).

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## **137-31 - Minimum Lot Width**

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LAST AMENDED

In #Special Coastal Risk District# 2, the regulations of Section [23-32](#) (Minimum Lot Area or Lot Width for Residences) are modified such that the minimum #lot width# for a #two-family detached residence# in an R3A District shall be 40 feet.

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## **137-32 - Height and Setback Regulations**

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LAST AMENDED  
5/12/2021

In #Special Coastal Risk District# 4, all #detached# or #semi-detached# #single-# or #two-family residences# shall be subject to the height and setback provisions set forth in Section [64-333](#) (Height and setback regulations for cottage envelope buildings).

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## **137-40 - SPECIAL APPLICABILITY OF ARTICLE V**

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LAST AMENDED  
5/12/2021

In #Special Coastal Risk District# 3, the provisions of Article V, Chapter 2 (Non-conforming Uses) shall be modified as set forth in this Section. In addition, the provisions of Article VI, Chapter 5 (Special Regulations Applying in Designated Recovery Areas) and Section [64-61](#) (Special Provisions for Non-conforming Uses) shall not apply.

#Non-conforming# #uses# may not be #enlarged# or #extended#. In addition, should 50 percent or more of the #floor area# of a #building# containing a #non-conforming# #use# be damaged or destroyed after September 7, 2017, the #building# may be repaired, #incidentally altered# or reconstructed only for a #conforming# #use#.

---

## **137-50 - SPECIAL REQUIREMENTS FOR DEVELOPMENTS AND ENLARGEMENTS**

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LAST AMENDED  
5/12/2021

In #Special Coastal Risk District# 3, no #development# or horizontal #enlargement# shall occur, except where authorized by the City Planning Commission pursuant to Sections [137-51](#) (Authorization for Development of Single Buildings and Enlargements) or [137-52](#) (Authorization for Development of Multiple Buildings), as applicable. In addition, the provisions of Article VI, Chapter 5 (Special



Regulations Applying in Designated Recovery Areas) and Section [64-60](#) (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) shall not apply.

For the purposes of determining which authorization shall be applicable, the #zoning lot# upon which the #development# shall occur shall be considered to be a tract of land that existed under separate ownership from all adjoining tracts of land on April 24, 2017.

For the purposes of such authorizations, the alteration of any existing #building# resulting in the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

The provisions of Section [137-50](#), inclusive, shall not apply to the reconstruction of a garage #accessory# to a #single-family residence# or #two-family residence#.

The provisions of Section [73-71](#) (Special Permit for Modification of Certain Zoning Regulations) shall be inapplicable to a #building# that is #developed# pursuant to this Section, inclusive.

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## **137-51 - Authorization for Development of Single Buildings and Enlargements**

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LAST AMENDED

9/7/2017

The City Planning Commission may authorize a horizontal #enlargement#, or a #development# consisting of no more than one #building# containing a non-#accessory# #use#, on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

- (a) the site plan, to the extent practicable, minimizes the need for new paving and impervious surfaces upon the #zoning lot#;
- (b) the site plan provides access to the new or #enlarged building# using #streets# that were improved and open to traffic on the date of application for an authorization, and which serve other occupied #buildings#;
- (c) the site plan, to the extent practicable, minimizes adverse effects on wetlands, planned open space, drainage, or other functions in the surrounding area;
- (d) the resulting #building# and other site improvements would not impair the essential ecological character of the surrounding area for its future use as open space;
- (e) the site plan and resulting #building# incorporate such measures as are reasonable to minimize risks to public safety from natural hazards such as flooding and wildfires; and
- (f) where the Commission is modifying #bulk# regulations, such modifications are the minimum necessary to protect, or provide buffering from, wetlands or wetland-adjacent areas.

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

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## **137-52 - Authorization for Development of Multiple Buildings**

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LAST AMENDED

9/7/2017

The City Planning Commission may authorize a #development# consisting of more than one #building# on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

- (a) all #zoning lots# comprising such #development# together provide a minimum of 9,500 square feet of #lot area# per #building#, where no portion of such #lot area# shall contain delineated wetland on a wetland survey reviewed by the New York State Department of Environmental Conservation (NYSDEC). Such review by the NYSDEC shall have occurred no more than two

years prior to the date of application for this authorization;

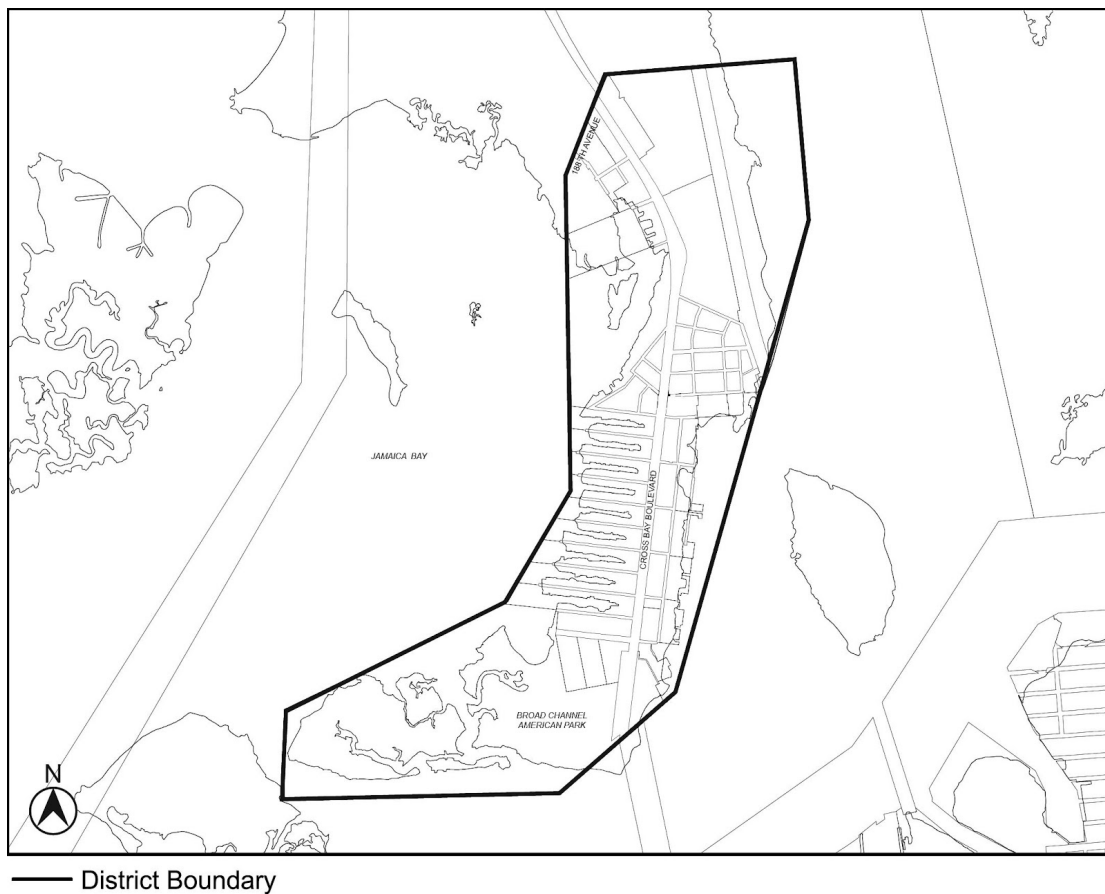
- (b) the #development# satisfies the findings of paragraphs (a) through (e) of Section [137-51](#) (Authorization for Development of Single Buildings and Enlargements);
- (c) where the Commission is modifying #bulk# regulations, such modifications shall:
  - (1) facilitate the configuration of #buildings# in order to protect, or provide buffering from, adjacent wetlands, open space and natural resources;
  - (2) facilitate, to the extent practicable, the configuration of #buildings# in proximity to the location of existing #buildings# within the area;
  - (3) limit the need for new paving and impermeable surfaces; and
  - (4) be consistent with the scale and character of the surrounding area.

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

## APPENDIX - Special Coastal Risk District Plan

LAST AMENDED 7/14/2022

Map 1 - Special Coastal Risk District 1, in Broad Channel, Community District 14, Borough of Queens (6/21/17)

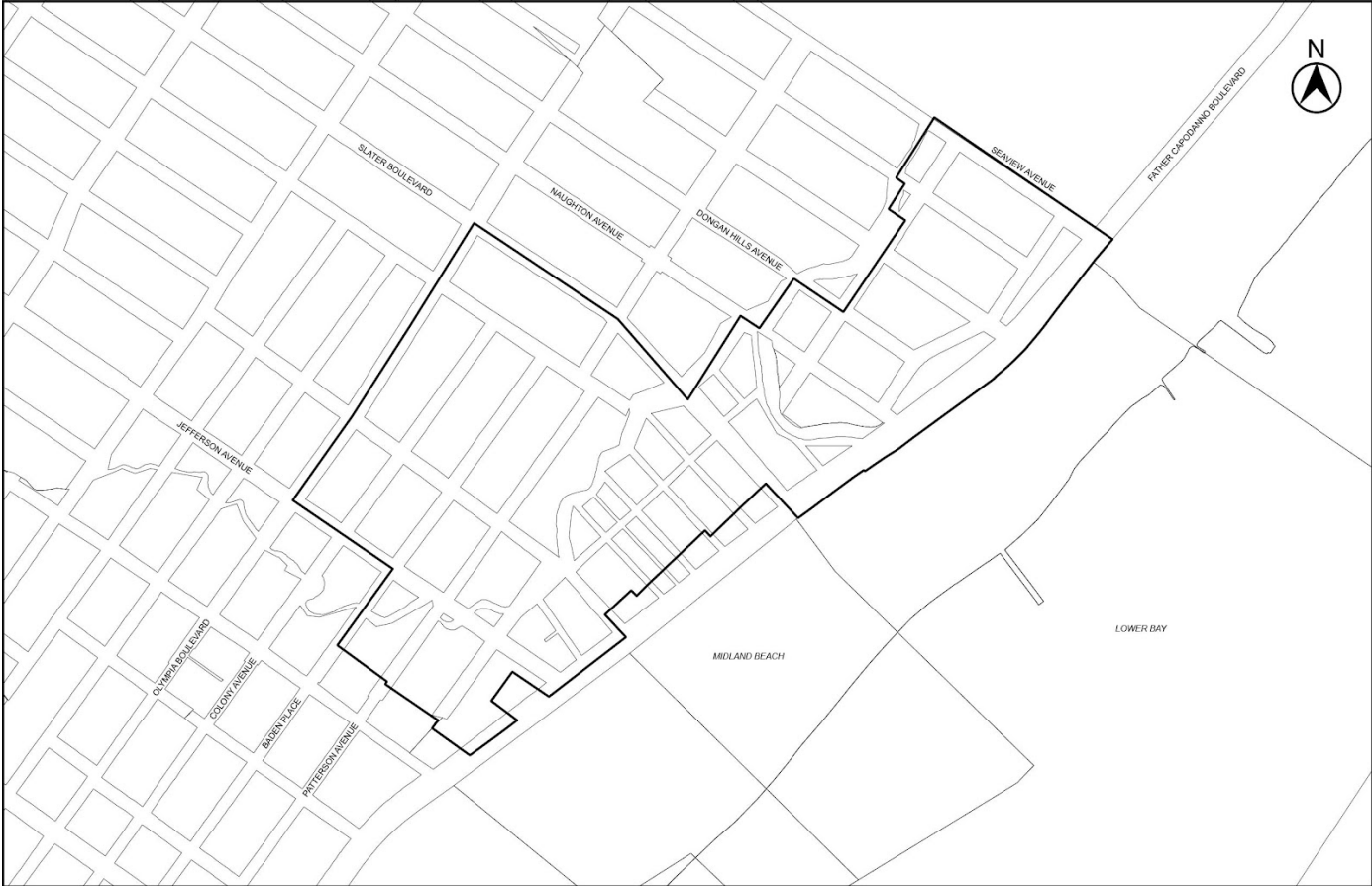


Map 2 - Special Coastal Risk District 2, in Hamilton Beach, Community District 10, Borough of Queens (6/21/17)

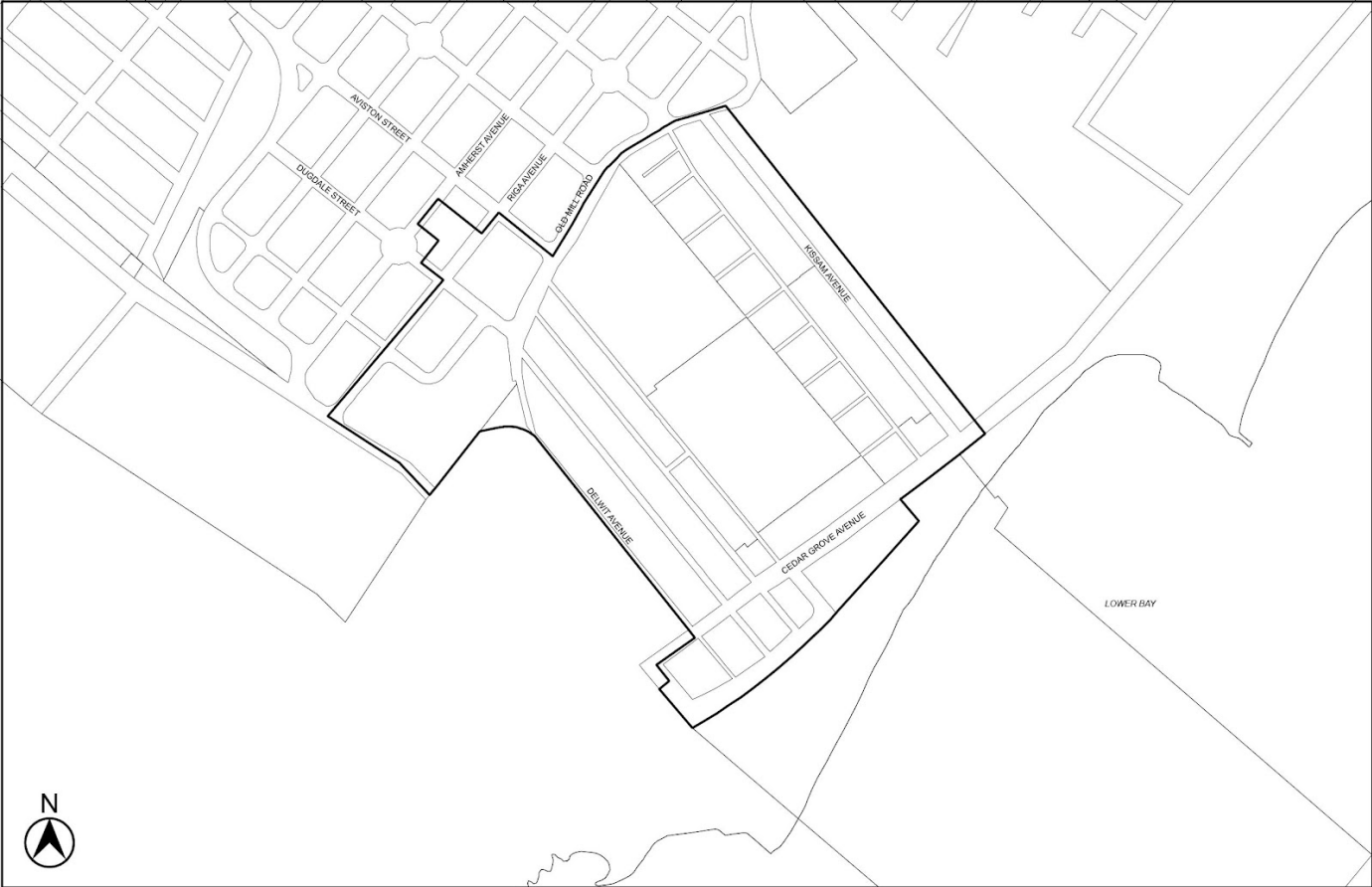


— District Boundary

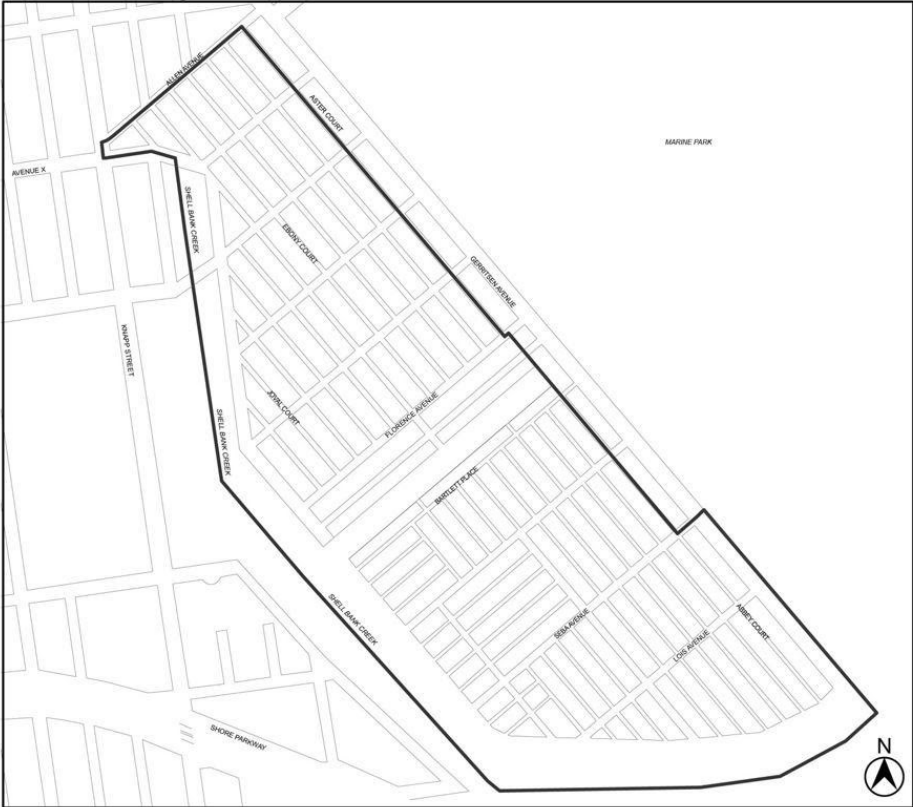
Map 3 - Special Coastal Risk District 3, encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island (9/7/17)



Map 4 - Special Coastal Risk District 3, encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island (9/7/17)



Map 5 – Special Coastal Risk District 4, in Gerritsen Beach, Community District 15, Borough of Brooklyn (5/12/21)



□ District boundary













## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 8 - Special East Harlem Corridors District (EHC)**

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

## Chapter 8 - Special East Harlem Corridors District (EHC)

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### 138-00 - GENERAL PURPOSES

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LAST AMENDED

11/30/2017

The “Special East Harlem Corridors 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 and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) to encourage the development of residential uses along appropriate corridors;
- (c) to encourage the development of permanently affordable housing;
- (d) to facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections;
- (e) to enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) to ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

### 138-01 - General Provisions

---

LAST AMENDED

10/7/2021

The provisions of this Chapter shall apply within the #Special East Harlem Corridors 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#, 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. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

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.

### 138-02 - District Plan and Maps

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LAST AMENDED

11/30/2017

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan

includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is 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 apply.

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### **138-03 - Subdistrict**

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LAST AMENDED  
11/30/2017

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

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### **138-04 - Applicability**

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LAST AMENDED  
11/30/2017

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### **138-041 - Applicability of Article IX, Chapter 5**

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LAST AMENDED  
11/30/2017

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

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### **138-042 - Applicability of Article XII, Chapter 3**

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LAST AMENDED  
11/30/2017

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

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### **138-043 - Applicability of the Quality Housing Program**

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LAST AMENDED  
11/30/2017

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

---

### **138-044 - Applicability of the Inclusionary Housing Program**

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LAST AMENDED  
11/30/2017

For the purposes of applying the Inclusionary Housing Program set forth in Section [23-90](#) (INCLUSIONARY HOUSING), the

#Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

---

## **138-10 - SPECIAL USE REGULATIONS**

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LAST AMENDED

11/30/2017

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

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## **138-11 - Location of Residential Use Within Buildings**

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LAST AMENDED

11/30/2017

In C4 or C6 Districts, the underlying provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

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## **138-12 - Public Parking Garages**

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LAST AMENDED

11/30/2017

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the regulations set forth for C2-4 Districts shall apply.

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## **138-20 - SPECIAL BULK REGULATIONS**

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LAST AMENDED

11/30/2017

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section [138-21](#) (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section [138-22](#) (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section [138-23](#) (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 District, the height and setback provisions set forth in Section [138-24](#) (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

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## **138-21 - Floor Area Regulations**

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations shall apply as modified in this Section, inclusive.

### 138-211 - Special floor area regulations

†

- (a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:
- (1) for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section [23-154](#) (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;
  - (2) for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section [23-154](#), the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

- (3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and
  - (4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections [33-13](#) (Floor Area Bonus for a Public Plaza) or [33-14](#) (Floor Area Bonus for Arcades) shall not apply.
- (b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section [33-121](#) (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.
- (c) In the C4-6 District that is located on the west side of Third Avenue between East 121st Street and East 122nd Street,

the maximum #commercial# #floor area ratio# shall be 7.2.

- (d) For #transit-adjacent sites# or #qualifying transit improvement sites#, 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. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

### 138-212 - Additional floor area regulations in the Park Avenue Subdistrict

LAST AMENDED  
10/7/2021

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section [138-211](#) are further modified in this Section.

- (a) Required non-#residential# #floor area ratio#

Where a #development# or #enlargement# of a #building# on a #zoning lot#, or portion thereof, located within the Park Avenue Subdistrict contains #residential# #floor area#, such #zoning lot# shall provide a minimum non-#residential# #floor area ratio# as set forth below:

- (1) in M1-6 Districts paired with an R9 District, a minimum non-#residential# #floor area ratio# of 1.0 shall be provided;
- (2) in C6-4 Districts, and in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 10.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided; and
- (3) in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 12.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided.

- (b) Maximum #floor area ratio# for #zoning lots# within M1-6 Districts paired with an R9 District

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# for any #use#, or any combination of #uses#, shall not exceed 8.5.

- (c) Modified maximum #floor area ratio# for certain #zoning lots#

The #floor area ratios# set forth in paragraphs (a) and (b) of this Section, and in Section [138-211](#), shall be modified, as follows:

- (1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet;
- (2) for #zoning lots# subject to paragraph (c)(1) of this Section, the maximum #floor area ratio# for all #uses# shall be set forth as follows:

Maximum #floor area ratio# shown on Map 2	Modified maximum #floor area ratio#
--	-------------------------------------



8.5	7.52
10.0	9.0

## 138-22 - Street Wall Regulations

LAST AMENDED  
5/12/2021

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section [35-651](#) (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section [35-651](#) are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section [35-651](#) shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section [35-651](#) shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section [35-651](#) shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

- (1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section [37-34](#) (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#; and
- (2) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (b)(1) of Section [37-362](#) (Mitigation elements) for at least 70 percent of the linear footage, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section [37-362](#) for at least 70 percent of the linear footage of such area per 50 feet of frontage.

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## 138-23 - Height and Setback Regulations in Commercial Districts

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LAST AMENDED  
5/29/2019

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections [35-652](#) (Maximum height of buildings and setback regulations) or [35-654](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that:

- (1) the minimum base heights shall be modified by the provisions of Section [138-22](#) (Street Wall Regulations);
- (2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to such Section shall be 21;
- (3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of Sections [35-652](#) or [35-654](#) for R9 Districts shall apply, except that the minimum base height set forth in Section [138-22](#) shall apply, the maximum #building# height for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to Section [35-654](#) shall be 21;
- (4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 125 feet and the maximum number of stories permitted pursuant to such Section shall be 12; and
- (5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

The regulations of paragraph (b)(2) of Section [35-652](#) relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section [138-30](#) (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable 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), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section [138-22](#) (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section [23-65](#) (Tower Regulations). Each #story# of a tower containing exclusively non-#residential# #floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

- (i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.
- (ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:
  - (a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section [95-032](#) (Determination of transit easement at other stations); and
  - (b) 215 feet for #zoning lots# which include only transit facilities specified in Section [95-032](#) other than ancillary facilities with emergency egress and/or ventilation structures.

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## 138-24 - Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

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LAST AMENDED  
11/30/2017

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (b) of Section [138-22](#) (Street Wall Regulations) shall apply, and the applicable maximum height of #buildings or other structures# and setback provisions set forth in Section [123-66](#) (Height and Setback Regulations), inclusive, shall apply as modified in this Section.

- (a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section [138-22](#), nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations). The maximum #building# height shall be 215 feet;
- (b) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 10.0, at a height not lower than the minimum base height set forth in Section [138-22](#), nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#). The maximum #building# height shall be 275 feet; and
- (c) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 12.0, at a height not lower than the minimum base height set forth in Section [138-22](#), nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#). The maximum #building# height shall be 295 feet.

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## 138-30 - STREETSCAPE REQUIREMENTS

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LAST AMENDED

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level# #enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section [32-434](#) (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a #ground floor level# that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5, or any portion of a #ground floor level# that contains a subway entrance required pursuant to the provisions of Section [138-33](#) (Off-street Relocation or Renovation of a Subway Stair), need not comply with the streetscape requirements of this Section, inclusive.

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## 138-31 - Ground Floor Use Regulations

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LAST AMENDED

5/12/2021

The special #ground floor level# streetscape provisions set forth in Section [37-30](#), shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level# #street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section [37-311](#) (Definitions).

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section [37-33](#) (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level# #street wall# width may be exempt from such regulations, provided that planting or screening in accordance with the provisions of paragraphs (a)(1) or (b)(1) of Section [37-362](#) (Mitigation elements) is provided pursuant to the provisions for Type 1 blank walls set forth in Section [37-361](#) (Blank wall thresholds); and
- (2) in #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section [37-361](#).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section [37-35](#).

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

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## **138-32 - Off-street Relocation or Renovation of a Subway Stair**

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LAST AMENDED

5/12/2021

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet that fronts on a portion of sidewalk containing a stairway entrance or entrances into the 116th Street Station of the Lexington Avenue subway line, such #development# or #enlargement# shall be subject to the regulations of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

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## **138-40 - OFF-STREET PARKING AND LOADING REGULATIONS**

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LAST AMENDED

11/30/2017

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section [123-70](#) (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

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## **138-41 - Accessory Off-street Parking Spaces for Residences**

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LAST AMENDED

11/30/2017

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.

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## **138-42 - Special Permit for Accessory Off-street Commercial Loading Spaces**

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LAST AMENDED

2/8/2024

Within C4-6 Districts, the City Planning Commission may, by special permit, allow a reduction or waiver in the number of required loading berths, provided that:

- (a) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#; and
- (b) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment.

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

## **Appendix - SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN**

LAST AMENDED

2/8/2024

**Map 1: Special East Harlem Corridors District and Subdistrict (2/8/24)**

**Map 2: Maximum Residential Floor Area Ratio (2/8/24)**

**Map 3: Maximum Height (2/8/24)**



Zoning Resolution

THE CITY OF NEW YORK  
Eric Adams, Mayor

CITY PLANNING COMMISSION  
Daniel R. Garodnick, Chair

## **Chapter 9 - Special Gowanus Mixed Use District (G)**

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## Chapter 9 - Special Gowanus Mixed Use District (G)

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### 139-00 - GENERAL PURPOSES

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LAST AMENDED  
11/23/2021

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

- (a) to recognize and enhance the vitality and character of an existing mixed use neighborhood;
- (b) to encourage stability and growth in the Gowanus neighborhood by permitting compatible light manufacturing and residential uses to coexist;
- (c) to encourage investment in a mixed use neighborhood by permitting the expansion and new development of a wide variety of uses in a manner that ensures the health and safety of residents and employees;
- (d) to improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (e) to promote and enhance visual and physical access to and around the Gowanus Canal;
- (f) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (g) to expand local employment opportunities and to promote the opportunity for workers to live in the vicinity of their work; and
- (h) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect the City’s tax revenues.

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### 139-01 - Definitions

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LAST AMENDED  
11/23/2021

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Sections [12-10](#), [37-311](#), [62-11](#) and [66-11](#). The definition of #development# shall be as set forth in Section [12-10](#), except where otherwise specified.

Gowanus mix uses

“Gowanus mix uses” are #community facility#, #commercial#, and #manufacturing uses# set forth in Section [139-12](#) (Gowanus Mix Uses).

Gowanus retail and entertainment uses

“Gowanus retail and entertainment uses” are #community facility# and #commercial uses# set forth in Section [139-13](#) (Gowanus Retail and Entertainment Uses).

Mixed use district

In the #Special Gowanus Mixed Use District#, a “mixed use district” shall be any M1 District paired with a #Residence District#, as indicated on the #zoning maps#. For the purposes of applying provisions of districts adjacent to a #mixed use district#, a #mixed use district# shall be considered a #Manufacturing District#.

Select community facility uses

For the purposes of this Chapter, the following #community facility uses# shall also be considered “select community facility uses”:

Houses of worship, rectories or parish houses; and

Health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.

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### 139-02 - General Provisions

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LAST AMENDED  
11/23/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Gowanus Mixed Use District#, the regulations of this Chapter shall apply within the #Special Gowanus Mixed Use 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.

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### 139-021 - Applicability of regulations to the Gowanus Canal

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LAST AMENDED  
11/23/2021

In the #Special Gowanus Mixed Use District#, all #blocks# bounding the Gowanus Canal shall be considered #waterfront blocks# within the #waterfront area#, and the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), as modified by the provisions of this Chapter, shall apply.

All #zoning lots# having a boundary within or coincident with the boundaries of the Gowanus Canal, shall be considered #waterfront zoning lots#. All portions of such a #zoning lot# shall be included as part of the #upland lot# and deemed to be #lot area#, regardless of the location of the #shoreline#.



For the purposes of this Chapter, the boundaries of the Gowanus Canal shall be as shown on the City Map, and shall include the First Street Basin.

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### 139-022 - Applicability of the Inclusionary Housing Program

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LAST AMENDED  
11/23/2021

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections [23-154](#) and [23-90](#) (INCLUSIONARY HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Gowanus Mixed Use District# are shown on the maps in APPENDIX F (Inclusionary Housing Areas and Mandatory Inclusionary Housing Areas) of this Resolution. Such provisions are modified by the provisions of this Chapter.

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### 139-023 - Applicability of the Quality Housing Program

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LAST AMENDED  
11/23/2021

In the #Special Gowanus Mixed Use District#, all #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 (The Quality Housing Program) shall apply. Such #buildings# shall be considered #Quality Housing buildings#

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### 139-024 - Applicability of Article VI, Chapter 4

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LAST AMENDED  
11/23/2021

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), the provisions of Article VI, Chapter 4, shall control.

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### 139-025 - Applicability of Article VI, Chapter 6

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LAST AMENDED  
11/23/2021

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.

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### 139-026 - Applicability of Article XII, Chapter 3

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LAST AMENDED  
11/23/2021

In #Mixed Use Districts#, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

Notwithstanding the provisions of Section [123-10](#), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

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### 139-03 - District Plan and Maps

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LAST AMENDED  
11/23/2021

The regulations of this Chapter are designed to implement the #Special Gowanus Mixed Use District# Plan. The district plan includes the following maps in the Appendices to this Chapter:

Appendix A – #Special Gowanus Mixed Use District# Plan

- Map 1 Subdistricts
- Map 2 Subareas
- Map 3 Ground Floor Use Requirements
- Map 4 Sidewalk Widening Lines

Appendix B – Gowanus Canal Waterfront Access Plan

- Map 1 Parcel Designation
- Map 2 Public Access Elements
- Map 3 Designated Visual Corridors

The maps are 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 apply.

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### 139-04 - Subdistricts

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LAST AMENDED  
11/23/2021

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established within the #Special Gowanus Mixed Use District#. In addition, subareas are established within Subdistricts B and D.

Subdistrict A – Fourth Avenue Subdistrict

Subdistrict B – Upland Blocks Subdistrict

Subarea B1

Subarea B2

Subdistrict C – North Canal Corridor Subdistrict

Subdistrict D – South Canal Corridor Subdistrict

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

Subarea D6

Subdistrict E – First Street Subdistrict

The boundaries of the subdistricts are shown on Map 1 and the boundaries of the subareas are shown on Map 2 in Appendix A of this Chapter.

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## 139-10 - SPECIAL USE REGULATIONS

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LAST AMENDED  
11/23/2021

In Subdistricts A, B, C, and D the underlying #use# regulations shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying district regulations shall apply.

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## 139-11 - Permitted Uses

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LAST AMENDED  
11/23/2021

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### 139-111 - Permitted uses in Manufacturing Districts

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LAST AMENDED  
11/23/2021

In all #Manufacturing Districts#, in addition to the #uses# specified in Article IV, Chapter 2, the following #uses# shall also be permitted:

- (a) colleges or universities, including professional schools but excluding business colleges or trade schools, libraries, museums, or non-commercial art galleries, and #schools# listed in Use Group 3, as set forth in Section [22-13](#);
- (b) community centers or settlement houses, non-commercial recreation centers, philanthropic or non-profit institutions without sleeping accommodations, hospitals, and agricultural #uses# listed in Use Group 4, as set forth in Section [22-14](#);
- (c) food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section [32-15](#) (Use Group 6), without limitation as to #floor area# per establishment; and
- (d) the manufacture of alcoholic beverages and breweries, as set forth in Section [42-15](#) (Use Group 18), without limitation as to #floor area# per establishment. The provisions of Section [42-27](#) (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.

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### 139-112 - Permitted uses in Mixed Use Districts

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LAST AMENDED  
11/23/2021

In all #Mixed Use Districts#, in addition to the #uses# specified in Article XII, Chapter 3, the following #uses# shall also be permitted:

- (a) food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section [32-15](#) (Use Group 6), without limitation as to #floor area# per establishment;
- (b) all uses in Use Group 10A, as specified in Section [32-19](#), limited to 25,000 square feet of #lot area# per establishment; and
- (c) the manufacture of alcoholic beverages and breweries, as set forth in Section [42-15](#) (Use Group 18), without limitation as to #floor area# per establishment. The provisions of Section [42-27](#) (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.

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## 139-12 - Gowanus Mix Uses

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LAST AMENDED  
11/23/2021

For the purposes of applying the special #bulk# regulations of Section [139-212](#) (Gowanus mix), the following #community facility#, #commercial#, and #manufacturing uses# shall also be considered #Gowanus mix uses#:

From Use Group 3, as set forth in Section [22-13](#):

libraries, museums, and non-commercial art galleries, as listed in Use Group 3A;

From Use Group 4, as set forth in Section [22-14](#):

community centers or settlement houses and non-profit institutions without sleeping accommodations as listed in Use Group 4A;

agriculture, including greenhouses, nurseries, and truck gardens as listed in use Group 4B;

From Use Group 6, as set forth in Section [32-15](#):

custom tailoring, as listed in Use Group 6A;

From Use Group 7, as set forth in Section [32-16](#):

bike rental or repair, sailmaking stores, sign painting shops, and taxidermy shops as listed in Use Group 7B;

From Use Group 8: as set forth in Section [32-17](#):

lumber stores and home appliance repair shops as listed in Use Group 8B;

From Use Group 9, as set forth in Section [32-18](#):

blueprinting; costume rental; instrument repair; printing establishments; studios, art, music, dancing or theatrical; trade schools for adults; and umbrella repair shops as listed in Use Group 9A;  
photographic printing or developing as listed in Use Group 9B;

From Use Group 10, as set forth in Section [32-19](#):

photographic or motion picture production studios; radio or television studios;

From Use Group 11, as set forth in Section [32-20](#):

all #uses# listed in Use Groups 11A;

From Use Group 14, as set forth in Section [32-23](#):

bicycle rental or repair, and boat storage, repair, and painting, as listed in Use Group 14A;

From Use Group 16, as set forth in Section [32-25](#):

blacksmith shops; carpentry or custom woodworking; custom furniture making; building contractor supply stores; fuel, ice, oil, coal, wood sales; household and office equipment or machinery repair shops; machinery rental or sales establishments; mirror silvering or glass cutting shops; and tool, die, and pattern making shops as listed in Use Group 16A;

From Use Group 17, as set forth in Section [42-14](#):

all #uses# listed in Use Group 17B;

From Use Group 18, as set forth in Section [42-15](#):

breweries and alcoholic beverage manufacturing.

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### **139-13 - Gowanus Retail and Entertainment Uses**

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LAST AMENDED  
11/23/2021

For the purposes of applying the basic #floor area ratio# regulations of Section [139-21](#), the following #community facility# and #commercial uses# shall also be considered #Gowanus retail and entertainment uses#:

From Use Group 3, as set forth in Section [22-13](#):

non-commercial art galleries;

From Use Group 6, as set forth in Section [32-15](#):

all #uses# listed in Use Group 6A, 6C, and 6E;

From Use Group 8, as set forth in Section [32-17](#):

all #uses# listed in Use Group 8A;

From Use Group 9, as set forth in Section [32-18](#):

automobile, motorcycle, trailer, or boat showrooms or sales, banquet halls, catering establishments, gymnasiums, #health and fitness establishments#;

From Use Group 10, as set forth in Section [32-19](#):

all #uses# listed in Use Group 10A;

From Use Group 12, as set forth in Section [32-21](#):

all #uses# listed in Use Groups 12A and 12B;

From Use Group 13, as set forth in Section [32-22](#):

all #uses# in Use Group 13A and 13B;

From Use Group 14, as set forth in Section [32-23](#):

bicycle sales; candy or ice cream stores; and non-commercial clubs without restrictions on activities or facilities.

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### **139-14 - Supplementary Use Regulations**

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LAST AMENDED

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### 139-141 - Location of commercial uses in mixed buildings

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LAST AMENDED  
11/23/2021

(a) Commercial Districts

In #Commercial Districts#, the underlying provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged# after November 23, 2021, to permit #dwelling units# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

(b) Mixed Use Districts

In #Mixed Use Districts#, the provisions of paragraph (c)(2) of Section [123-31](#) (Provisions Regulating Location of Uses in Mixed Use Buildings) shall be modified to allow #commercial# and #manufacturing uses# to be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from such #uses# exists within the #building#.

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### 139-142 - Enclosure of uses

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LAST AMENDED  
11/23/2021

In #Manufacturing Districts#, the underlying regulations of Section [42-40](#) (SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) shall apply, except that all storage of materials or products shall be located within #completely enclosed buildings# regardless of distance from a #Residence District#.

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### 139-15 - Special Sign Regulations

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LAST AMENDED  
11/23/2021

In the #Special Gowanus Mixed Use District#, the underlying #sign# regulations shall apply, except that:

- (a) in #Manufacturing Districts#, the #sign# regulations of a C6-1 District, as set forth in Section [32-60](#), shall apply; and
  - (b) any #accessory signs# that are provided adjacent to a #shore public walkway# shall be governed by the provisions of Section [139-55](#) (Special Signage Regulations).
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### 139-20 - SPECIAL BULK REGULATIONS

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LAST AMENDED  
11/23/2021

In Subdistricts A, B, C and D, the #bulk# regulations of the applicable underlying districts shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying regulations shall apply.

In Subdistrict A, the provisions of Section [34-112](#) (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) and paragraph (b) of Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5, or C6 Districts) shall be modified so that, in C4-4D Districts, the applicable #Residence District# shall be an R9A District, as modified by the provisions of this Chapter.

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### 139-21 - Floor Area Regulations

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LAST AMENDED  
11/23/2021

Basic #floor area# regulations are established in Section 139-211. Such regulations may be modified by the provisions of this Section, inclusive.

The basic maximum #floor area ratios# may be increased for certain #zoning lots# pursuant to Sections [139-212](#) (Gowanus mix) and [139-213](#) (Special floor area provisions for transit improvements).

Special regulations for #community facility floor area# on #zoning lots# containing #schools# are set forth in Section [139-214](#) (Special floor area provisions for zoning lots containing schools).

Special regulations for certain #zoning lots# are set forth in Section [139-215](#) (Special floor area provisions for zoning lots containing comfort stations) and [139-216](#) (Special floor area provisions for street improvements).

For the purposes of applying the provisions of Section [64-322](#) (Special floor area modifications for flood-resistant buildings), #primary street frontages# shall be the locations designated on Map 3 in the Appendix to this Chapter.

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### 139-211 - Basic floor area regulations

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LAST AMENDED  
11/23/2021

The maximum #floor area# regulations for each district in the #Special Gowanus Mixed Use District# shall be as set forth in the table in this Section.

Row A establishes the maximum #residential# #floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section [23-154](#) (Inclusionary Housing), or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. For #zoning lots# subject to the provisions of paragraph (d)(4) of Section [23-154](#), the maximum #floor area ratio# shall be as set forth in Section [23-153](#) (For Quality Housing buildings).

Row B establishes a maximum #floor area ratio# for #community facility uses#, other than #select community facility uses#.

Row C sets forth the maximum #floor area ratio# for #select community facility uses# only. In addition, special regulations for #schools# are set forth in Section 139-214.

Row D establishes a maximum #floor area ratio# for #Gowanus retail and entertainment uses# only.

Row E establishes a maximum #floor area ratio# for all #commercial uses#, inclusive of #Gowanus retail and entertainment uses#.

Row F sets forth the maximum #floor area ratio# for #manufacturing# uses.

MAXIMUM FLOOR AREA RATIO

		C4-4D	M1-4		M1-4 / R6B	M1-4 / R6A	M1-4 / R7A	M1-4 / R7-2	M1-4 / R7X
			Subarea B1	Subarea B2					
A	Maximum #FAR# for #residential uses# for #MIH Sites#	8.5	-	-	2.2	3.6	4.6	4.4	5.4
B	Maximum #FAR# for #community facility uses#	6.5	3.6	2.7	2.0	3.0	4.0	4.0	5.0
C	Maximum #FAR# for #select community facility uses#	6.5	4.8	4.8	2.0	3.0	4.0	4.0	5.0
D	Maximum #FAR# for #Gowanus retail and entertainment uses#	3.4	2.0	2.0	2.0	2.0	2.0	2.0	2.0
E	Maximum #FAR# for #commercial uses#	3.4	3.6 <sup>1</sup>	2.7 <sup>2</sup>	2.0	3.0	3.0	3.0	4.0
F	Maximum #FAR# for #manufacturing uses#	-	3.6 <sup>1</sup>	2.7 <sup>2</sup>	2.0	3.0	3.0	3.0	4.0

<sup>1</sup> In #Manufacturing Districts# within Subarea B1, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 4.0.

<sup>2</sup> In #Manufacturing Districts# within Subarea B2, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 3.0.

**139-212 - Gowanus mix**

LAST AMENDED  
11/23/2021

In M1 Districts paired with R7-2 or R7X Districts, the provisions of this Section may be utilized to increase the maximum #floor area ratio# set forth Section [139-211](#) (Basic floor area regulations).

(a) Inclusion of #Gowanus mix uses#

For #zoning lots# with #buildings# containing both #residential# #uses# and #Gowanus mix uses#, the maximum #floor area ratio# may be increased by the amount of #Gowanus mix uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(b) Inclusion of both #Gowanus mix uses# and non-#residential# #uses#

For #zoning lots# utilizing the provisions of paragraph (a) of this Section, the maximum #floor area ratio# may be further increased by the amount of non-#residential# #uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(c) Compliance and recordation

A Notice of Restrictions, the form and content of which shall be satisfactory to the City Planning Commission, for a property subject to inclusion of #Gowanus mix uses# pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect.

(d) Annual reporting for #Gowanus mix uses#

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which the first temporary or final certificate of occupancy was issued for a #building# utilizing the provisions of paragraph (b) of this Section, the #building# owner shall submit annually to the Chairperson of the City Planning Commission, Speaker of the City Council, and Brooklyn Community Board 6, a report on the existing conditions of #floor area# designated for #Gowanus mix uses# and include the information specified below:

- (1) the date of the most recent update of this information;
- (2) total #floor area# of the #Gowanus mix uses# in the #development#, pursuant to paragraph (b) of this Section;
- (3) the name of each establishment occupying #floor area# reserved for #Gowanus mix uses#. Such establishment name shall include that name by which the establishment does business and is known to the public. For each establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

- (4) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and
- (5) all prior periodic notification information required pursuant to the provisions of this paragraph.

The report shall be submitted by any method, including e-mail or other electronic means, acceptable to the Chairperson of the City Planning Commission.

#Floor area# provided to satisfy the requirements of Section [139-41](#) (Ground Floor Level Requirements) may not be utilized to satisfy the requirements of this Section.

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### **139-213 - Special floor area provisions for transit improvements**

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LAST AMENDED  
11/23/2021

In #Commercial Districts#, the #floor area ratios# set forth in Section [139-211](#) (Basic floor area regulations) may be increased by up to 20 percent, pursuant to the provisions of Section [139-46](#) (Certification for Transit Improvements). Where the #residential# #floor area ratio# is increased, such additional #floor area# shall be exempt from the requirements of paragraph (d) of Section 23-154.

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### **139-214 - Special floor area provisions for zoning lots containing schools**

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LAST AMENDED  
11/23/2021

(a) As-of-right provisions

The provisions of this paragraph (a) shall apply to #zoning lots# with a #lot area# greater than 30,000 square feet, and which contain #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

On such #zoning lots#, up to 60,000 square feet of floor space within such #school# or, in Subarea D4 up to 100,000 square feet of floor space within such #school#, shall be exempt from the definition of #floor area#.

(b) Special permit provisions

In #Manufacturing Districts# within Subareas B1 or B2, the Board of Standards and Appeals may permit the allowable #community facility# #floor area ratio# for #schools# to be increased to 4.8, provided that the Board finds that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access to light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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### **139-215 - Special floor area provisions for zoning lots containing comfort stations**

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LAST AMENDED  
11/23/2021

For #zoning lots# containing a comfort station provided in accordance with the provisions of paragraph (c)(2) of Section [139-51](#) (Area-wide Modifications), an area equal to 200 percent of the floor space within such comfort station may be exempted from the definition of #floor area#.

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### **139-216 - Special floor area provisions for street improvements**

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LAST AMENDED  
11/23/2021

In Subareas D4, D5, and D6, for #zoning lots# containing mapped #streets#, where such mapped #streets# will be improved and opened to the public, the provisions of this Section may apply.

(a) Street area

The #lot area# of a #zoning lot# adjacent to newly improved #street# may be considered to be increased by an amount equal to the area contained within the bed of such #street#, as measured from the centerline of such #street# to the #street line# adjoining the #zoning lot#.

(b) Transfer of #floor area#

#Residential floor area# may be transferred from a granting site to a receiving site located directly across the newly improved #street#, and may exceed the maximum #floor area ratio# permitted on the receiving site, provided that:

- (1) the owners of the granting site and the receiving site shall jointly notify the Department of City Planning, in writing, of their intent to transfer #residential# #floor area#. Such notification shall include a site plan showing the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;
- (2) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #residential# #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 comply with the requirements of this Section; and
- (3) no certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #residential# #floor area# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #building# has been constructed in accordance with the plan certified by the Chairperson pursuant to paragraph (b) (2) of this Section.

Notices of restrictions shall be filed by the owners of the granting site and the receiving site 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 of a building permit for a #building# on the receiving site containing any such transferred #residential# #floor area#.

The transfer of #residential# #floor area#, once completed, shall irrevocably reduce the maximum #residential# #floor area# permitted on the granting site. Any #building# on a receiving site that uses the #residential# #floor area# so transferred shall comply with all other applicable #bulk# regulations of this Chapter.

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### **139-22 - Special Yard Regulations**

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LAST AMENDED

The underlying #yard# and #rear yard equivalent# regulations shall apply, as modified by the provisions of this Section, inclusive.

### 139-221 - Permitted obstructions in required yards

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LAST AMENDED  
12/6/2023

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(2) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 33-23 or 44-23, as applicable, shall be permitted above such modified height limitations.

### 139-222 - Rear yards and rear yard equivalents

LAST AMENDED  
11/23/2021

In all #Manufacturing Districts#, the provisions of 43-26 (Minimum Required Rear Yards) and 43-261 (Beyond one hundred feet of a street line) shall not apply. In lieu thereof, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

#### REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10
Above 65 feet and below 125 feet	15
Above 125 feet	20

In addition, in all #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-28 (Special Provisions for Through Lots) shall be modified such that no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

### 139-223 - Required yards along district boundaries

LAST AMENDED  
11/23/2021

In #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-304 (Required front yards along district boundary located in a street) shall not apply.

In #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the underlying yard requirements applying along district boundaries of Sections 33-292 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots), 33-293 (Required yards along district boundary coincident with side lot line of zoning lot in a Commercial District), 43-302 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District), shall be superseded by the provisions of this Section as follows:

- When #side# or #rear lot lines# coincide with a #side lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level#, and at least eight feet in depth, shall be provided; and
- Where #side# or #rear lot lines# coincide with the #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than 30 feet above #base plane# and at least 20 feet in depth, shall be provided.

### 139-224 - Waterfront yards

LAST AMENDED  
11/23/2021

The provisions of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall be modified such that a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards) on all #waterfront zoning lots#, as that term is defined in Section 62-11, regardless of #use#.

The depth of the #waterfront yard# shall be measured from the #zoning lot line# adjoining the Gowanus Canal, or where the provisions of paragraph (f) of Section 139-51 (Area-wide Modifications) are utilized, from the bulkhead. The depth of the #waterfront yard# may be reduced as set forth in Section 62-332.

### 139-23 - Special Height and Setback Regulations

LAST AMENDED  
11/23/2021

The height and setback regulations of the applicable underlying districts are modified as follows:

- In #Commercial Districts#, the height and setback regulations of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS) shall apply to all #buildings#, as modified by the provisions of this Section, inclusive.

- (b) In #Mixed Use Districts#, the height and setback regulations of Section [123-60](#) (SPECIAL BULK REGULATIONS) shall apply, as modified by the provisions of this Section, inclusive.
- (c) In #Manufacturing Districts#, the underlying height and setback regulations of Sections [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks), [43-44](#) (Alternate Front Setbacks), and [43-45](#) (Tower Regulations) shall not apply. In lieu thereof, minimum and maximum base heights and maximum heights for #buildings or other structures# shall be as set forth in this Section, inclusive. The other underlying regulations of Article IV, Chapter 3 (Bulk Regulations) shall apply, as modified by the provisions of this Section, inclusive.
- (d) The special #bulk# regulations applicable in the #waterfront area# of Section [62-30](#) (SPECIAL BULK REGULATIONS) shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall control.

The height of all #buildings or other structures# shall be measured from the #base plane#.

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### 139-231 - General provisions

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LAST AMENDED  
11/23/2021

For the purposes of applying the applicable #bulk# regulations, the boundaries of #waterfront public access areas#, as well as #lot lines# abutting #public parks#, shall be considered #narrow# #street lines#.

Where a continuous sidewalk widening is provided along the entire frontage of a #zoning lot#, the interior boundary of such widening shall be considered a #street line# for the purpose of applying the height and setback regulations of this Chapter, except that where a sidewalk widening is provided pursuant to Section [139-43](#) (Sidewalk Widening Requirements), any setback required by this Section may be reduced by one foot for each foot by which the sidewalk is widened, provided that no setback shall be less than seven feet in depth.

Where a provision of this Chapter allows a modification to the maximum #building# height, and multiple modifications apply to a #building#, such modifications shall be applied cumulatively.

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### 139-232 - Permitted obstructions

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LAST AMENDED  
12/6/2023

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

- (a) Balconies

Unenclosed balconies complying with the provisions of Section [23-132](#) (Balconies in R6 through R10 Districts) may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section [139-51](#) (Area-wide Modifications).

- (b) Dormers

Above the maximum base height, dormers shall be permitted to encroach into a required setback area, except setback areas adjoining tower portions of #buildings# and setback areas facing #waterfront public access areas#, provided that:

- (1) the aggregate width of all dormers does not exceed 50 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height;
- (2) the aggregate width of all dormers with a depth exceeding seven feet does not exceed 30 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height.

Such dormers need not decrease in width as the height above the maximum base height increases.

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### 139-233 - Special height and setback regulations in Subdistrict A

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LAST AMENDED  
11/23/2021

In Subdistrict A, the underlying district regulations shall be modified by the provisions of this Section.

- (a) Street wall location

The #street wall# location requirements of paragraph (b) of Section [35-651](#) (Street wall location) shall apply to all #buildings#.

- (b) Base heights and setback requirements

The maximum height of #buildings or other structures# shall be as set forth in Sections [35-652](#) (Maximum height of buildings and setback regulations) or [35-654](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable.

In addition, for all non-#residential# #buildings#, the provisions of paragraph (b)(1) of Section [35-652](#) shall be modified such that the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# shall be as set forth in paragraph (b) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors).

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### 139-234 - Special height and setback regulations in Subdistrict B

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In Subdistrict B, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

In #Manufacturing Districts#, 30 percent of the #street wall# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

In #Mixed Use Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in paragraph (b) of this Section or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

(b) Minimum and maximum base heights

In all districts, #street walls# shall rise without setback to a minimum base height set forth in this paragraph (b) or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). In #Manufacturing Districts#, minimum and maximum base heights and maximum heights of #buildings or other structures# shall be as set forth in Table 1 below. In #Mixed Use Districts#, such regulations shall be as set forth in Table 2.

Table 1

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR M1-4 DISTRICTS

(in feet)

	Minimum base height	Maximum base height	Maximum #building# height
in Subarea B1	15	95	115
in Subarea B2	15	65	85

Table 2

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR MIXED USE DISTRICTS

(in feet)

	Minimum base height	Maximum base height	Maximum #building# height
M1-4/R6B	30	45	55
M1-4/R6A	40	65	85
M1-4/R7A	40	75	95
M1-4/R7X	60	105	145

For #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, and located in a #Manufacturing District#, a #building# containing non-#residential uses# may exceed the maximum #building# heights established in Table 1 by 30 feet.

For #zoning lots# adjoining the portion of Degraw Street located between Nevins Street and Third Avenue, the heights listed in Table 2 are modified so that within 100 feet of Degraw Street, the maximum base height is 95 feet, and the maximum #building# height is 125 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided which complies with the requirements of paragraph (c) of Section 23-662.

**139-235 - Special height and setback regulations in Subdistrict C**

(a) Street wall location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

Except as otherwise specified in this paragraph (b), #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). However, no minimum base height shall be required for #street walls# facing a #shore public walkway#.

- (1) Along Bond Street, the minimum base height shall be 30 feet, and the maximum base height shall be 55 feet. No portion of a #building# located within 65 feet of Bond Street may rise above a height of 65 feet.
- (2) Along Union Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.
- (3) Along Degraw Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.
- (4) Along all other #streets#, as well as along the Gowanus Canal, the maximum base height shall be 65 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback with a minimum depth of 15 feet shall be provided. Such setback shall also comply with the requirements of paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations).

(d) Tower regulations

Where #waterfront public access areas# are considered #streets#, such #streets# shall be considered the boundaries of #blocks# for the purposes of this paragraph.

(1) Tower location

Any portion of a #building# located above a height of 85 feet shall be considered a "tower". No portion of a tower may be located:

- (i) within 30 feet of the #street line# of Nevins Street;
- (ii) within 65 feet of Bond Street;
- (iii) for #buildings# with only one tower portion, south of the centerline of the #block#; or
- (iv) within 30 feet of a #waterfront yard#.

However, for #zoning lots# located south of Carroll Street, any tower may be located south of the centerline of the #block#, and within 30 feet of the #waterfront yard# adjoining the First Street Basin, provided such tower portion is located at least 10 feet from the #waterfront yard# adjoining the First Street Basin.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, for #zoning lots# located south of Carroll Street, the combined #street wall# width of all towers located west of the required #visual corridor# shall not exceed 150 feet.

(3) Tower coverage

Above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

The maximum height of a tower shall be 225 feet.

(5) Regulations for multiple towers

For #buildings# with two tower portions, there shall be a difference in height between such towers of at least 50 feet. The taller of the two towers shall be located north of the centerline of the #block#, except that:

- (i) for #zoning lots# located south of Carroll Street, the taller of the two towers shall be located west of the required #visual corridor#. The shorter of the two towers shall be located east of the required #visual corridor#, and no less than 65 feet from Carroll Street; and
- (ii) for the #zoning lot# adjoining the intersection of Degraw Street and Nevins Street, for any #building# located north of Sackett Street, the shorter of the two towers shall be located north of the centerline of the #block#, and shall not exceed a height of 125 feet.

### 139-236 - Special height and setback regulations in Subdistrict D

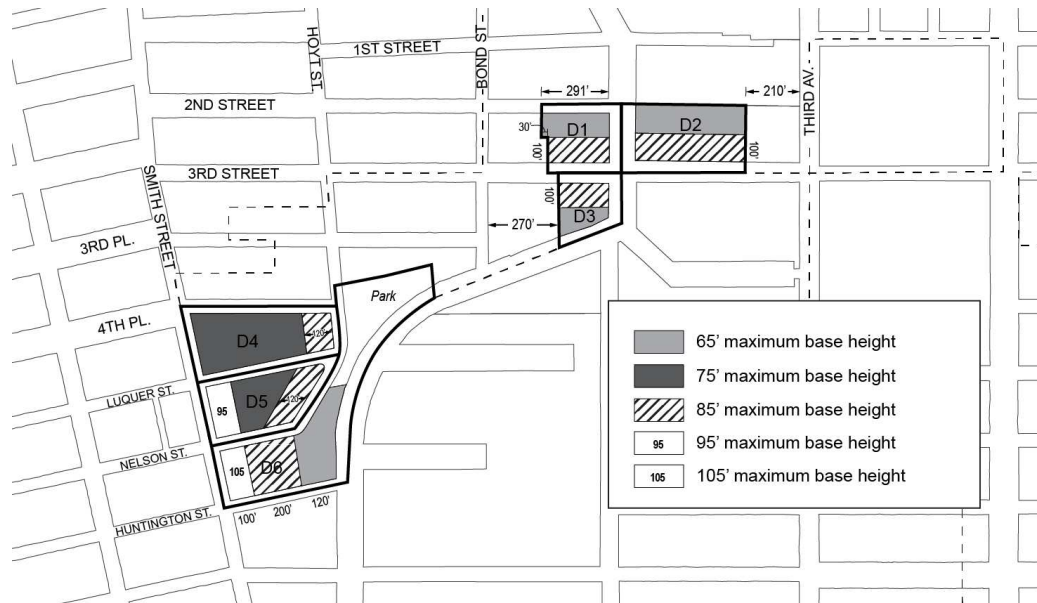
LAST AMENDED  
11/23/2021

(a) Street wall location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

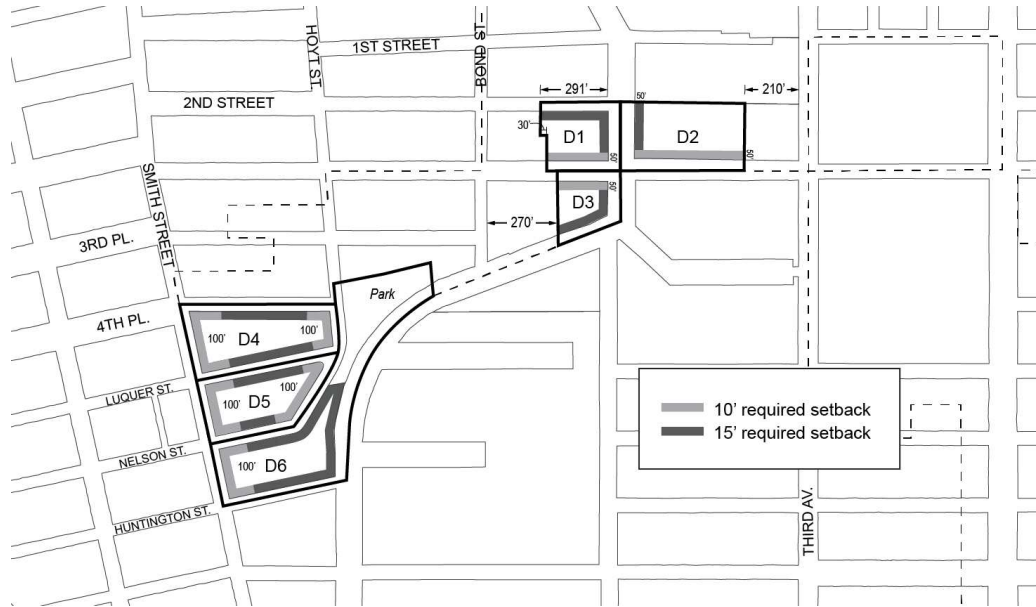
For #zoning lots# in Subareas D1 through D6, #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in the map in this paragraph (b). However, this requirement shall not apply to the #aggregate width of street walls# facing a #shore public walkway#.



(c) Setback requirements

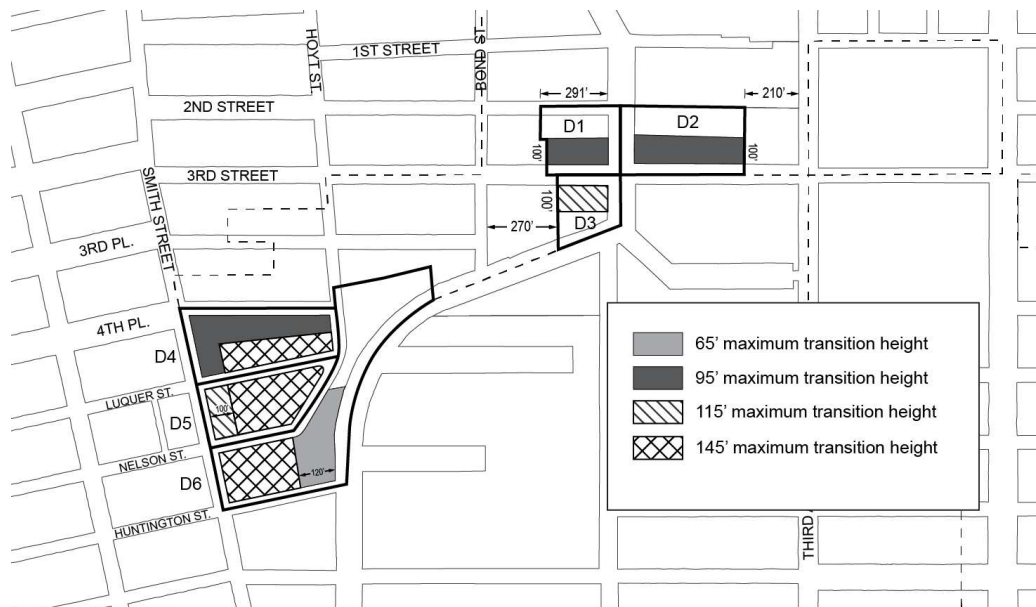
At a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided with a minimum depth as set forth in the map in this paragraph (c).

Such setbacks shall also comply with the provisions of paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations).



(d) Transition heights

Any portion of a #building# located above the setback required by paragraph (c) of this Section shall be permitted to rise to a maximum "transition height" as set forth in this paragraph (d). Any portion of a #building# located above the maximum transition height shall be considered a "tower" and shall comply with the provisions of paragraph (e) of this Section. Except as otherwise set forth in the map in this paragraph (d), such maximum transition height shall be 85 feet.



(e) Tower regulations

(1) Tower location

Any portion of a #building# located above the maximum transition height set forth in paragraph (d) shall be considered a “tower”. No portion of a tower may be located:

- (i) in Subarea D4, within 150 feet of Smith Street or within 150 feet of Hoyt Street;
- (ii) in Subarea D5, within 80 feet of Smith Street or within 200 feet of Smith Street north of the mid-#block# line; or
- (iii) within 30 feet of a #waterfront yard#.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, in Subarea D4, where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 170 feet.

(3) Tower coverage

In Subareas D1, D2, and D3, above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

In Subareas D5 and D6, the portion of any tower containing the top four #stories# of such tower shall set back such that it occupies a # lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

Except as otherwise specified in this paragraph (e)(4), the maximum height of a tower shall be 225 feet.

- (i) In Subarea D4, towers shall be permitted to rise to a height of 285 feet.
- (ii) In Subarea D5, towers shall be permitted to rise to a height of 245 feet.
- (iii) In Subarea D6, towers shall be permitted to rise to a height of 305 feet.

(5) Regulations for multiple towers

- (i) In Subareas D1 and D2, no more than two towers shall be permitted on a #zoning lot#.
- (ii) In Subareas D4 and D5, no more than two towers shall be permitted in each subarea.
- (iii) In Subareas D3 and D6, no more than one tower shall be permitted in the subarea.
- (iv) Wherever two towers are provided on the same #zoning lot#, there shall be a difference in height between such towers of at least 50 feet.

In addition, in Subarea D1, the taller of the two towers shall be located within 100 feet of Third Street.

†

LAST AMENDED  
12/6/2023

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such recess or projection shall be considered a permitted obstruction into a required setback, and the depth of such recess or projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of paragraph (c) of Section [23-623](#) shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

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### **139-238 - Special height regulations for zoning lots containing schools**

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LAST AMENDED  
11/23/2021

In Subdistrict C, and in Subareas D1, D2, and D3, for #zoning lots# containing #schools# regulated by Section [139-214](#) (Special floor area provisions for zoning lots containing schools), the maximum tower height specified by the regulations in this Section, inclusive, may be increased as-of-right by 40 feet. This allowance may be further modified by the provisions of Section [139-47](#) (Authorization for sites containing schools).

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### **139-30 - SPECIAL PARKING REGULATIONS**

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LAST AMENDED  
11/23/2021

In Subdistricts A, B, C, and D, the underlying parking and loading regulations shall be modified by the provisions of this Section. On #waterfront blocks#, the provisions of Section [62-40](#) shall not apply. In Subdistrict E, the underlying regulations shall apply.

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### **139-31 - Special Accessory Off-street Parking Regulations**

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LAST AMENDED 11/23/2021

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### **139-311 - Reduction of parking requirements for residences**

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LAST AMENDED  
11/23/2021

In all districts, for the purposes of applying the provisions of Sections [36-33](#) (Requirements Where Group Parking Facilities Are Provided) and [123-72](#) (Residential and Community Facility Uses), the provisions of Section [25-23](#) (Requirements Where Group Parking Facilities Are Provided) shall be modified to require that #accessory# off-street parking spaces be provided for at least 20 percent of #residences# on a #zoning lot#.

For the purposes of applying waivers, the provisions of Section [25-26](#) (Waiver of Requirements for Small Number of Spaces) shall be modified so that the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces.

Notwithstanding the above, in Subarea D4, and in Subarea D5 north of the mid-#block# line, no #accessory# off-street parking spaces for #residences# shall be required.

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### **139-312 - Elimination of parking requirements for non-residential uses**

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LAST AMENDED  
11/23/2021

In all districts, no #accessory# off-street parking spaces shall be required for #manufacturing#, #commercial#, or #community facility uses#.

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### **139-313 - Off-site parking facilities**

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LAST AMENDED  
11/23/2021

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections [25-51](#) and [36-42](#) (Off-site Spaces for Residences) shall be modified to allow the #zoning lot# containing required #accessory# off-street parking spaces for #residences# to be located in any zoning district, as well as anywhere within the #Special Gowanus Mixed Use District#.

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### **139-314 - Joint facilities**

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LAST AMENDED  
11/23/2021

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections [25-51](#) and [36-41](#) (Joint facilities) shall not apply. In lieu thereof, the provisions of this Section shall apply.

Required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that the number of spaces in such joint facilities shall be not less than that required for the combined number of #dwelling units# in such #buildings# or #zoning lots#, and provided that the design and layout of such joint facilities meets the standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

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### **139-315 - Use of parking facilities for public parking**

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LAST AMENDED  
12/6/2023

All #accessory# off-street parking spaces may be made available for public use. However, parking spaces #accessory# to #residences# shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord.

### 139-32 - Special Loading Regulations

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LAST AMENDED  
12/6/2023

In all districts, the loading regulations of an M1-5 District shall apply, and shall be further modified as follows:

- (a) the requirements of Section [44-50](#) (OFF-STREET LOADING REGULATIONS), inclusive, shall not apply to changes of #uses#;
- (b) the provisions of Section [44-53](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), and Sections [36-64](#) and [44-54](#) (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses), shall not apply; and
- (c) the minimum length requirements for loading berths #accessory# to #commercial uses#, other than funeral establishments, set forth in Section [44-581](#) (Size of required loading berths) shall be increased to 37 feet.

### 139-33 - Special Curb Cut Regulations

†

LAST AMENDED  
12/6/2023

For #zoning lots# existing on or after November 23, 2021, with frontage along both a #primary street frontage# and a #secondary street frontage#, as set forth in Section [139-41](#) (Ground Floor Level Requirements), curb cuts accessing off-street parking spaces and loading berths shall not be permitted along the #primary street frontage#. In addition, no curb cut shall be permitted within 40 feet of a #waterfront public access area#.

Curb cuts prohibited by this Section may be authorized by the City Planning Commission provided the Commission finds that a curb cut at such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

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

### 139-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED  
11/23/2021

In all Subdistricts, the provisions of this Section shall apply to all #zoning lots#, as specified below.

### 139-41 - Ground Floor Level Requirements

LAST AMENDED  
11/23/2021

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section [37-30](#) to this Chapter, the portion of a #ground floor level street# frontage considered a #primary street frontage# shall be as shown on Map 3 (Ground Floor Use Requirements) in Appendix A of this Chapter. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

- (a) Along #primary street frontages#
  - (1) Type 1 #primary street frontages#

For #buildings#, or portions thereof, with Type 1 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to #Gowanus retail and entertainment uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section [37-33](#) (Maximum Width of Certain Uses). Group parking facilities located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

- (2) Type 2 #primary street frontages#

For #buildings#, or portions thereof, with Type 2 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section [37-32](#), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section [37-33](#). #Group parking

facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section [37-35](#). Entrances and exits to accessory parking facilities shall be subject to the provisions of paragraph (b) of Section [37-33](#).

(c) For blank walls

In all districts, any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions of Section [37-36](#) (Special Requirements for Blank Walls).

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### 139-42 - Street Tree Requirements

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LAST AMENDED  
12/6/2023

In all districts, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section [26-41](#) (Street Tree Planting).

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### 139-43 - Sidewalk Widening Requirements

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LAST AMENDED  
11/23/2021

For #developments# along the portions of #streets# designated on Map 4 (Sidewalk Widening Lines) in Appendix A of this Chapter, a sidewalk widening shall be required, providing a total sidewalk width of:

- (a) 17 feet along Third Avenue;
- (b) 15 feet along Nevins Street; and
- (c) 13 feet along Fifth Street.

The total sidewalk width shall be measured perpendicular from the #street line#. Such sidewalk shall be improved to Department of Transportation standards and shall be provided at the same level as the adjoining public sidewalk and be accessible to the public at all times.

Awnings and canopies shall be considered permitted obstructions within a sidewalk widening provided that no structural posts or supports may be located within any portion of the sidewalk or such widening.

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### 139-44 - Bridge Connection Requirements

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LAST AMENDED  
11/23/2021

For all #zoning lots# abutting bridge structures supporting #streets# which cross the Gowanus Canal at Union Street, Carroll Street, and Third Street, and are subject to #waterfront public access area# requirements, such #waterfront public access area# shall be designed to provide pedestrian connection to the #street# adjacent to the terminus of the bridge structure.

The requirements of this Section may be waived where the Commissioner of the Department of Buildings determines, in consultation with the Department of Transportation, that such a pedestrian connection to the #street# would result in a hazard to pedestrian or traffic safety.

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### 139-45 - Waterfront Public Access Area Requirements

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LAST AMENDED  
11/23/2021

For all #waterfront zoning lots#, the exemptions from #waterfront public access area# requirements listed in paragraph (a) of Section [62-52](#) shall not apply.

(a) Reduced requirement for certain manufacturing uses

For #zoning lots# with #developments#, #enlargements#, or #conversions# comprised of #predominantly# Use Group 18 #uses#, as listed in Section [42-15](#), the reduced design requirements of Section [62-58](#) (Requirements for Water-Dependent Uses and Other Developments) shall apply to #waterfront public access areas#.

(b) Authorization for incompatible uses

For #zoning lots# comprised #predominantly# of Use Group 16, 17, or 18 #uses#, the City Planning Commission may authorize the waiver of #waterfront public access area# requirements, provided the Commission finds that:

- (1) such #uses# produce objectionable effects on its surroundings such that the #uses# are incompatible with a waterfront public access requirement; or
- (2) such #uses# have demonstrable operational requirements which would be incompatible with waterfront public access requirements; and
- (3) such waiver is the least necessary to accommodate the proposed #uses#.

Such waivers shall be in effect for as long as the proposed #use# remains on the #zoning lot#. Upon #development# of the #zoning lot# following cessation of the #use# for a period of more than two years, full compliance with #waterfront public access area# requirements, as may be modified by future approvals, is required.

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### 139-46 - Certification for Transit Improvements

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LAST AMENDED  
11/23/2021



(a) In #Commercial Districts# with a residential equivalent of an R9 District, for #developments# on #zoning lots# that are located within 500 feet of the Union Street subway station, the Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow a #development# to:

- (1) receive a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by Section [139-211](#) (Basic floor area regulations); and
- (2) further modify additional height permitted pursuant to paragraph (c) of Section [66-234](#) (Special height and setback modifications) provided the total combined modification does not exceed 30 feet;

where a major improvement to the Union Street subway station consisting of one new off-street station entrance with an accessible route for persons with physical disabilities between two levels servicing the southbound platform is provided.

(b) Prior to issuing such a certification, the following requirements shall be met.

- (1) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#.
- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (b)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

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### 139-47 - Authorization for sites containing schools

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LAST AMENDED  
11/23/2021

For #zoning lots# containing #schools# regulated by the provisions of Section [139-214](#) (Special floor area provisions for zoning lots containing schools), the City Planning Commission may authorize the modification of any #bulk# regulation, including the amount of floor space exempted from the definition of #floor area# by Section [139-214](#), in order to better accommodate a #school# upon such #zoning lot#.

(a) Conditions

- (1) No modification to the maximum #building# height shall exceed 30 feet; and
- (2) No modification to the amount of floor space exempted from the definition of #floor area# shall exceed an additional 60,000 square feet of floor space.

(b) Findings

In determining such modifications, the Commission shall find:

- (1) such modification is the least modification required to achieve the purpose for which it is granted;
- (2) the proposed modification does not impair the essential character of the surrounding area; and
- (3) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

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### 139-48 - Authorization for Large Mixed-use Sites

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LAST AMENDED  
11/23/2021

In Subdistrict B, for #developments# on #zoning lots# located in a #Mixed-Use District#, on a #zoning lot# greater than 40,000 square feet in #lot area#, the City Planning Commission may authorize the modifications set forth in paragraph (a) of this Section, provided that the conditions in paragraph (b) and findings in paragraph (c) are met.

(a) Modifications

The Commission may modify the following regulations:

- (1) the #use# regulations of this Chapter, limited to ground floor #use# regulations and supplemental #use# regulations;
- (2) the #bulk# regulations of this Chapter, except #floor area ratio# regulations, provided that any modifications to height and setback regulations do not exceed the heights permitted in an M1-4 District as set forth in Section [43-43](#); and
- (3) the parking regulations related to the number of required #accessory# off-street parking spaces and the location and spacing of curb cuts.

(b) Conditions

As conditions for the granting of an authorization pursuant to this Section:

- (1) the #development# shall result in a mix of #uses# on the #zoning lot# where the predominant amount of #floor area# is associated with non-#residential# #uses#; or

- (2) the #development# shall:
  - (i) result in a mix of #uses# on the #zoning lot# where at least 20 percent of the #floor area# is associated with #Gowanus mix uses#;
  - (ii) not exceed 300 feet in height; and
  - (iii) be located on a #zoning lot# where existing #buildings# will occupy at least 20 percent of the #lot coverage#.

(c) Findings

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

- (1) where modifying #bulk# regulations, such modifications shall result in a superior configuration of non-#residential# #uses# on the #zoning lot# than would be feasible by applying the #Special Gowanus Mixed Use District# regulations;
- (2) where modifying ground floor #use# regulations, the advantages of an off-street loading and access outweigh the disadvantages incurred by the interruption of retail continuity; and
- (3) where modifying supplemental #use# and parking regulations, that such modifications would present a limited interruption and would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

Upon completion of the #development#, the #zoning lot# shall remain in compliance with the conditions set forth in paragraph (b) of this Section. Such requirements shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings.

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

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**139-50 - GOWANUS CANAL WATERFRONT ACCESS PLAN**

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LAST AMENDED  
11/23/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

The boundaries of the area comprising the Gowanus Canal Waterfront Access Plan, and the location of certain features mandated or permitted by the Plan, are shown on the maps in Appendix B of this Chapter.

The waterfront access plan has been divided into Parcels as shown on Map 1 of Appendix B of this Chapter, consisting of tax #blocks# and lots existing on September 22, 2021, as follows:

- Parcel 1: Block 417, Lots 1, 10, 14, 21
- Parcel 2: Block 424, Lots 1, 20
- Parcel 3: Block 431, Lots 1, 2, 5, 6, 7, 12, 17, 43
- Parcel 4: Block 425, Lot 1  
Block 432, Lots 15, 25, 7501
- Parcel 5: Block 439, Lot 1
- Parcel 6a: Block 438, Lot 7
- Parcel 6b: Block 438, Lots 1, 2, 3  
Block 445, Lots 1, 7, 8, 11, 20, 50
- Parcel 7: Block 452, Lots 1, 5, 19  
Block 458, Lot 1
- Parcel 8a: Block 453, Lots 1, 21
- Parcel 8b: Block 453, Lot 26
- Parcel 8c: Block 453, Lots 30, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, 44, 45, 46, 48, 49, 50, 51
- Parcel 8d: Block 453, Lot 54
- Parcel 9: Block 967, Lot 1
- Parcel 10: Block 967, Lot 24
- Parcel 11: Block 972, Lots 1, 43, 58
- Parcel 12a: Block 462, Lots 12, 14
- Parcel 12b: Block 462, Lots 6, 8, 9, 42, 44
- Parcel 12c: Block 462, Lots 1, 3, 4, 5, 50, 51
- Parcel 13: Block 466, Lot 19
- Parcel 14a: Block 466, Lots 17, 60
- Parcel 14b: Block 466: Lot 1
- Parcel 14c: Block 466, Lot 46

Parcel 15a: Block 471, Lot 125

Parcel 15b: Block 471, Lot 104, 110, 114, 116

Parcel 16: Block 471, Lots 1,100

Parcel 17: Block 471, Lot 200

For the purposes of this Section, inclusive, the definition of #development# shall be as set forth in Section [62-11](#) (Definitions).

## 139-51 - Area-wide Modifications

LAST AMENDED  
11/23/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall be modified in the area comprising the Gowanus Canal Waterfront Access Plan by the provisions of this Section.

(a) All #waterfront public access areas#

(1) Balconies

Balconies complying with the provisions of Section [23-132](#) (Balconies in R6 through R10 Districts) shall be permitted obstructions in #waterfront public access areas#, provided the depth of obstruction is limited to four feet, and provided they are located at or above the floor level of the third #story# above grade of the #building#.

(2) Sun control devices

Awnings and other sun control devices shall be permitted obstructions in #waterfront public access areas#. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project.

(3) Kiosks

Where a #supplemental public access area# exceeds 15,000 square feet, a kiosk shall be a permitted obstruction in such #supplemental public access area# with an area up to 400 square feet, including roofed areas.

(b) #Shore public walkways#

(1) Width of circulation paths

#Shore public walkways# shall provide a required circulation path with a minimum clear width of 10 feet. Secondary paths, where provided, shall have a minimum clear width of at least 4 feet, 6 inches.

(2) Level of circulation paths

At least 80 percent of a required circulation path shall be located at a level no less than six feet above the #shoreline#. However, up to 40 percent of such required circulation path may be provided below such level when providing access to a "get-down" located no more than two feet above the level of the #shoreline#.

(3) Access to circulation paths

The provisions of paragraph (a)(1) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall apply, except that where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# which has not been improved with a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# may be located within 40 feet of the shoreline.

In addition, for #zoning lots# adjoining #streets# containing bridge structures, the required connection of circulation paths to such a #street# may be waived by certification by the Department of Transportation, pursuant to Section [139-44](#) (Bridge Connection Requirements).

(4) Grading

The provisions of paragraph (d)(2) of Section [62-61](#) (General Provisions Applying to Waterfront Public Access Areas) shall be modified so that within five feet of the edge of any planting area, the grade level of such planting area shall be no more than 36 inches higher or lower than the adjoining level of the pedestrian circulation path.

(c) #Supplemental public access areas#

(1) Required Area

The provisions of Section [62-57](#) (Requirements for Supplemental Public Access Areas) are modified so that, in #mixed use districts#, a total #waterfront public access area# equivalent to 20 percent of the #lot area# is required.

(2) Lawns

The provisions of paragraph (c)(1) of Section [62-62](#) shall be modified so that a lawn shall only be required where a #supplemental public access area# is greater than 15,000 square feet. The Commission may authorize use of artificial turf within a lawn pursuant to Section [62-822](#) (Modification of waterfront public access areas and visual corridor requirements).

Where required, a lawn may be substituted for an athletic field of equivalent size, which may be unplanted, and shall be suitable for active recreational use.

(3) Comfort stations

Where a publicly accessible comfort station is provided as part of a #development#, the amount of #supplemental public access area# may be reduced by an amount equal to the size of the comfort station, provided that:

(i) the comfort station has an entrance fronting upon a #waterfront public access area#; and

(ii) a restrictive declaration, acceptable to the Department of City Planning and Department of Parks and Recreation, shall be executed and recorded, binding the owners, successors and

assigns to provide and maintain such comfort station for the life of the #development#.

(d) Screening

Wherever a screening buffer is required to be provided, the minimum width of such buffer shall be four feet.

In addition to the waiver allowances of paragraph (c)(2)(iii) of Section 62-62, no screening buffer shall be required along the upland boundary, or portion thereof, which is adjacent to an unenclosed seating area #accessory# to a #Gowanus retail and entertainment use#. Where a screening buffer is so waived, design features shall be utilized to demarcate the #shore public walkway# or #supplemental public access area# from the non-publicly accessible area, which may include, but shall not be limited to, railings, fences, planting boxes, and distinct paving materials.

(e) #Street# treatment

For #streets#, or portions thereof, located within the Gowanus Canal Waterfront Access Plan, the portion of the #street# that is adjacent to a #shore public walkway# shall be improved as upland access, for a depth equivalent to the adjacent #shore public walkway#. This upland access area shall be designed to include, at a minimum, the following design elements:

- (1) a foot path with a minimum clear width of ten feet, providing a connection to both the sidewalk located in the #street# as well as to the adjacent #zoning lot#;
- (2) eight linear feet of seating complying with Section 62-652 (Seating) for every 30 feet of #shoreline# upon which the #street# fronts; and
- (3) planted areas, containing planting or trees complying with Section 62-655 (Planting and trees) and occupying no less than 25 percent of the continuation area.

The provisions of this paragraph (e) shall not apply to portions of #streets# which will be improved pursuant to a site plan approved prior to November 23, 2021.

(f) Bulkheads

Wherever the United States Environmental Protection Agency requires the installation of a bulkhead in a location seaward of the #zoning lot line#, the area located between the #lot line# and bulkhead may be utilized for the purposes of satisfying the #waterfront public access area# requirements of the #zoning lot#. Where the provisions of this paragraph (f) are utilized, the location of the bulkhead shall be considered the #shoreline# for the purposes of providing the required #waterfront public access areas#.

(g) Issuance of foundation permits

Notwithstanding the provisions of Section 62-811 (Waterfront public access and visual corridors), within 18 months of November 23, 2021, a foundation permit may be issued for any #development# within the Waterfront Access Plan, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings or Department of Business Services, as applicable, that:

- (1) a remedial action plan has been submitted to the Office of Environmental Remediation or the New York State Department of Environmental Conservation, which includes the #zoning lot# containing the #development#; and
- (2) a site plan has been submitted to the Department of City Planning, depicting that the proposed foundation will not conflict with the basic dimensional requirements of any required #waterfront public access area# or #visual corridor#, and, in addition, that the proposed foundation shall not conflict with any of the site-specific provisions below, based on the applicable Parcel number and Type:

(i) Type 1

For #developments# on Parcels 1, 2, 3, and 9, the site plan shall additionally designate all other potential locations where a #supplemental public access area# could be located, including:

- (a) adjoining each #street# abutting the #shore public walkway#; and
- (b) adjoining the #shore public walkway#.

In addition, for all #developments# on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

(ii) Type 2

For #developments# on Parcels 4, 5, and 12a, the site plan shall additionally designate any area located landward of the #shore public walkway# as necessary to achieve a 50-foot buffer from the #shoreline#.

(iii) Type 3

For #developments# on Parcels 6a, 6b, 8a, 8b, 8d, 11, 13, 14, 15, and 17, where the #developments# are on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

An application made pursuant to this paragraph (g) shall include a survey of the #zoning lot# and additional documentation set forth Section 62-80 (SPECIAL REVIEW PROVISIONS), inclusive. Except for excavation and foundation permits permitted by this paragraph (g), no other building permits shall be issued except pursuant to Section 62-811.

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## 139-52 - Special Public Access Provisions

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LAST AMENDED  
11/23/2021

The provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map 1 in Appendix B of this Chapter.

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### 139-521 - Parcels 4, 5, 13, 14 and 15

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LAST AMENDED  
11/23/2021

On Parcels 4, 5, 13, 14 and 15, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet. The required minimum depth of a #waterfront yard# shall be 30 feet.

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### 139-522 - Parcel 8

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LAST AMENDED  
11/23/2021

On Parcels 8a, 8b, and 8d, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet, except that for #shore public walkways# adjoining the First Street Basin, the minimum width shall be 20 feet. The required minimum depth of a #waterfront yard# shall be 30 feet, except that for #waterfront yards# adjoining the First Street Basin, the minimum depth shall be 20 feet. An area equal to at least 25 percent of the area of the #shore public walkway# shall be planted, and one linear foot of seating shall be provided for every 125 feet of frontage along the Gowanus Canal.

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### 139-523 - Parcel 12

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LAST AMENDED  
11/23/2021

On Parcel 12, where a #supplemental public access area# adjoining an #upland connection# or #street# is provided, such #supplemental public access area# shall be permitted to be provided with a maximum width to depth ratio of 3:1, and the longest side shall be permitted to adjoin the #street#.

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### 139-524 - Parcel 14

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LAST AMENDED  
11/23/2021

On Parcel 14a, a #supplemental public access area# shall be provided along the entire length of the #lot line# adjoining Parcel 13, connecting the #street# to the #shore public walkway#, and shall comply with the design reference standards applicable to a Type 1 #upland connection# set forth in Section [62-64](#) (Design Requirements for Upland Connections). Such #supplemental public access area# may coincide with a #visual corridor# required pursuant to Section [139-53](#) (Special Visual Corridor Provisions).

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### 139-525 - Parcel 17

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LAST AMENDED  
11/23/2021

On Parcel 17, the total #lot area# utilized in the calculation of required #supplemental public access area# shall include all #zoning lot# portions located within Parcel 17, including portions of a #zoning lot# located within a #street#.

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### 139-53 - Special Visual Corridor Provisions

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LAST AMENDED  
11/23/2021

The provisions of Section [62-512](#) (Dimensions of visual corridors) shall be modified by the provisions of this Section.

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation five feet above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (b) of Section [62-332](#) (Rear yards and waterfront yards), or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation five feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (b) of Section [62-332](#), or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

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### 139-54 - Special Design Standards

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LAST AMENDED  
11/23/2021

The design requirements of Section [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified by the provisions of this Section, inclusive.

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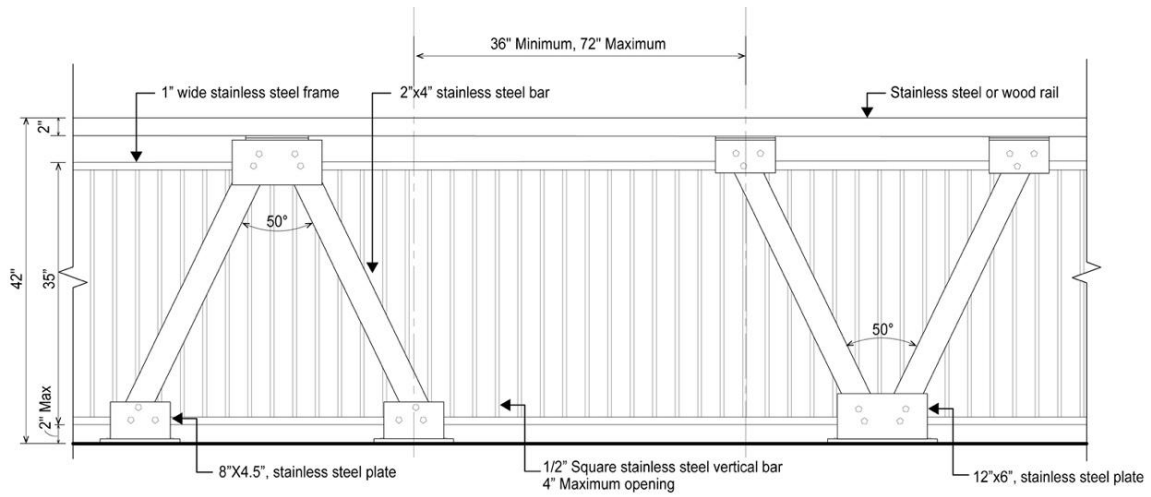
### 139-541 - Special design standards for guardrails

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LAST AMENDED  
11/23/2021

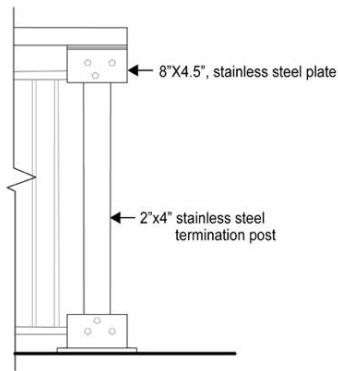
In addition to the provisions of paragraph (a) of Section [62-651](#) (Guardrails, gates and other protective barriers), guardrails shall comply with the illustrations provided in either paragraph (a) or (b) of this Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chairperson of the City Planning Commission in consultation with the Department of Parks and Recreation (DPR).

- (a) Option 1: vertical bar guardrail

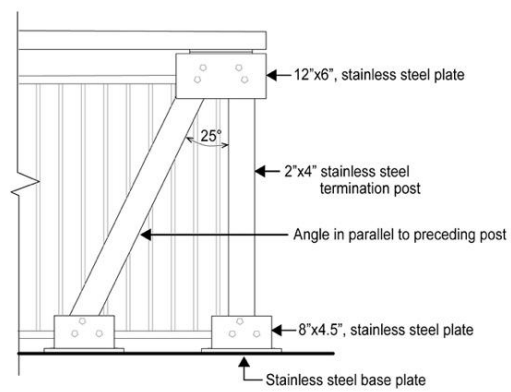


GUARDRAIL (TYPICAL)  
Front Elevation

GUARDRAIL TERMINATION  
Front Elevation

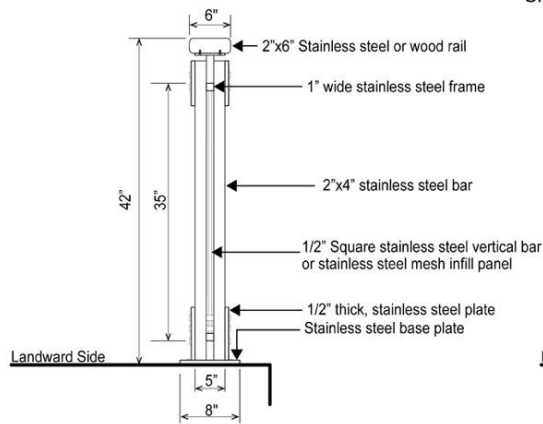


Alternate 1

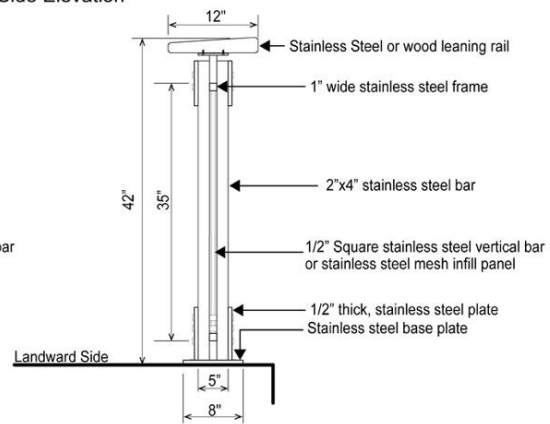


Alternate 2

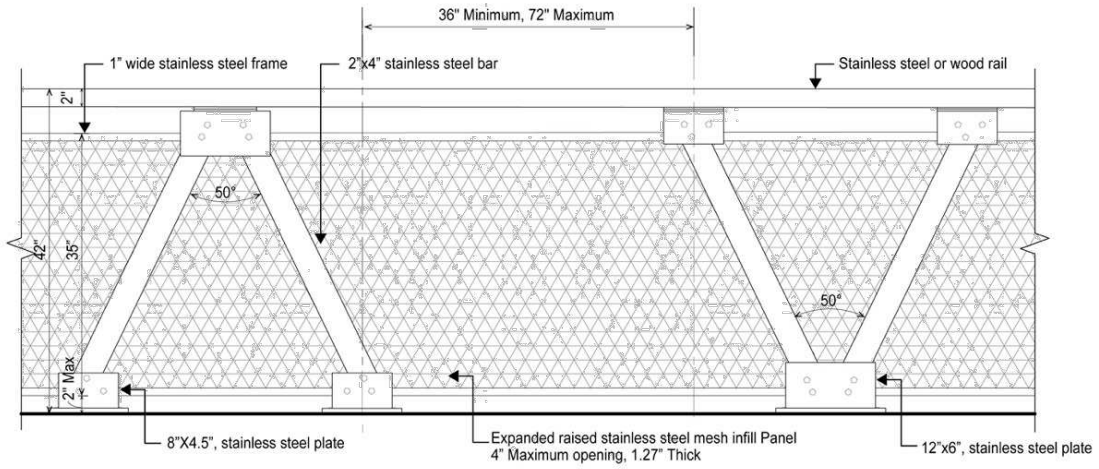
GUARDRAIL (TYPICAL)  
Side Elevation



Alternate 1 (top rail)

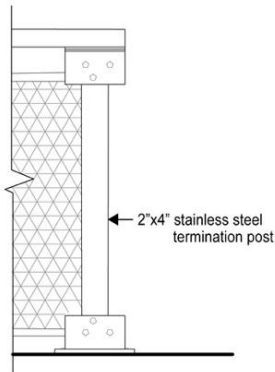


Alternate 2 (leaning rail)

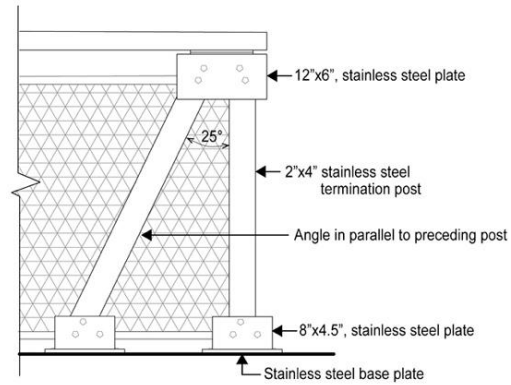


GUARDRAIL (TYPICAL)  
Front Elevation

GUARDRAIL TERMINATION  
Front Elevation

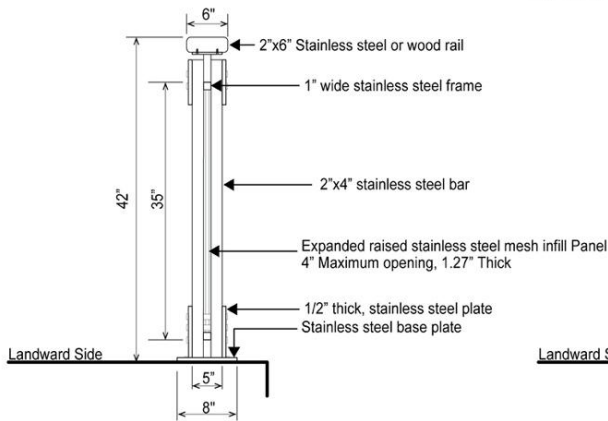


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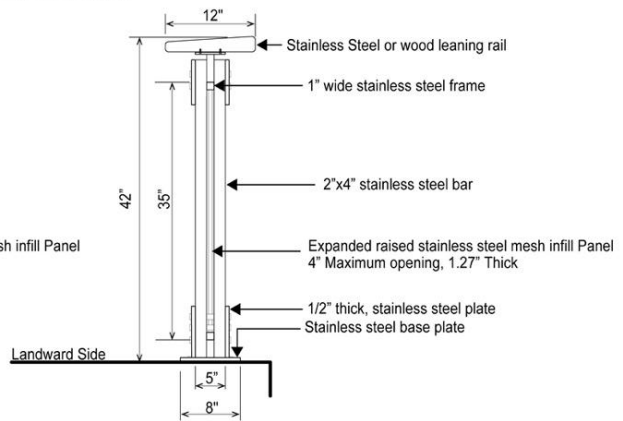


Alternate 2

GUARDRAIL (TYPICAL)  
Side Elevation



Alternate 1 (top rail)



Alternate 2 (leaning rail)

All guardrail components and hardware shall be in unpainted stainless steel and shall conform to any additional standards set forth by DPR.

The design requirements of paragraph (b) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of [62-652](#) (Seating) shall be modified as follows:

(a) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 50 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(b) Seating depth

For all #waterfront public access areas#, the minimum seat depth requirement of paragraph (b) of Section [62-652](#) shall be modified to 16 inches.

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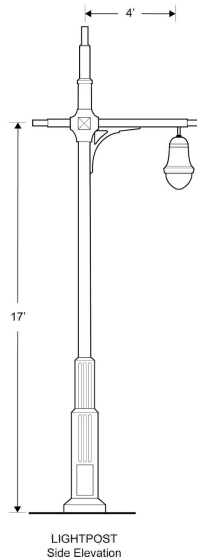
### 139-543 - Special design standards for lighting

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The lighting requirements of [62-653](#) (Lighting) shall be modified such that an average maintained level of illumination not less than 0.5 horizontal foot candle (lumens per foot) shall be provided throughout all walkable areas, and the average illumination to minimum foot candle uniformity ratio shall be no greater than 6:1 within any #waterfront public access area#.

In addition, fixtures providing the required lighting along any public access area shall comply with the lightpost illustration in this Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chairperson of the City Planning Commission in consultation with the by the New York City Department of Transportation (DOT).

Fixtures providing supplemental lighting beyond the requirements of this Section need not comply with this illustration.



The lightpost shall conform to the street lighting standard drawings for a 17 foot “TBTA” short pole with “Tear Drop Luminaire” set forth by the DOT.

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### 139-544 - Special design standards for planting

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The design requirements of paragraph (c)(1) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of Section [62-655](#) (Planting and trees) shall be modified as follows:

(a) Reduction in planting requirement

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted. Such planting area may be reduced to 30 percent if an amenity is provided in accordance with the following tables:

TABLE 1

Amenity	Reduction per feature (in square feet)
Picnic tables	22 square feet
Historic interpretation elements	20 square feet



Public art pieces	100 square feet
Fountains and water features	150 square feet
Amenity	Ratio of reduction to size of feature (in square feet)
Active recreation courts	1:1
Tot-lots and playgrounds	1:1
Dog runs	1:1
Boat or kayak launches	1:1.5
Interactive water features	1:1.5

TABLE 2

(b) Shade tree substitution

Where shade trees are required, no more than one required shade tree may be substituted by a shading element covering at least 450 square feet, when viewed in plan.

**139-545 - Special design standards for paving**

LAST AMENDED  
11/23/2021

The design reference standards of Section 62-656 (Paving) shall be modified as follows:

(a) #Upland connections#

Paving for driveways and pedestrian paths located within Type 2 #upland connections# shall be subject to the “shared street” standards of the New York City Department of Transportation for roadbeds and sidewalks.

In addition, where a Type 2 #upland connection# is provided with a vehicular turnaround, the paved area of the vehicular turnaround shall be designed with at least two different paving materials, or a single material with at least two different unit paver or slab sizes.

(b) Dimensional requirements

The maximum sizes for unit pavers or concrete slabs shall not apply.

**139-55 - Special Signage Regulations**

LAST AMENDED  
11/23/2021

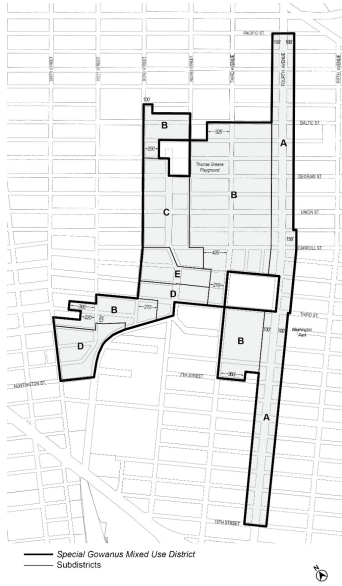
Any #accessory sign# that is provided adjacent to any #waterfront public access area# shall be limited to a single non-illuminated #sign#, indicating only the name or address of the #building# or commercial establishment to which it is #accessory#, not exceeding 16 inches in height.

**139-56 - Special Maintenance and Operation Regulations**

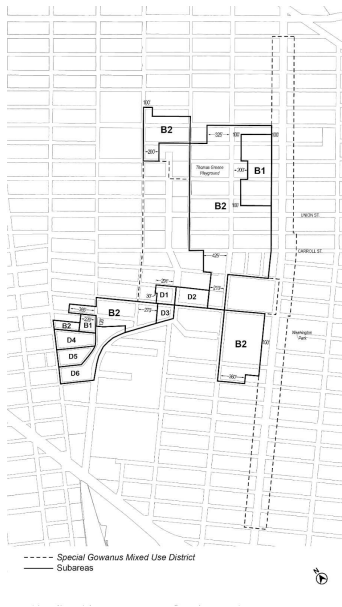
LAST AMENDED  
11/23/2021

The owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson of the City Planning Commission for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72 (Performance and Maintenance Requirements), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

- (1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and
- (2) participation in the plan is available to owners of contiguous parcels identified in the Gowanus Canal Waterfront Access Plan on an equal basis.



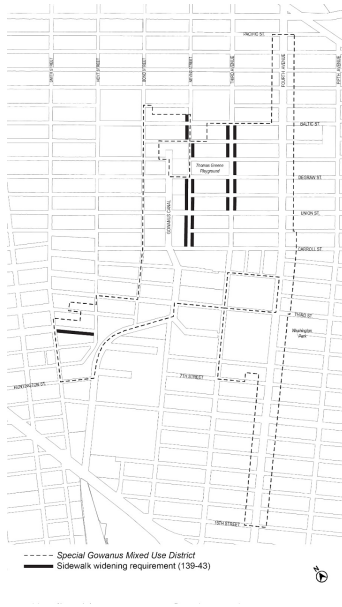
Map 2: Subareas (11/23/21)



Map 3: Ground Floor Use Requirements (11/23/21)



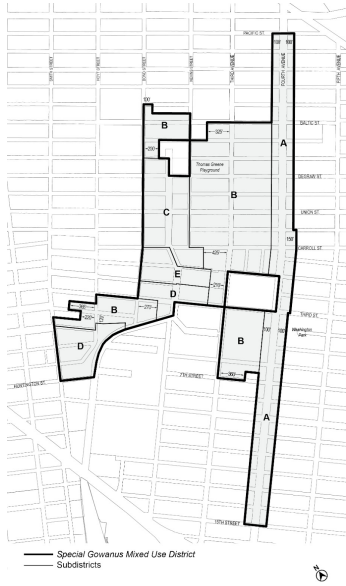
Map 4: Sidewalk Widening Lines (11/23/21)



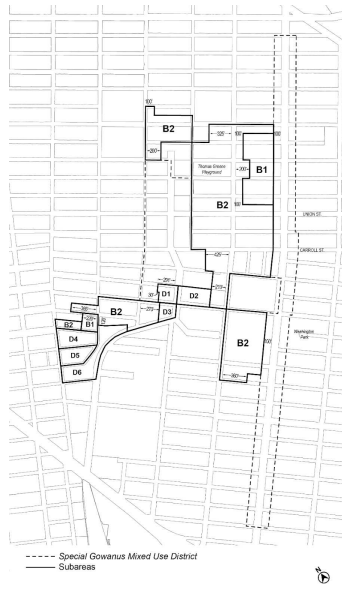
**Appendix A - Special Gowanus Mixed Use District Plan**

LAST AMENDED 11/23/2021

Map 1: Subdistricts (11/23/21)



Map 2: Subareas (11/23/21)



Map 3: Ground Floor Use Requirements (11/23/21)



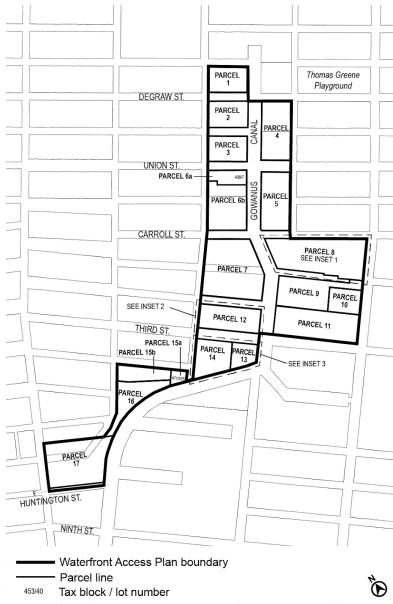
Map 4: Sidewalk Widening Lines (11/23/21)



# Appendix B - Gowanus Canal Waterfront Access Plan

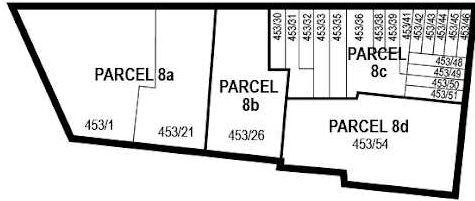
LAST AMENDED 11/23/2021

Map 1: Parcel Designation (11/23/21)

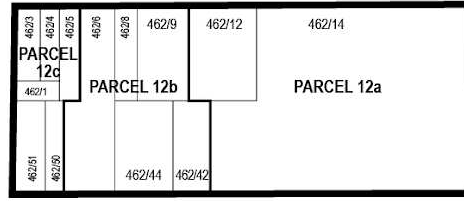




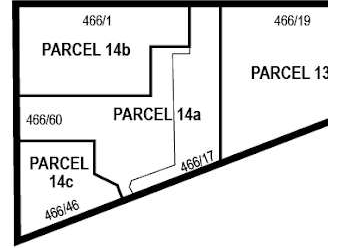
INSET 1



INSET 2

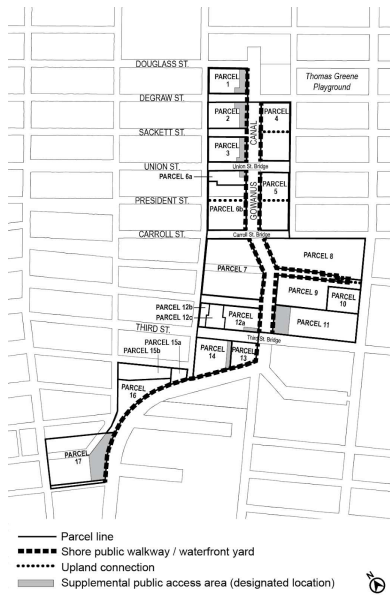


INSET 3



—— Tax lot line  
 453/40 Tax block / lot number

Map 2: Public Access Elements (11/23/21)



Map 3: Designated Visual Corridors (11/23/21)

