Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article II - Residence District Regulations

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Chapter 1 - Statement of Legislative Intent

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Chapter 1 - Statement of Legislative Intent

21-00 - GENERAL PURPOSES OF RESIDENCE DISTRICTS

LAST AMENDED
2/26/1967

The Residence Districts established in this Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites.

(b) To protect residential areas against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.

(c) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds.

(d) To protect residential areas against congestion, as far as possible, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces; to require the provision of open space in residential areas wherever practicable; and to encourage the provision of additional open space by permitting moderately higher bulk and density with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break the monotony of continuous building bulk, and thereby to provide a

more desirable environment for urban living in a congested metropolitan area.

(e) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.

(f) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures.

(g) To provide appropriate space for those educational, religious, recreational, health and similar facilities which serve the needs of the nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences.

(h) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms.

(i) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the City's tax revenues.

21-10 - PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

LAST AMENDED
12/15/1961

21-11 - R1 and R2 — Single-Family Detached Residence Districts

LAST AMENDED

12/5/2024

These districts are designed to provide a suitable open character for single-family detached dwellings at low densities, as well as all types of residences in appropriate locations. These districts also include community facilities and open uses that serve the residents of these districts or benefit from an open residential environment.

21-12 - R3A, R3X and R4A — Detached Residence Districts

LAST AMENDED
12/5/2024

These districts are designed to provide for single- or two-family detached dwellings on zoning lots of specified lot widths, as well as all types of residences in appropriate locations. R3A Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

21-13 - R3-1 and R4-1 — Detached and Semi-Detached Residence Districts

LAST AMENDED
12/5/2024

These districts are designed to provide for single- or two-family detached or semi-detached dwellings, as well as all types of residences in appropriate locations. R4-1 Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

21-14 - R3-2, R4, R4B, R5, R6, R7, R8, R9, R10, R11 and R12 — General Residence Districts

LAST AMENDED
12/5/2024

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, , as well as all types of residences in appropriate locations. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R11, R11A and R12 Districts may only be mapped in Mandatory Inclusionary Housing areas.

Unless otherwise specified, the regulations applicable to R10 Districts shall apply to R10H Districts.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Use Regulations

File generated by https://zr.planning.nyc.gov on 10/30/2026

Chapter 2 - Use Regulations

22-00 - GENERAL PROVISIONS

LAST AMENDED
12/5/2024

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII and VIII, are permitted in #Residence Districts# subject to the provisions of the following Sections:

(a) Sections 22-11 (Use Group I – Agriculture and Open Uses) through 22-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), inclusive, which establish general #use# allowances in Use Groups I through VIII, including each #use# listed separately therein, by #Residence District#, and additional provisions for certain #uses# where applicable.

(b) Section 22-20 (SIGN REGULATIONS), inclusive, which sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (General Provisions), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

22-10 - USE ALLOWANCES

LAST AMENDED
6/6/2024

The provisions of Sections 22-11 (Use Group I – Agriculture and Open Uses) through 22-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces) establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group. For Use Groups I through IV, #use# allowances by zoning district are summarized in Use Group tables. For each #use# and zoning district, the tables contain up to two levels of notation in a particular cell:

(a) The top level will always contain a symbol and denotes:

(1) permitted as-of-right (“ ”);

(2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“ ”);

(3) allowed by special permit (“ ”) of the Board of Standards and Appeals or the City Planning Commission; or

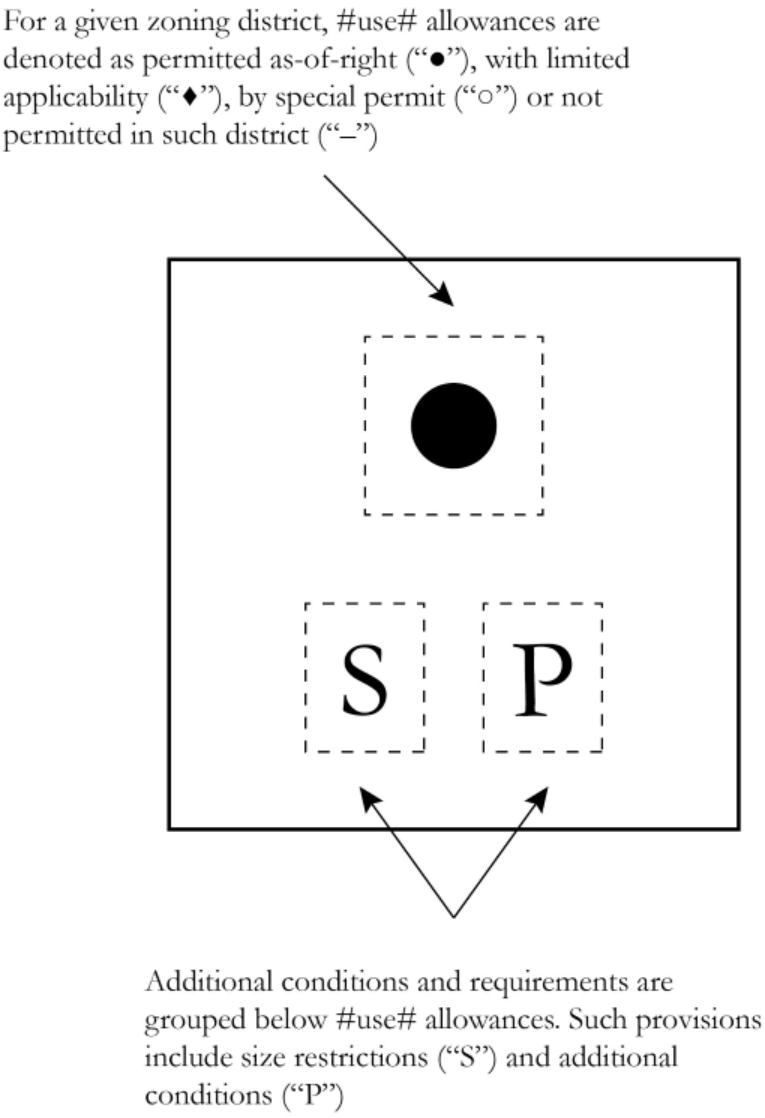
(4) not permitted in the district (“–”).

(b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:

(1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities; or

(2) additional conditions (“P”), including environmental standards or other measures other than size restrictions.

Such notations are illustrated in the following diagram:



Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions, or exemptions from enclosure requirements.

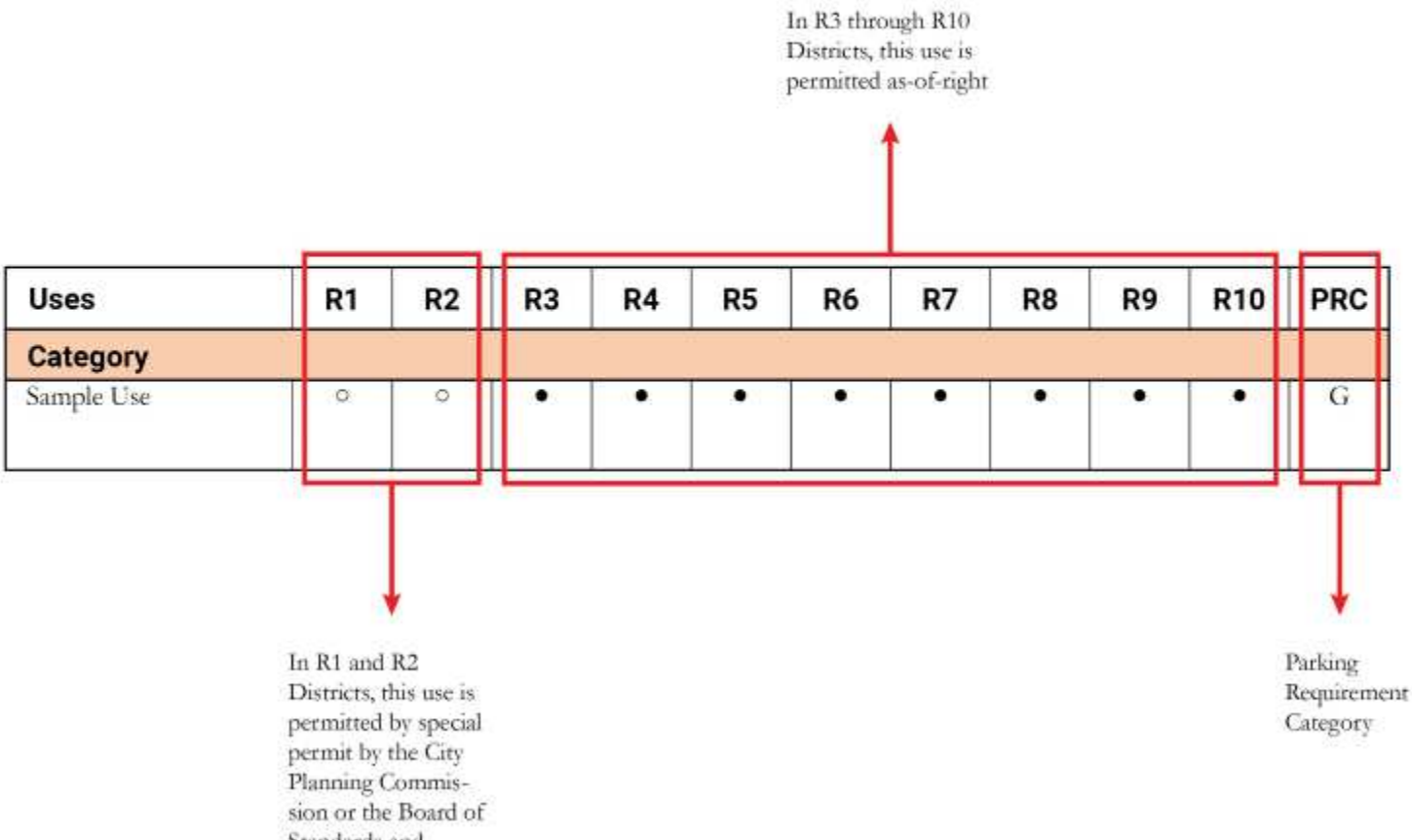
Use Group tables, except in Section 22-12 (Use Group II – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A

through G refer to the classification of permitted non-residential #uses# to determine required accessory off-street parking spaces as set forth in the table in Section 25-31 (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as "N/A", no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions or additional conditions. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

ILLUSTRATIVE EXAMPLE



22-11 - Use Group I – Agriculture and Open Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group I consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-111 (Use Group I – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 22-112 (Use Group I – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(c) Section 22-113 (Use Group I – uses permitted by special permit) for #uses# permitted by special permit by the Board of Standards and Appeals, as denoted with " " in the Use Group Table; and

(d) Section 22-114 (Use Group I – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

22-111 - Use Group I – general use allowances

LAST AMENDED
12/5/2024

The following table includes #uses# classified as Use Group I and sets forth their allowances by #Residence District#. Notations found in the table are further described in Section 22-10 (USE ALLOWANCES). Where permitted as-of-right in a #Residence District#, such #uses# shall be unenclosed, except for ancillary #buildings or other structures#.

USE GROUP I – AGRICULTURE AND OPEN USES												
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions**												
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**	**R12**
Agriculture												
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
Open Uses												
Cemeteries	–	–	?	?	?	?	?	?	?	?	?	?
Golf courses	?	?	?	?	?	?	?	?	?	?	?	?
Outdoor racket courts	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P

Outdoor skating rinks	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
#Public parks# or playgrounds or private parks	?	?	?	?	?	?	?	?	?	?	?	?
Sand, gravel, or clay pits	?	?	?	?	?	?	?	?	?	?	?	?

22-112 - Use Group I – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 22-111 (Use Group I – general use allowances), the following provisions shall apply:

(a) Agricultural #uses# in all #Residence Districts#, including greenhouses, nurseries, or truck gardens, are permitted provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#.

(b) Outdoor racket courts or skating rinks in all #Residence Districts# are permitted provided that all lighting shall be directed away from nearby #residences#.

22-113 - Use Group I – uses permitted by special permit

LAST AMENDED

6/6/2024

For #uses# denoted with “ ” in Section 22-111 (Use Group I – general use allowances), the following provisions of this Section shall apply:

(a) Outdoor racket courts or skating rinks may be permitted in R1 or R2 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-111 (Outdoor racket courts or skating rinks).

(b) Sand, gravel or clay pits may be permitted in all #Residence Districts# by special permit of the Board of Standards and Appeals, in accordance with the provisions of Section 73-112 (Sand, gravel or clay pits).

22-114 - Use Group I – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 22-111 (Use Group I – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

22-12 - Use Group II – Residences

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group II consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-121 (Use Group II – general use allowances) which includes the compilation of #uses# in the Use Group table; and

(b) Section 22-122 (Use Group II – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table.

22-121 - Use Group II – general use allowances

LAST AMENDED
12/5/2024

The following table includes #uses# classified as Use Group II and sets forth their allowances by #Residence District#. Notations found in the table are further described in Section 22-10 (USE ALLOWANCES).

USE GROUP II – RESIDENTIAL USES											
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions**											
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**

Residential Uses												
#Single-family residence#	#Detached#	?	?	?	?	?	?	?	?	?	?	?
	Other Types	? P	? P	? P	? P	? P	?	?	?	?	?	?
#Two-family residence#	#Detached#	? P	? P	?	?	?	?	?	?	?	?	?
	Other Types	? P	? P	? P	? P	? P	?	?	?	?	?	?
All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#		? P	? P	? P	? P	? P	?	?	?	?	?	?

22-122 - Use Group II – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 22-121 (Use Group II – general use allowances), the following provisions shall apply:

(a) In R1 through R5 Districts, on #qualifying residential sites#, any type of #residence# shall be permitted; and

(b) In R1 through R5 Districts, for #zoning lots# that are not #qualifying residential sites#, the following limitations shall apply:

(1) in R1 and R2 Districts, #residential uses# shall be limited to #single-family# #detached# #residences#;

(2) in R3A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# and #single-# or #two-family# #zero lot line buildings#;

(3) in R3-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#;

(4) in R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences#;

(5) in R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#, or #single-# or #two-family# #zero lot line buildings#; and

(6) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

No #rooming units# shall be permitted on #zoning lots# where #residences# are limited to #single-# or #two-family residences#.

22-13 - Use Group III – Community Facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-131 (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 22-132 (Use Group III – uses subject to size restrictions) for certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 22-133 (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 22-134 (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group tables; and

(e) Section 22-135 (Use Group III – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group tables.

22-131 - Use Group III – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group III and set forth their allowances by #Residence District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 22-10 (USE ALLOWANCES).

A. Community Facilities with Sleeping Accommodations

USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions

Uses	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
Educational Institutions												
College or school student dormitories and fraternity or sorority student houses	?	?	?	?	?	?	?	?	?	?	?	?
Faith-based Institutions and Facilities												
Monasteries, convents or novitiates	?	?	?	?	?	?	?	?	?	?	?	?
Rectories or parish houses with sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?
Seminaries with sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?
Health Institutions and Facilities												

#Long-term care facilities#	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
#Non-profit hospital staff dwellings#	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
Other Institutions and Facilities												
Community centers or settlement houses with sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?
Non-commercial clubs with sleeping accommodations	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
Philanthropic or non-profit institutions with sleeping accommodations	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S

B. Community Facilities without Sleeping Accommodations

USE GROUP III(B) – COMMUNITY FACILITIES WITHOUT SLEEPING ACCOMMODATIONS												
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions												
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**	**R12**

Educational Institutions													
Colleges or universities, including professional schools but excluding business colleges or trade schools	?	?	?	?	?	?	?	?	?	?	?	?	
#Schools#	?	?	?	?	?	?	?	?	?	?	?	?	
Faith-based Institutions and Facilities													
Houses of worship	?	?	?	?	?	?	?	?	?	?	?	?	
Parish houses without sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?	
Seminaries without sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?	
Health Institutions and Facilities													
Ambulatory diagnostic or treatment health care facilities	–	–	? S P	? S P	? P	? P	? P	? P	? P	? P	? P	? P	
Non-profit or voluntary hospitals and related facilities, except animal hospitals	?	?	?	?	?	?	?	?	?	?	?	?	
Proprietary hospitals and related facilities, except animal hospitals	–	–	?	?	?	?	?	?	?	?	?	?	

Other Institutions and Facilities													
Community centers or settlement houses without sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?	
Libraries	?	?	?	?	?	?	?	?	?	?	?	?	
Museums	?	?	?	?	?	?	?	?	?	?	?	?	
Non-commercial art galleries	?	?	?	?	?	?	?	?	?	?	?	?	
Non-commercial clubs without sleeping accommodations	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	
Non-commercial recreation centers	?	?	?	?	?	?	?	?	?	?	?	?	
Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	
Welfare centers	?	?	?	?	?	?	?	?	?	?	?	?	

22-132 - Use Group III – uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with a "S" in Section 22-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) For any philanthropic or non-profit institutions, with or without sleeping accommodations, in all #Residence Districts#, the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8 through R12 Districts, 25,000 square feet, whichever is greater.

(b) Ambulatory diagnostic or treatment health care facilities in R3-1, R3A, R3X, R4-1, R4A or R4B Districts shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3-1, R3A, R3X, R4-1 or R4A Districts in #lower density growth management areas#, 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, except that where a #zoning lot# contains a hospital, as defined in the New York State Hospital Code, or a #long-term care facility#, such 1,500 square feet restriction shall not include #cellar# space.

In such #Residence Districts#, #ambulatory diagnostic or treatment health care facilities# may be permitted up to 10,000 square feet of #floor area# by special permit of the Board of Standards and Appeals, in accordance with Section 73-134 (Ambulatory diagnostic or treatment health care facilities).

22-133 - Use Group III – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 22-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) #Long-term care facilities# in R1 and R2 Districts shall only be permitted as-of-right on #qualifying residential sites#. In all #Residence Districts# the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.

(b) #Non-profit hospital staff dwellings# in all #Residence Districts# shall be located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto, or would be contiguous but for its separation by a #street# or a #street# intersection. However, such conditions may be modified by special permit of the City Planning Commission, as set forth in Section 74-132 (Non-profit hospital staff dwelling).

(c) Ambulatory diagnostic or treatment health care facilities in R3 through R12 Districts shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing.

(d) Non-commercial clubs in R3 through R12 Districts shall not include:

(1) clubs, the chief activity of which is a service predominantly carried on as a business;

(2) non-commercial outdoor swimming pool clubs; or

(3) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#.

However, non-commercial outdoor swimming pool clubs or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line# may be permitted by special permit by the City Planning Commission, in accordance with Section 74-133 (Swimming pool clubs or certain non-commercial clubs).

22-134 - Use Group III – uses permitted by special permit

LAST AMENDED
12/5/2024

For #uses# denoted with " " in Section 22-131 (Use Group III – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted in R1 or R2 Districts by special permit of the Board of Standards and Appeals:

(1) College or school student dormitories and fraternity or sorority student houses may be permitted in accordance with Section 73-131 (College or school student dormitories or fraternity or sorority student houses).

(2) Colleges or universities, including professional schools but excluding business colleges or trade schools may be permitted in accordance with Section 73-132 (Colleges or universities).

(3) Non-commercial clubs may be permitted in accordance with Section 73-135 (Non-commercial clubs).

(4) Welfare centers may be permitted in accordance with Section 73-136 (Welfare centers).

(b) The following #uses# may be permitted in R1 or R2 Districts by special permit of the City Planning Commission: #long-term care facilities# in accordance with Section 74-131 (Long-term care facilities). However, #long-term care facilities# shall be permitted as-of-right on #qualifying residential sites#.

22-135 - Use Group III – additional provisions for parking requirement category

LAST AMENDED
12/5/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 22-131 (Use Group III – general use allowances), the provisions of this Section shall apply.

(a) #Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section 25-022 (Applicability of regulations to non-profit hospital staff dwellings).

(b) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

22-14 - Use Group IV – Public Service Facilities and Infrastructure

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group IV consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-141 (Use Group IV – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 22-142 (Use Group IV – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 22-143 (Use Group IV – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables; and

(d) Section 22-144 (Use Group IV – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group tables.

22-141 - Use Group IV – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group IV and set forth their allowances by #Residence District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of this Section. Notations found in the tables are further described in Section 22-10 (USE ALLOWANCES).

A. Public Service Facilities

USE GROUP IV(A) – PUBLIC SERVICE FACILITIES												
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions**												
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**	**R12**
Public Service Buildings												
Court houses	–	–	–	–	–	–	–	–	–	–	–	–
Fire or police stations	?	?	?	?	?	?	?	?	?	?	?	?
Other Facilities												
Prisons	–	–	–	–	–	–	–	–	–	–	–	–

B. Infrastructure

USE GROUP IV(B) – INFRASTRUCTURE
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions**

Uses	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
Communication Infrastructure												
Radio or television towers, non-#accessory#	?	?	?	?	?	?	?	?	?	?	?	?
Telephone exchanges or other communications equipment structures	?	?	?	?	?	?	?	?	?	?	?	?
Electric and Gas Infrastructure												
Electric power or steam generating plants	–	–	–	–	–	–	–	–	–	–	–	–
Electric utility substation	?	?	?	?	?	?	?	?	?	?	?	?
Gas utility substations	?	?	?	?	?	?	?	?	?	?	?	?
Public utility stations for oil or gas metering or regulating	?	?	?	?	?	?	?	?	?	?	?	?
Terminal facilities at river crossings for access to electric, gas, or steam lines	?	?	?	?	?	?	?	?	?	?	?	?
Sewage, Storm Water and Waste Infrastructure												

Composting	–	–	–	–	–	–	–	–	–	–	–	–
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	–	–	–	–	–	–	–	–	–	–	–	–
Incineration or reduction of garbage, offal or dead animals	–	–	–	–	–	–	–	–	–	–	–	–
Radioactive waste disposal services involving the handling or storage of radioactive waste	–	–	–	–	–	–	–	–	–	–	–	–
Sewage disposal plants	?	?	?	?	?	?	?	?	?	?	?	?
Water or sewage pumping stations	?	?	?	?	?	?	?	?	?	?	?	?
Transportation Infrastructure												
Airports	–	–	–	–	–	–	–	–	–	–	–	–
Boat launching facilities for non-commercial pleasure boats	–	–	–	–	–	–	–	–	–	–	–	–
Bus stations	–	–	–	–	–	–	–	–	–	–	–	–

Docks	–	–	?	?	?	?	?	?	?	?	?	?
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	–	–	–	–	–	–	–	–	–	–	–	–
Heliports	–	–	–	–	–	–	–	–	–	–	–	–
Mooring facilities for non-commercial pleasure boats	–	–	–	–	–	–	–	–	–	–	–	–
Public transit or railroad electric substations	?	?	?	?	?	?	?	?	?	?	?	?
Public transit yards, including accessory motor fuel pumps	–	–	–	–	–	–	–	–	–	–	–	–
#Railroad right-of-way#	?	?	?	?	?	?	?	?	?	?	?	?
Railroad passenger stations	?	?	?	?	?	?	?	?	?	?	?	?

Seaplane bases	?	?	?	?	?	?	?	?	?	?	?	?
Truck weighing stations	–	–	–	–	–	–	–	–	–	–	–	–

C. Renewable Energy and Green Infrastructure

USE GROUP IV(C) – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE										
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions										
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**
Renewable Energy and Green Infrastructure										
#Energy infrastructure equipment#	? S P	? S P	? S P	? S P	? S P	? S P	? S P	? S P	? S P	? S P
Public bicycle and micromobility parking	–	–	–	–	–	–	–	–	–	–
Recycling, or organic material, receiving	–	–	–	–	–	–	–	–	–	–

22-142 - Use Group IV – uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with an "S" in Section 22-141 (Use Group IV – general use allowances), the provisions of this Section shall apply. In all #Residence Districts#, #energy infrastructure equipment# shall be limited to an aggregate #lot area# of not more than 10,000 square feet. Such size limit may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-147 (Energy infrastructure equipment).

22-143 - Use Group IV – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 22-141 (Use Group IV – general use allowances), the provisions of this Section shall apply. In all #Residence Districts#, #energy infrastructure equipment# shall comply with the enclosure and screening provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

22-144 - Use Group IV – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with " " in Section22-141 (Use Group IV – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted in all #Residence Districts# by special permit of the Board of Standards and Appeals:

(1) Radio or television towers may be permitted in accordance with Section 73-141 (Radio or television towers).

(2) Telephone exchanges or other communications equipment structures may be permitted in accordance with Section 73-142 (Telephone exchanges or other communications equipment structures).

(3) Electric utility substations on a site no greater than 40,000 square feet may be permitted in accordance with Section 73-143 (Electric or gas utility substations).

(4) Gas utility substations may be permitted in accordance with Section 73-143 (Electric or gas utility substations).

(5) Public utility stations for oil or gas metering or regulating may be permitted in accordance with Section 73-144 (Public utility stations or terminal facilities).

(6) Terminal facilities at river crossings for access to electric, gas or steam lines may be permitted in accordance with Section 73-144 (Public utility stations or terminal facilities).

(7) Water pumping stations may be permitted in accordance with Section 73-145 (Water pumping stations).

(8) Public transit or railroad electric substations on a site no greater than 40,000 square feet may be permitted in accordance with Section 73-146 (Public transit or railroad electric substations);

(b) The following #uses# may be permitted in all #Residence Districts# by special permit of the City Planning Commission, except as otherwise specified:

(1) Fire or police stations may be permitted in accordance with Section 74-141 (Fire or police stations).

(2) Electric utility substations on a site greater than 40,000 square feet may be permitted in accordance with Section 74-142 (Electric utility substations).

(3) Sewage disposal plants may be permitted in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).

(4) Sewage pumping stations may be permitted in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).

(5) Docks for ferries or water taxis may be permitted in all #Residence Districts#, except R1 and R2 Districts, in accordance with Section 62-833 (Docks for ferries or water taxis in Residence Districts). However, in R6 through R12 Districts, when located within Community District 1 in the Borough of Brooklyn, such docks are permitted by certification by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(6) Public transit or railroad electric substations on a site greater than 40,000 square feet may be permitted in accordance with Section 74-147 (Public transit or railroad electric substations).

(7) Railroad passenger stations may be permitted in accordance with Section 74-148 (Railroad passenger stations).

(8) Seaplane bases may be permitted in accordance with Section 74-149 (Seaplane Bases).

22-15 - Use Group V – Transient Accommodations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group V consists of #uses# for transient occupancy of various types. In #Residence Districts#, such #uses# shall include:

(a) overnight camps, where allowed by special permit of the Board of Standards and Appeals, in accordance with Section 73-151 (Overnight camps); and

(b) in R10H Districts, #transient hotels#, where allowed by special permit of the City Planning Commission, in accordance with Section 74-151 (In R10H Districts).

22-17 - Use Group VII – Offices and Laboratories

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group VII consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. In #Residence Districts#, such #uses# shall include:

(a) laboratories, where allowed by special permit of the City Planning Commission, in accordance with Section 74-171 (Laboratories); and

(b) offices, where allowed within the #flood zone#, by special permit of the Board of Standards and Appeals, in accordance with Section 73-171 (Ground floor offices in the flood zone).

22-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. In #Residence Districts#, such #uses# shall include:

(a) outdoor day camps, where allowed by special permit of the Board of Standards and Appeals, in accordance with Section 73-184 (Outdoor day camps); and

(b) riding academies or stables, where allowed by special permit of the Board of Standards and Appeals, in accordance with Section 73-185 (Riding Academies or Stables).

22-20 - SIGN REGULATIONS

LAST AMENDED
12/5/2024

22-21 - Definitions

LAST AMENDED
12/5/2024

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

22-22 - Permitted Non-illuminated Accessory Signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, non-#illuminated# #accessory# #signs# are permitted as set forth in this Section, subject to the provisions of Section 22-24 (Additional Regulations).

22-221 - Nameplates or identification signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) For all #buildings# containing #residences#, one nameplate, with an area not exceeding one square foot and indicating only the name or address of the occupant or a permitted occupation, is permitted for each #dwelling unit# or #rooming unit#.

(b) For multiple dwellings, including #apartment hotels#, or for permitted #non-residential# #buildings or other structures# exclusive of hospitals and related facilities, one identification #sign#, with an area not exceeding 12 square feet and indicating only the name of the permitted #use#, the name or address of the #building#, or the name of the management thereof, is permitted. For #community facility# #uses#, except hospitals and related facilities, a bulletin board, with an area not exceeding 16 square feet, is also permitted. For any #sign# on awnings or canopies, the height of letters on any side of such awnings or canopies shall not exceed 12 inches.

(c) For hospitals and related facilities, any number of identification or directional #signs# are permitted, provided the total #surface area# in square feet of all such #signs# shall not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less. However, for #zoning lots# with more than one #building# that fronts upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet. In addition to the aforementioned #signs#, either one directory or bulletin board, or combination thereof, is permitted, not to exceed 50 square feet.

22-222 - "For sale" or "for rent" signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted. If located on vacant land, such a #sign# shall not be within 15 feet of the #street line#, nor within six feet of any other #lot line#.

22-223 - Signs for parking areas

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

One #sign#, with an area not exceeding two square feet, designating each entrance to or exit from an off-street parking area, open or enclosed, is permitted. No such #sign# shall be higher than seven feet above #curb level#.

In addition, an off-street parking facility that contains #car sharing vehicles# may provide #signs# that in the aggregate total no more than two square feet in area identifying organizations that have #car sharing vehicles# available at such parking area. No such #sign# shall be located higher than seven feet above #curb level#.

22-23 - Signs on Lots Containing Certain Community Facilities

LAST AMENDED
12/5/2024

22-231 - Permitted illuminated accessory signs for hospitals and related facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for hospitals and related facilities, #illuminated# non-#flashing# #accessory# #signs# are permitted in all districts, subject to Section 22-24 (Additional Regulations). Any number of #illuminated# non-#flashing# identification or directional #signs# are permitted, provided that the total #surface area# in square feet of said #illuminated# #signs# or the combined total #surface area# in square feet of the #illuminated# and non-#illuminated# identification or directional #signs# does not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less, and provided further that the Commissioner of Buildings determines that such #signs# are so located as to cause a minimum amount of light to be projected onto abutting or adjacent #residences#. However, for #zoning lots# with more than one #building# that front upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet.

In addition to #illuminated# or non-#illuminated# #accessory# #signs#, one illuminated non-flashing directory or bulletin board or combination thereof is permitted in lieu of a non-illuminated directory or bulletin board or combination thereof provided that the total #sign# area does not exceed 50 square feet and provided further that the Commissioner of Buildings determines that such #sign# is so located as to minimize the amount of light projected on the abutting or adjacent #residences#.

22-232 - Flags, banners or pennants on lots containing certain community facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted without limitation.

22-24 - Additional Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts as indicated, any #sign# permitted under the provisions of Sections 22-22 (Permitted Non-illuminated Accessory Signs) and 22-231 (Permitted illuminated accessory signs for hospitals and related facilities) shall conform to the regulations set forth in this Section.

22-241 - Projecting signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

No #sign# shall project across a #street line# more than 12 inches.

22-242 - Height of signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

No #sign# shall extend above the ground floor ceiling, or more than 20 feet above #curb level#, whichever is less.

22-25 - Number of Signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Except as otherwise provided in Sections 22-22 (Permitted Non-illuminated Accessory Signs) or 22-231 (Permitted illuminated accessory signs for hospitals and related facilities), not more than one #sign# is permitted for each #use#, #building# or #dwelling unit#, and not more than two #signs# for each professional office. On a #corner lot# or #through lot#, one #sign# (or for professional offices, two #signs#) is permitted on each #street#.

22-26 - Advertising Signs on Waterways

LAST AMENDED
12/5/2024

No moving or stationary "advertising sign" shall be displayed on a vessel plying waterways adjacent to #Residence Districts# and within view from an arterial highway. For the purposes of this Section,

arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section "advertising sign" is a sign that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Residential Bulk Regulations in Residence Districts

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Chapter 3 - Residential Bulk Regulations in Residence Districts

23-00 - APPLICABILITY AND GENERAL PURPOSES

LAST AMENDED
12/15/1961

23-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #residential# #building or other structure#, or to the #residential# portion of a #building or other structure# used for both #residential# and #community facility# #uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to any #zoning lot# or portion of a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility# #uses#, except as set forth in Sections 24-04 (Applicability of Article II, Chapter 3 Regulations) and 24-05 (Buildings containing certain community facility uses). In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

23-02 - Applicability in Special Situations

LAST AMENDED

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to Section 74-61.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

23-03 - General Purposes of Residential Bulk Regulations

LAST AMENDED
12/5/2024

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.

23-04 - Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

In all districts, whenever a #zoning lot# is divided by a boundary between districts or is subject to different #bulk# regulations for different portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

23-05 - Applicability of Certain Bulk Regulations

LAST AMENDED
12/5/2024

Special rules governing optional #bulk regulations# affecting one or more #bulk# parameters are set forth in Section 23-70 (ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS), inclusive.

These optional #bulk# provisions include alternative rules for:

(a) #predominantly built-up areas#, as set forth in Section 23-71, inclusive;

(b) portions of Community District 12 in the Borough of Brooklyn, as set forth in Section 23-72, inclusive; and

(c) #sky exposure plane buildings#, as set forth in Section 23-73, inclusive.

Where any of such optional provisions are utilized, all the other associated #bulk# provisions set forth in Section 23-70, inclusive, shall apply.

23-06 - Applicability of Bulk Regulations for Certain Sites

LAST AMENDED
12/5/2024

In R6 through R12 Districts without a letter suffix, on #zoning lots# where demolition or disposition is subject to approval from the U.S. Department of Housing and Urban Development (HUD) under section 18 of the Housing Act of 1937, the provisions of this Section shall apply.

For #developments# or #enlargements# of #residences# other than #qualifying senior housing# or #MIH developments# on #MIH sites#:

(a) on #zoning lots# where the height of any existing #building# containing #residences# exceeds the heights for #zoning lots# containing standard #residences# set forth in Section 23-432, the regulations for #sky exposure plane buildings# set forth in Section 23-73, inclusive, shall apply, and shall not be optional; and

(b) on #zoning lots# where the height of all existing #building# containing #residences# are less than or equal to the heights for #zoning lots# containing standard #residences# set forth in Section 23-432, the #bulk# regulations for #residential buildings# of this Chapter applicable to non-#sky exposure plane buildings# may be applied, except that:

(1) the height and setback modifications for eligible sites set forth in Section 23-434 shall not apply; and

(2) the minimum distance between #buildings# two of more #buildings# on the same #zoning lot# that are not connected at any level shall be governed by the provisions of paragraph (c) of Section 23-735. Notwithstanding the provisions of Section 23-05, the use of this Section shall not necessitate the utilization of all other provisions for #sky exposure plane buildings# unless other provisions of Section 23-73, inclusive, are applied.

23-10 - LOT AREA AND LOT WIDTH REGULATIONS

LAST AMENDED
12/5/2024

Minimum #lot area# and #lot width# regulations are set forth in Section 23-11 for R1 through R5 Districts and Section 23-12 for R6 through R12 Districts.

However, such #lot area# and #lot width# regulations shall not apply to #zoning lots# in existence on December 5, 2024, where the #lot area# or #lot width# was less than the prescribed minimums of such Sections, and after December 5, 2024, such #lot area# or #lot width# has not decreased.

Where two or more #buildings# that are #single-# or #two-family# #detached# or #zero lot line# #residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement set forth in the table in this Section shall be multiplied by the number of such #buildings# on the #zoning lot#. For the purposes of applying such calculation, #detached# #buildings# that are permitted obstructions in a required #rear yard# or #rear yard equivalent# shall not be included.

23-11 - Lot Area and Lot Width Regulations in R1 Through R5 Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, no #residence# shall be permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot Widt**
#Single-# or #two-family# #detached#, or #zero lot line#, where permitted	R1-1	7,125	75
	R1-2 R1-2A	4,750	50

R2 R2A R2X R3X R3-1 R3-2 R4 R5	2,850	30	
R3A R4-1 R4A R4B R5A R5B R5D	2,375	25	
Other #residences#, where permitted	R1 – R5	1,700	18

23-12 - Lot Area and Lot Width Regulations in R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #residence# shall be permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot ft)**
#Single-# or #two-family# #detached# or #zero lot line#	R6 - R12	2,375	25
Other #residences#	R6 - R12	1,700	18

23-20 - FLOOR AREA REGULATIONS

LAST AMENDED
12/5/2024

#Floor area# regulations are set forth in Section 23-21 for R1 through R5 Districts and Section 23-22 for R6 through R12 Districts. Special allowances for #multiple dwelling residences# are set forth in Section 23-23. Special rules governing certain areas are set forth in Section 23-24.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, inclusive of #residences# subject to different #floor area ratios#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or as provided in the respective #floor area# provisions of another Chapter of this Resolution. The total of all such #floor area ratios# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

Where a #floor area# bonus established through another Section of this Resolution applies to a #zoning lot# containing #residences#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #floor area ratio# permitted for such #zoning lot# pursuant to this Section, depending on whether the #zoning lot# is a #qualifying residential site# or the #zoning lot# contains #qualifying affordable housing# or #qualifying senior housing#.

23-21 - Floor Area Regulations for R1 Through R5 Districts

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the maximum #residential# #floor area ratio# shall be as set forth in the following table. Separate maximum #residential# #floor area ratios# are set forth for standard #zoning lots# and #zoning lots# that are #qualifying residential sites#.

MAXIMUM FLOOR AREA RATIO FOR R1-R5 DISTRICTS

District	**Standard #zoning lots#**	**#Qualifying residential sites#**
R1-2A R1-1 R1-2 R2A R2 R3A R3X R3-1 R3-2	0.75[1]	1.00
R2X	1.00	1.00
R4A R4B R4 R4-1	1.00	1.50
R5A R5B R5	1.50	2.00
R5D	2.00	2.00

1 For standard #zoning lots# with a #lot area# of 4,000 square feet or more, the maximum #residential# #floor area# associated with any single #dwelling unit# shall not exceed an equivalent #floor area ratio# of 0.60.

23-22 - Floor Area Regulations for R6 Through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #residential# #floor area ratio# shall be as set forth in the following table. Separate maximum #residential# #floor area ratios# are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

MAXIMUM FLOOR AREA RATIO FOR R6-R12 DISTRICTS

District	**Standard #residences#**	**#Qualifying affordable housing# or #qualifying senior housing#**
R6A R6[1] R6-1 R7B	3.00	3.90
R6	2.20	3.90
R6B	2.00	2.40
R6D R6-2	2.50	3.00
R7A R7-1[1] R7-2[1]	4.00	5.01
R7-1 R7-2	3.44	5.01

R7D	4.66	5.60
R7X R7-3	5.00	6.00
R8A R8X R8	6.02	7.20
R8	7.20[1]	8.64[2]
R8B	4.00	4.80
R9A R9	7.52	9.02
R9D R9X R9-1	9.00	10.80
R10A R10X R10	10.00	12.00
R11	12.00	15.00
R12	15.00	18.00

1 For #zoning lots#, or portions thereof, located within 100 feet of a #wide street#

2 Outside of #Mandatory Inclusionary Housing areas#, for #zoning lots#, or portions thereof, located within 100 feet of a #wide street#, containing #UAP developments# or #qualifying senior housing#

23-23 - Special Floor Area Provisions for Multiple Dwelling Residences

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, for #buildings# containing #multiple dwelling residences#, floor space allocated to #building# amenities, corridors, refuse storage or disposal, or access to elevated ground floor #dwelling units# may be exempted from the definition of #floor area# pursuant to Section 12-10, provided that the provisions of this Section, inclusive, are met. However, exempted floor space shall be considered #floor area# for the purposes of satisfying other #ground floor level# #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for #floor area# at the #ground floor level#.

Such provisions may be applied to #buildings# #developed# after December 5, 2024, and to existing #buildings# where, after December 5, 2024, an #enlargement#, #extension#, #conversion# or other alteration results in newly created or altered floor space that conforms with such specific provisions of this Section, inclusive.

23-231 - Floor area provisions for amenities

LAST AMENDED
12/5/2024

Floor space in a #building# allocated to #residential# amenities may be exempted from the definition of #floor area#, in an amount not to exceed five percent of the #residential floor area# of the #building#.

Such amenities may include recreation spaces, including those required pursuant to Section 23-63, or other amenities, including, but not be limited to, co-working areas, library or reading rooms, or music

practice rooms, package or storage rooms, laundry facilities, or pet-related facilities.

However, amenity space shall not include floor space for circulation through the #building#, including, corridors or vertical circulation spaces.

Amenities provided pursuant to this Section shall be accessible to the residents of the #building#.

23-232 - Floor area provisions for corridors

LAST AMENDED
12/5/2024

Floor space in a #building# allocated to corridors may be exempted from #floor area# pursuant to the provisions of paragraphs (a) or (b) of this Section. Such provisions may be applied individually or in combination.

(a) Corridors Termination

Fifty percent of the floor space of a corridor may be exempted from the definition of #floor area# where one of the following criteria are met:

(1) the corridor provides direct access to outdoor space on a balcony or terrace on the same #story# that is accessible to residents of the #story#;

(2) the corridor has daylighting through windows with a glazed area of at least 20 square feet, and such windows are located:

(i) directly within the corridor;

(ii) in the enclosing walls of a stairwell along such corridor, and access to such stairwell from the corridor is provided through an entry door assembly with a minimum glazed area of at least 16 square feet; or

(iii) within common space along such corridor that accessible to residents of the #story#; or

(3) the corridor terminates with a #dwelling unit# that contains at least three bedrooms.

(b) Length of Corridor

Fifty percent of the floor space of a corridor may be exempted from the definition of #floor area#, where the length of the corridor, as measured from the vertical circulation core to the door of the furthest #dwelling unit# on the #story#, does not exceed 100 linear feet. For the purposes of this Section, a vertical circulation core shall refer to an elevator core (consisting of one or more elevators) or, in a non-elevator #building#, to a central stairwell.

23-233 - Floor area provisions for refuse storage and disposal

LAST AMENDED
12/5/2024

Floor space in a #building# allocated to refuse storage and disposal may be exempted from the definition of #floor area# in an amount not to exceed a maximum of three square feet per #dwelling unit# in the #building#.

23-234 - Elevated Ground Floor Units

LAST AMENDED
12/5/2024

For #buildings# with entryways at #curb level# that accommodate ramps, stairs or lifts to #dwelling units# that are elevated above #curb level# on the first #story# of the #building#, up to 100 square feet of such entryways may be exempted from the definition of #floor area# for each foot of difference between the floor level of such #dwelling units# and #curb level#. However, no more than a maximum of 500 square feet of floor space may be exempted from the definition of #floor area# for each #building#.

23-24 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

23-241 - Special tower provisions

LAST AMENDED
12/5/2024

In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-435 (Tower regulations), any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in

Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:

(a) occupies the predominant portion of a #story#;

(b) is located above the #base plane# or #curb level#, as applicable, and below the highest story containing #residential floor area#; and

(c) exceeds an aggregate height of 25 feet within any given 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 25 feet, and rounding to the nearest whole integer.

23-242 - Special provisions for certain community districts

LAST AMENDED
12/5/2024

(a) Borough of Brooklyn

For R1 through R3 Districts south of Avenue H in Community Districts 11, 14 and 15 in the Borough of Brooklyn, the maximum #floor area ratio# for standard #zoning lots# set forth in

Section 23-21 (Floor Area Regulations for R1 Through R5 Districts) shall be increased to 1.0.

23-243 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
12/5/2024

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the Commission, pursuant to Section 74-761

(Elimination or reduction in size of bonused public amenities).

23-30 - YARDS, COURTS AND OTHER OPEN AREA REGULATIONS

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, regulations governing #yards#, #courts#, #lot coverage#, and other open areas shall be set forth in Section 23-30, inclusive.

General provisions shall be as set forth in Section 23-31, inclusive.

#Front yard# requirements shall be as set forth in Section 23-32, inclusive, #side yard# requirements shall be as set forth in Section 23-33, inclusive, and #rear yard# and #rear yard equivalent# requirements shall be as set forth in Section 23-34, inclusive.

#Court# regulations, including those for #inner courts# and #outer courts#, shall be as set forth in Section 23-35, inclusive.

Maximum #lot coverage# requirements shall be as set forth in Section 23-36, inclusive.

Other regulations governing open areas, including minimum distances between #buildings# and minimum distances between #legally required windows# and #lot lines#, shall be as set forth in Sections 23-37, inclusive.

Special rules for certain areas shall be as set forth in Section 23-38, inclusive.

23-31 - General Provisions

LAST AMENDED
12/5/2024

In R6 through R12 Districts, the obstructions permitted within a #front yard# pursuant to Section 23-31, inclusive, may also be permitted in the open area between the #street wall# and the #street line#.

23-311 - Permitted obstructions in all yards, courts and open areas

LAST AMENDED
12/5/2024

In all #Residence Districts#, the following obstructions shall be permitted within any required #yard#, #rear yard equivalent#, #court# or other required open area. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(a) #Accessory# mechanical equipment, limited in depth to 18 inches from an exterior wall;

(b) Arbors or trellises;

(c) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(2) 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;

(d) Bicycle or micromobility parking, including necessary ancillary structures;

(e) Canopies;

(f) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(g) Eaves, gutters, downspouts, or other similar projections, extending into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(h) Electric vehicle charging equipment;

(i) Flagpoles;

(j) #Qualifying exterior wall thickness#;

(k) Ramps or lifts for people with physical disabilities;

(l) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

(1) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects; or

(2) above other permitted obstructions, as applicable, provided that the additional height shall be limited to 18 inches;

(m) Terraces or porches, open;

(n) Window sills, or similar projections extending into such #yard# or #rear yard equivalent# not more than four inches.

23-312 - Additional permitted obstructions generally permitted in all yards

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted within any #yard# or #rear yard equivalent#:

(a) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-62. Such balconies are not permitted in #side yards# or within five feet of the #side lot line# or #rear lot line# in a #rear yard# or #rear yard equivalent#;

(b) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

(c) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;

(d) Overhanging portions of a #single-# or #two-family residence# , which are above the first #story# including the #basement# and which project not more than three feet into the #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;

(e) Parking spaces for automobiles, off-street, open, #accessory#, within a #side# or #rear yard#;

(f) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, subject to the provisions of Section 25-621 (Location of parking spaces in certain districts) and Section 25-622 (Location of parking spaces in lower density growth management areas).

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District, or the #front yard# of a #building# containing #residences# on a #qualifying residential site# in an R1 through R5 District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

(g) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:

(1) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(i) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;

(ii) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and

(iii) in R6 through R12 Districts, a height of 15 feet above the adjoining grade;

(h) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;

(i) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;

(j) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#.

23-313 - Level and measurement of yards

LAST AMENDED
12/5/2024

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except where permitted as an obstruction pursuant to Section 23-30, inclusive.

The width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

23-32 - Front Yard Requirements

LAST AMENDED
12/5/2024

23-321 - Basic front yard requirements in R1 through R5 Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except as further modified by the provisions of this Section.

District	Front Yard
R1	20 feet
R2 R2A R2X R3-1 R3-2	15 feet
R3A R3X R4 R4-1 R4A R5 R5A	10 feet
R4B R5B R5D	5 feet

For the purpose of this Section, the area between the #street line# and the #street wall line# of adjacent #buildings# containing #residences# on the same or adjoining #zoning lots# fronting on the same #street# shall be considered adjacent #front yards#.

Minimum #front yard# yards shall be modified as follows:

(a) For #qualifying residential sites# with a #lot width# of at least 150 feet, the applicable #front yard# depth set forth in the table may be reduced by five feet, except that a #front yard# shall be no shallower than five feet;

(b) For a #corner lot#, one #front yard# may have a depth that is five feet shallower than the applicable depth set forth in the table, except that a #front yard# shall be no shallower than five feet;

(c) Where an adjacent #front yard# is shallower than the minimum required pursuant to the applicable district regulations, then the #front yard# may be as shallow as the shallowest adjacent #front yard#. However, a #front yard# shall be no shallower than five feet;

(d) In R4B and R5B Districts, a #front yard# shall be no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#. However, a #front yard# shall be no shallower than five feet, and need not exceed 15 feet in depth. Where the #street walls# surrounding the subject #building# do not have a #prevailing street wall frontage#, these #front yard# line-up provisions need not apply; and

(e) To accommodate #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may encroach into a required #front yard#, provided that no encroachment exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof.

23-322 - Front yard requirements for R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #front yard# requirements shall apply.

23-33 - Side Yard Requirements

LAST AMENDED

23-331 - Permitted obstructions in certain side yards

LAST AMENDED12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-312 (Additional permitted obstructions generally permitted in all yards) shall be permitted within required #side yards# and required open areas along #side lot lines#. In addition, the following obstructions shall be permitted within certain portions of required #side yards# and required open areas along #side lot lines#:

(a) on #corner lots#, enclosed #accessory# off-street parking spaces may be located in any portion that is within 30 feet of both #side lot lines#. However, in R1 or R2A Districts on #zoning lots# whose mean width is 45 feet or more, no portion of such structure shall be located less than five feet from any #side lot line#; and

(b) on #zoning lots# other than #corner lots#, the permitted obstructions listed in Section 23-341 (Permitted obstructions in required rear yards or rear yard equivalents) may be located in any portion that is within 30 feet of a #rear lot line# or within 10 feet of a #rear yard equivalent#.

23-332 - Basic side yard requirements in R1 through R5 Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

(a) #Detached# #buildings#

In the districts indicated, for #zoning lots# containing only #single-# or #two-family# #detached# #residences#, two #side yards#, shall be provided. In R1 Districts the minimum width of each #side yard# shall be eight feet, and in all other districts, the minimum width shall be five feet.

R3 R4 R5

(b) #Semi-detached# #buildings# and #zero lot line buildings#

In the districts indicated, for #zoning lots# containing only #single-# or #two-family# #semi-detached# or #zero lot line# #residences#, a #side yard# with a minimum width of five feet shall be provided.

In addition, where an adjoining #zoning lot# contains a #single-# or #two-family# #detached# #semi-detached#, or #zero lot line# #residence#, an open area with a minimum total width of eight feet shall be required between the #building# on the subject #zoning lot# and the #residence# on the adjacent #zoning lot#.

R3-2 R4 R4B R5 R5B R5D

(c) Other #residences#

In the districts indicated, for #zoning lots# containing #residences# that are not subject to paragraphs (a) or (b) of this Section, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. Furthermore, where a #zoning lot# adjoins a #zoning lot# containing exclusively #single-# or #two-family# #residences#, and where a #side yard# with a minimum width of three feet or more is provided along the common #side

lot line#, an open area with a minimum total width of eight feet shall be required between the #building# on the subject #zoning lot# and the #residence# on the adjacent #zoning lot#.

R1 R2 R3 R4 R5

(d) Permitted obstructions in open areas between #buildings#

Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, gutters, open #accessory# off-street parking spaces, #qualifying exterior wall thickness#, ramps for access by people with disabilities, and steps as set forth in the applicable provisions of Sections 23-311 and 23-312 shall be permitted obstructions in open areas between #buildings#, provided that such obstructions, not including #accessory# off-street parking spaces, #qualifying exterior wall thickness# or #accessory# mechanical equipment, may not reduce the minimum width of the open area by more than three feet.

23-333 - Modified side yard requirements for qualifying residential sites

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, for #residences# on #qualifying residential sites#, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#.

Furthermore, except as provided for by paragraph (c) of Section 23-332 (Basic side yard requirements in R1 through R5 Districts), where a #building# containing #residences# on an adjacent #zoning lot# has a #side yard# adjoining the subject #zoning lot# an open area with a minimum width of five feet,

measured perpendicular to the #side lot line# shall be provided, and shall extend along the entire #side lot line#.

23-334 - Modified side yard requirements for existing narrow zoning lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, where the width of a #zoning lot# is less than that required under the provisions of Section 23-11 (Lot Area and Lot Width Regulations in R1 Through R5 Districts), for a #single-# or #two-family residence#, the required total width of #side yards#, or minimum open area provided along a #side lot line#, as applicable, may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required, and where applicable, the minimum distance required between a #residence# on an adjacent #zoning lot# may be reduced by six inches for each foot by which the width of a #zoning lot# is less than that required, provided that the narrow lot condition was in existence on December 15, 1961, and, subsequently, such narrow lot condition has neither increased nor decreased in width.

However, in no event shall the required width of a #side yard# or open area be less than three feet and, where applicable, the minimum distance between a #residence# on an adjacent #zoning lot# be less than five feet.

23-335 - Side yard requirements for R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

(a) #Detached# #buildings#

In the districts indicated, for #zoning lots# containing only #single-family# or #two-family# #detached# #residences#, two #side yards#, each with a minimum width of five feet, shall be provided.

(b) All other #buildings#

In the districts indicated, for #zoning lots# containing all other types of #residences#, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#.

23-34 - Rear Yard and Rear Yard Equivalent Requirements

LAST AMENDED
12/5/2024

23-341 - Permitted obstructions in required rear yards or rear yard equivalents

LAST AMENDED
12/5/2024

(a) In all #Residence Districts#, the obstructions set forth in Sections 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(1) Breezeways;

(2) Fire escapes;

(3) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;

(4) Recreational or drying yard equipment;

(5) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;

(6) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

(i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a #detached# #accessory# #building or other structure#, or on any roof with a slope greater than 20 degrees; or

(ii) affixed to solar canopies and located over any otherwise unenclosed #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;

(7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

(b) In all #Residence Districts#, the obstructions set forth in Sections 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#.

(1) Balconies, unenclosed, subject to the provisions of Section 23-62;

(2) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

(i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Parking spaces shall also be permitted in #buildings# allowed as permitted obstructions pursuant to paragraph (b)(4) of this Section, provided that the portion allocated to parking spaces does not exceed 10 feet in height;

(ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 15 feet above #base plane#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in

Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;

(iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);

(3) any portion of a #building# used for #residential uses# other than #dwelling units# in #buildings# containing #qualifying senior housing#, provided that:

(i) such #zoning lot# is located in an R6 through R12 Districts other than R6B, R7B or R8B Districts;

(ii) such #building# portion is located within 100 feet of a #wide street#;

(iii) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less; and

(iv) such space shall be accessible to all residents of the #building#.

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

(4) for #single-# or #two- family residences#, any portion of a #building# used for #residential uses#, provided that:

(i) for any #ancillary dwelling unit# associated with a #detached#, #zero lot line# or #semi-detached# #building#, the height, at any level, shall be limited to one #story#, not to exceed 15 feet. However, where an #accessory# parking space is provided below a portion of a #building# containing an #ancillary dwelling unit#, the height of such #building#, and an associated #ancillary dwelling unit#, shall not exceed two #stories# or 25 feet in height above adjoining grade, whichever is less, including the apex of a pitched roof;

(ii) for #detached# and #zero lot line# #buildings#, the height of all other portions of #buildings# not containing an #ancillary dwelling unit# shall be limited to two #stories# or 25 feet in height above adjoining grade, whichever is less, including the apex of a pitched roof;

(iii) the size shall be limited to an area not exceeding one-third of the #rear yard# or #rear yard equivalent#; and

(iv) where such #building# is free-standing from other existing #buildings# on the #zoning lot#, it shall not be closer than five feet to a #rear lot line# or #side lot line#.

In addition, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

23-342 - Rear yard requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, #rear yards# shall be provided on #interior lots# in accordance with this Section., except as otherwise provided pursuant to the provisions of Section 23-34, inclusive.

(a) Standard lots

In the districts indicated, a #rear yard# shall be provided as follows:

(1) For #detached# and #zero lot line buildings#, for #buildings# or portions thereof at or below a height of 75 feet, as measured from #base plane#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, and for portions above 75 feet, where permitted, a #rear yard# with a depth of 30 feet shall be provided; and

(2) For #semi-detached# and #attached# #buildings#:

(i) for #zoning lots# with a #lot width# of less than 40 feet, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot#; and

(ii) for #zoning lots# with a #lot width# of 40 feet or greater, for #buildings# or portions thereof at or below a height of 75 feet, as measured from #base plane#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, and for portions above 75 feet, where permitted, a #rear yard# with a depth of 30 feet shall be provided.

(b) Shallow lots

In the districts indicated, the provisions of this Section may be modified where an #interior lot# is less than 95 feet deep at any point, and the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition has neither increased nor decreased in depth.

For such shallow #interior lots#, or portions thereof, the depth of a required #rear yard# set forth for standard lots may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 95 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

23-343 - Rear yard equivalent requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, #rear yard equivalents# shall be provided on #through lots# in accordance with this Section, except as otherwise provided pursuant to the provisions of Section 23-34, inclusive.

(a) Exceptions

No #rear yard equivalent# regulations shall apply:

(1) to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#;

(2) to #large sites#;

(3) to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of a #street#; or

(4) to any #zoning lot# occupying an entire #block#.

(b) Depth requirement

(1) For standard lots

On any #through lot# that is 190 feet or more in maximum depth from #street# to #street#, for #buildings# or portions thereof at or below a height of 75 feet, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet shall be provided, and above a height of 75 feet, where permitted, a #rear yard equivalent# of 60 feet shall be provided.

(2) For shallow lots

The depth of a #rear yard equivalent# may be reduced where a #through lot# is less than 190 feet deep at any point, and the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition has neither increased nor decreased in depth.

For such shallow #through lots#, or portions thereof, the depth of a required #rear yard equivalent# set forth for standard #through lots# in this Section, may be reduced by one foot by which the depth of a #zoning lot#, or portion thereof, is less than 190 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 20 feet.

(c) Location requirement

(1) Standard location

A #rear yard equivalent# shall be provided midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts.

(2) Alternative location allowances

Alternatively, for #zoning lots# utilizing the height and setback provisions for eligible sites in Section 23-434, the tower regulations of Section 23-435, or other height and setback provisions of this Resolution that modify or supersede the underlying provisions for R10 Districts without a letter suffix, or for shallow lots eligible for the provisions of paragraph (b)(2) of this Section, the following options may be applied:

(i) open areas adjoining and extending along the full length of either or both #street lines#, where the combined depth of such open areas is equivalent to the depth of the required #rear yard equivalent#;

(ii) open areas adjoining and extending along the full length of each #side lot line# with a minimum width equivalent to half of the required #rear yard equivalent#, as measured perpendicular from each #side lot line#. However, the width of such open area along one #side lot line# may be decreased provided that a corresponding increase in width is made along the other #side lot line# and further provided that any open area shall have a minimum width of five feet. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections 23-311 and 23-312 shall be permitted in such open areas.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-341 (Permitted obstructions in required yards or rear yard equivalents).

23-344 - Additional rear yard modifications

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the #rear yard# requirements set forth in Section 23-342 (Rear yard requirements) and the #rear yard equivalent# requirements of Section 23-343 (Rear yard equivalent requirements) shall be modified as set forth in this Section.

(a) Within one hundred feet of corners

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

(b) Along #short dimension of a block#

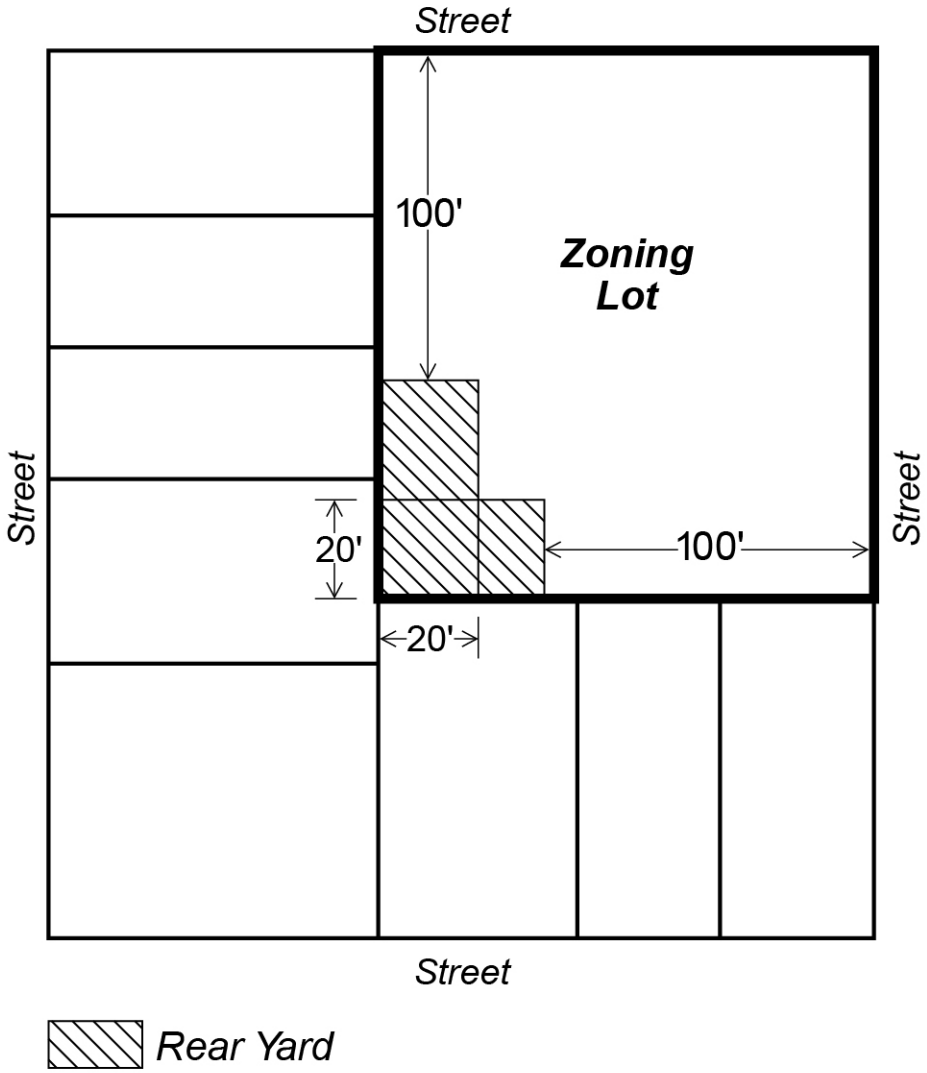
In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #street line#

(c) Beyond one hundred feet of a #street line#

In all districts, as indicated, for #interior# or #through lot# portions of #corner lots#, and for #zoning lots# bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

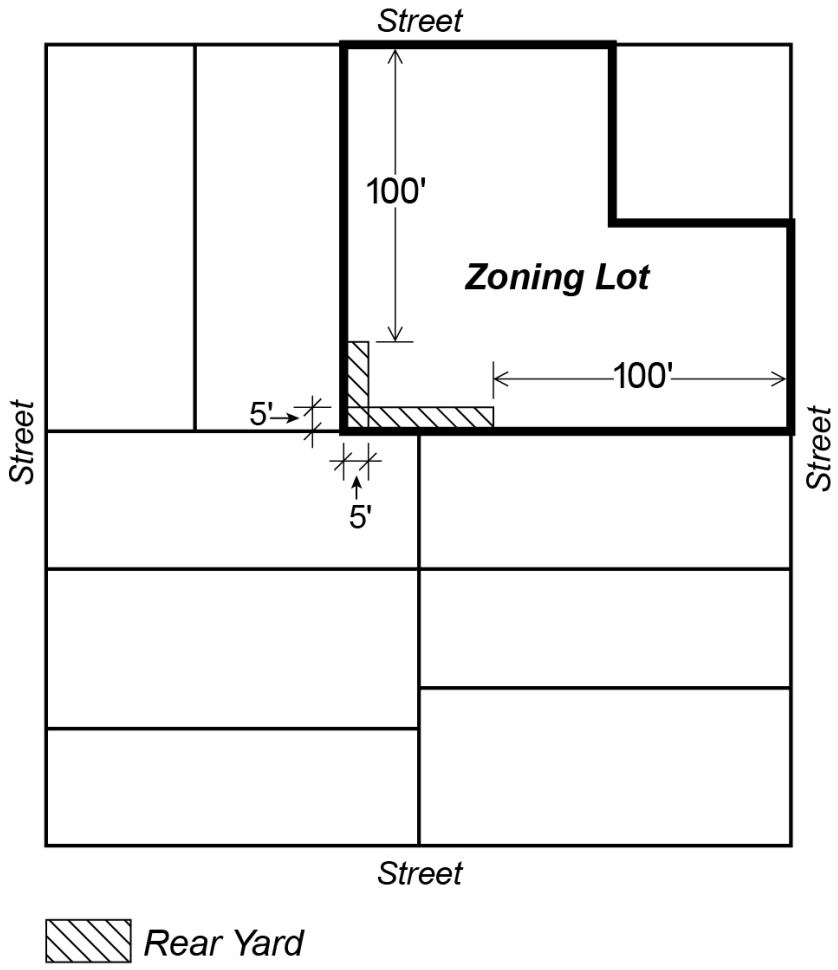
(1) In all districts, a #rear yard# shall be provided in accordance with Section 23-342 (Rear yard requirements), where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.

CORNER LOT



(2) In R1 through R5 Districts, a #rear yard# with a minimum depth of five feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

ZONING LOT BOUNDED BY TWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)

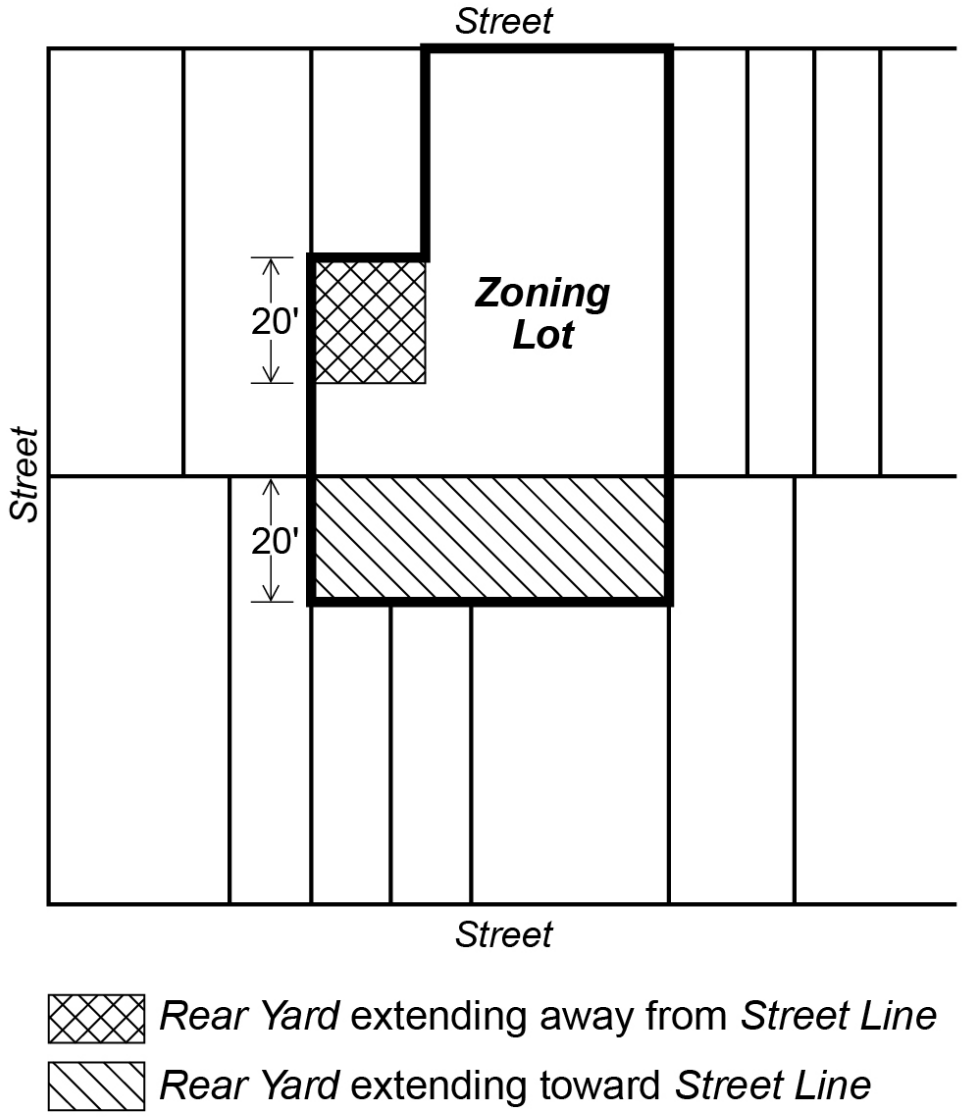


(3) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(d) For zoning lots with multiple #rear lot lines#

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

(



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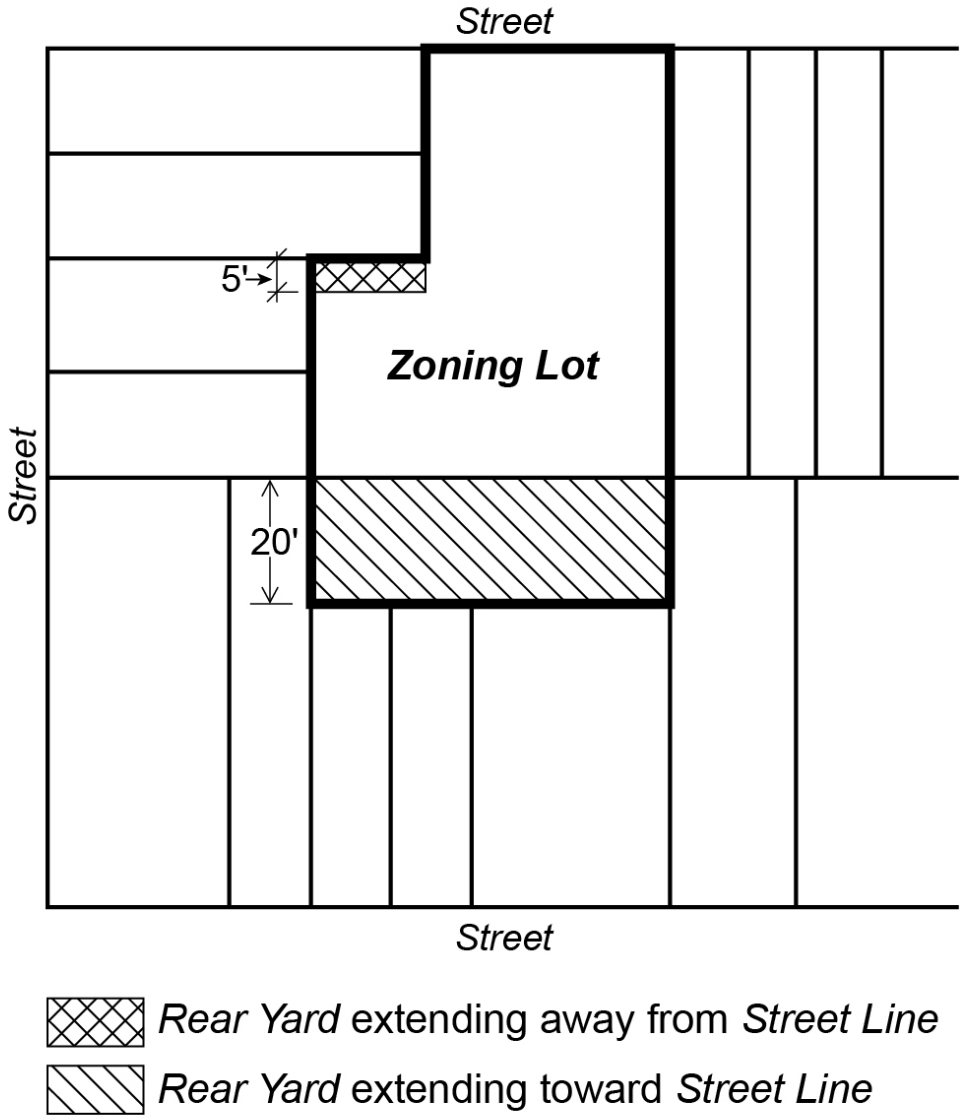
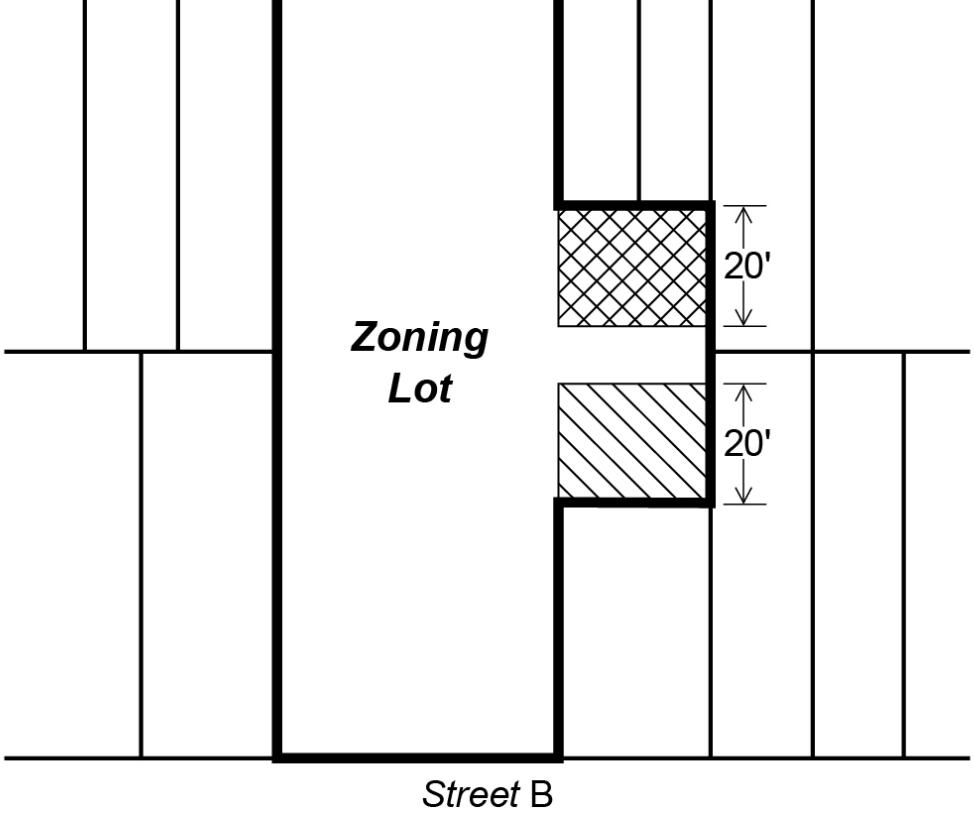
/ith Section 23-

(2) In R1 through R5 Districts, a #rear yard# with a minimum depth of five feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



(3) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(4) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



Rear Yard extending away from Street A

Rear Yard extending away from Street B

23-35 - Court Regulations

LAST AMENDED

12/5/2024

#Inner court# regulations are set forth in Section 23-352 and #outer court# regulations are set forth in Section 23-353. Permitted obstructions in such #courts# are set forth in Section 23-351.

These regulations shall not apply to any #single-# or #two-family# #detached# #residence#.

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

23-351 - Permitted obstructions in courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the obstructions permitted in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

(a) Fences;

(b) Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(c) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in paragraph (g) of Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(d) Recreational or drying yard equipment.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, shall be permitted.

23-352 - Inner court regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following #inner court# regulations shall apply:

(a) where #legally required windows# face onto an #inner court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of an #inner court# shall not be less than 800

square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet, and above a height of 75 feet, where permitted, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet;

(b) where no #legally required windows# face onto an #inner court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet, and above a height of 75 feet, where permitted, the area of such small #inner court# shall not be less than 300 square feet and no dimension shall be less than 15 feet; and

(c) the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed the minimum dimension for an #inner court#, relative to the height.

For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

23-353 - Outer court regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following #outer court# regulations shall apply:

(a) where #legally required windows# face onto an #outer court#, the width of such #outer court# shall be at least equal to the depth of such #outer court#, except that an #outer court# may extend to any depth where the width of the #outer court# is 20 feet or more in #buildings# or portions thereof, at or below a height of 75 feet, or where the width of the #outer court# is 30 feet or more above a height of 75 feet, where permitted;

(b) where no #legally required windows# face onto an #outer court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet, and above a height of 75 feet, where permitted, the area of such small #outer court# shall not be less than 300 square feet and no dimension shall be less than 15 feet; and

(c) the width of an #outer court recess# shall be at least equal to the depth of the #outer court recess#, except where such width permits any depth for an #outer court#, relative to the height.

23-36 - Maximum Lot Coverage

LAST AMENDED
12/5/2024

For #developments# or #enlargements# of #residences#, the maximum #lot coverage# regulations are set forth in Section 23-361 for R1 through R5 Districts and Section 23-362 for R6 through R12 Districts. Special rules for certain #interior# or #through lots# are set forth in Section 23-363.

23-361 - Maximum lot coverage in R1 through R5 Districts

LAST AMENDED

R1 R2 R3 R4 R5

(a) For #single-# or #two-family residences#

In the districts indicated, for #zoning lots# with #buildings# containing #single-# or #two-family residences#, the maximum #residential# #lot coverage# shall be as set forth in the following table.

MAXIMUM RESIDENTIAL LOT COVERAGE FOR SINGLE OR TWO-FAMILY RESIDENCES???????

	Lot type	
District	**#Interior lots# or #through lots# (percent)**	**#Corner lots# (percent)**
R1 R2	40	80
R3	50	80
R4 R5	60	80

However, in R2X, R3A and R3X Districts, the maximum #residential# #lot coverage# shall be that #lot coverage# remaining after the application of all required #yards# on the #zoning lot#.

(b) For #multiple dwelling residences#

In the districts indicated, for #zoning lots# with #buildings# containing #multiple dwelling residences#, where permitted, the maximum #residential# #lot coverage# for #interior lots# or

#through lots# shall be 80 percent and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

However, for #large sites# with #buildings# utilizing the provisions of Section 23-425 (Height and setback modifications for large sites), the maximum #residential# #lot coverage# of the entire site shall be 50 percent. Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such overall maximum, provided they do not exceed the respective maximums that would apply to #zoning lots# that are not #large sites#.

23-362 - Maximum lot coverage in R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

(a) For standard lots

In the districts indicated, the maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 80 percent and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

(b) For eligible sites

In the districts indicated, for #zoning lots# with #buildings# utilizing the eligible site provisions of Section 23-434 (Height and setback modifications for eligible sites), the maximum #residential# #lot coverage# of the entire site shall be:

(1) 65 percent on #zoning lots# with a #lot area# of 30,000 square feet or more that are not #large sites#; and

(2) 50 percent on #large sites#.

Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such overall maximum, provided they do not exceed the respective maximums that would apply to #zoning lots# that are not utilizing the eligible site provisions.

23-363 - Special rules for certain interior or through lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #lot coverage# set forth in Section 23-361 (Maximum lot coverage in R1 through R5 Districts) or 23-362 (Maximum lot coverage in R6 through R12 Districts), as applicable, may be increased in accordance with the provisions of this Section.

(a) Shallow #zoning lots#

For #zoning lots# eligible for the #rear yard# modifications for shallow #interior lots# set forth in Section 23-342 (Rear yard requirements) or the #rear yard equivalent# modifications for shallow #through lots# set forth in Section 23-343 (Rear yard equivalent requirements), the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one

percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 95 feet for #interior lots# or 190 feet for #through lots#. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

In no event shall the maximum #lot coverage# of an #interior lot# or #through lot# exceed 90 percent. Shallow portions of a #zoning lot# may exceed such maximum, so long as the adjusted maximum #lot coverage# complies with such maximum.

(b) Within 100 feet of corners

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

(c) Along the short dimension of the block

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with the #street line# of the #short dimension of a block#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #street line#.

23-37 - Other Open Area Regulations

LAST AMENDED
12/5/2024

23-371 - Standard minimum distance between buildings

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section.

For the purpose of this Section, #abutting# #buildings# on a single #zoning lot# may be considered a single #building#. However, if two or more portions of a #building# are not connected or not #abutting# at a particular level, such separated portions shall comply with the applicable provisions of this Section. In applying such provisions, the height of such separated portions shall be measured from the roof of the connecting or #abutting# portion of such #building#, as applicable, instead of from the #base plane#.

(a) Exceptions

The provisions of this Section shall not apply to:

(1) #buildings# that are separated from each other by a #rear yard equivalent#; or

(2) space between a #single-family#, #two-family#, or three-family #residence# and a garage #accessory# thereto.

(b) For #single-# and #two-family residences#

For #buildings# with two or fewer #dwelling units#, the required minimum distance between

any such #residences# and any other #building# with two or fewer #dwelling units# on the same #zoning lot#, or a non-#residential# #building# on the same #zoning lot# shall vary according to the height of such #buildings#. Such minimum distance shall be measured perpendicular to the #building# wall or window, as applicable. However, for #buildings# with two or fewer #dwelling units#, the required minimum distance between any such #residences# and an #ancillary dwelling unit# on the same #zoning lot# shall be 10 feet.

For #buildings# with two or fewer #dwelling units#, the required minimum distance between any such #residences# and a #building# with three or more #dwelling units# on the same #zoning lot# shall be subject to the provisions of paragraph (c) of this Section.

	Maximum #Building# Height above #Base Plane# or #Cur Applicable (in feet)		
	35 or less	Between 35 and 50	Ove
Minimum distance	15	20	30

(c) For #buildings# that contain three or more #dwelling units#

The minimum distance between a #building# containing three or more #dwelling units# and any other #building# on the #zoning lot# shall be applied in accordance with the provisions of this Section. Where two or more portions of a #building# are separated completely from one another at a particular level above grade, such separated portions shall comply with paragraph (c)(1) of this Section. Where there are multiple #buildings# on a single #zoning lot# that do not connect at any level, such #buildings# shall comply with paragraph (c)(2) of this Section.

(1) For separated portions of a #building#

The required minimum distance between any separated portion of a #building# containing #dwelling units# shall be as follows:

(i) where #legally required windows# face onto a separated portion of a #building# at or below a height of 75 feet, the minimum dimension between such separated portions shall not be less than 20 feet, and above a height of 75 feet, where permitted, the minimum dimension shall not be less than 30 feet; and

(ii) where no #legally required windows# face onto a separated portion of a #building# at or below a height of 75 feet, the minimum dimension between such separated portions shall not be less than 10 feet, and above a height of 75 feet, where permitted, the minimum dimension shall not be less than 15 feet.

(2) Two or more #buildings# on a single #zoning lot#

The minimum distance between two or more #buildings# on the same #zoning lot# that are not connected at any level shall be 40 feet, as measured between the closest points of such #buildings#, for portions of #buildings# lower than 125 feet, as measured from the #base plane# or #curb level#, as applicable.

Portions of such #buildings# higher than 125 feet shall be at least 80 feet apart, as measured between the closest points of such #buildings#. However, such minimum distance need not exceed 40 feet if such portions of #buildings# above a height of 125 feet do not exceed, in aggregate, a #lot coverage# of 40 percent or, for lots of less than 20,000 square feet, the percentage set forth in the table below:

AGGREGATED LOT COVERAGE OF PORTIONS OF BUILDINGS ON A SMALL ZONING LOT

Area of #Zoning Lot# (in square feet)	**Maximum Percent of #Coverage#**
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42

18,501 to 19,999	41

(d) In addition, the following rules shall apply to:

(1) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;

(2) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;

(3) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements. However, such projections shall not be permitted in open spaces provided pursuant to paragraph (c)(2) of this Section; and

(4) the obstructions permitted in Section 23-311 shall be permitted in such minimum distance.

23-372 - Distance between legally required windows and lot lines

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

The minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section.

For the purposes of this Section, #abutting# #buildings# on the same #zoning lot# shall be considered a single #building#.

(a) Exceptions

This Section shall not apply to #legally required windows# in #buildings# containing #residences# with a maximum height of 35 feet, as measured from #base plane#, and with a maximum of three #dwelling units#.

(b) Basic provisions

The minimum distance between a #legally required window# and:

(1) any wall;

(2) a #rear lot line#, or vertical projection thereof; or

(3) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

The obstructions permitted for any #yard# set forth in Section 23-311 shall be permitted in such minimum distance.

(c) For shallow lots

For #interior lots#, where the depth is less than 95 feet deep at any point, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be modified to equal the #rear yard# depth required for shallow lots pursuant to the provisions of Section 23-342 (Rear yard requirements). However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 10 feet.

(d) Special provisions for R3 through R5 Districts

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15-foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15-foot dimension shall be open from its lowest level to the sky for the entire length of the #side lot line#. Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, #qualifying exterior wall thickness#, gutters, open #accessory# off-street parking spaces, ramps for access by people with disabilities, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in Sections 23-311 or 23-312, provided that such obstructions, not including #qualifying exterior wall thickness# and #accessory# mechanical equipment, will not reduce the minimum width of the open area by more than three feet.

23-38 - Special Rules for Certain Areas

LAST AMENDED
12/5/2024

23-381 - Special provisions in other geographies

LAST AMENDED
12/5/2024

In all districts, for #buildings# containing #multiple dwelling residences# on #zoning lots# that adjoin a #public park#, the minimum distance between a #legally required window# and a #lot line# need not apply to portions of #buildings# facing such #public park# where the Commissioner of the Department of Parks and Recreation determines that the #public park# will provide sufficient access to light and air for such #building's# #legally required windows#. Where the Commissioner makes such determination, the #public park# shall be considered a #street# for the purposes of applying other applicable laws or statutes to such #legally required window#.

23-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

Height and setback regulations are set forth in Section 23-42, inclusive, for R1 through R5 Districts and Section 23-43, inclusive, for R6 through R12 Districts. Special rules governing certain areas are set forth in Section 23-44. Permitted obstructions to maximum heights are set forth in Section 23-41.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, inclusive of #residences#, subject to different height and setback regulations for the applicable district, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights.

23-41 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in this Section, inclusive, shall be permitted to penetrate a maximum height limit set forth in Sections 23-42 (Height and Setback Requirements in R1 Through R5 Districts), 23-43 (Height and Setback Requirements for R6 Through R12 Districts) or 23-44 (Special Provisions for Certain Areas).

23-411 - General permitted obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or #sky exposure plane#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

(2) 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; and

(3) may rise above the permitted #building# height, up to the height of a parapet wall or railing permitted in accordance with this Section. When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

(b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in the applicable height and setback regulations;

(c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

(d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;

(e) Flagpoles or aerials;

(f) Parapets, railings, or safety guards, whether applied singly, or in combination, provided that:

(1) parapets shall not exceed four feet in height;

(2) railings shall not exceed 4 feet, 6 inches in height, and shall be at least 50 percent open for the portion that exceeds four feet in height; and

(3) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height;

(g) #Qualifying exterior wall thickness#;

(h) Roof thickness, up to 12 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to December 5, 2024. For a #building# that has added roof thickness pursuant to this paragraph, the height of any other permitted obstruction may be measured from the finished level of the roof instead of the maximum height limit or #sky exposure plane#;

(i) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(j) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

(1) on the roof, or any portion thereof, of a #building#, with a slope less than 20 degrees: up to a height of 15 feet, or, when located on a bulkhead or other obstruction of this Section, a height of six feet; or

(2) on the roof, or any portion thereof, of a #building#, which has a slope of more than 20 degrees: up to a height of 60 inches in height, as measured perpendicular to the roof surface;

(k) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(l) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;

(m) Window washing equipment mounted on a roof;

(n) Wire, chain link or other transparent fences.

23-412 - Additional permitted obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or #sky exposure plane#:

(a) Balconies, unenclosed, subject to the provisions of Section 23-62 (Balconies);

(b) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;

(c) Elevator or stair bulkheads (including shafts and vestibules), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures or other screening), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or

vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (c)(3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed:

(i) R1 through R5 Districts, for #buildings# on #qualifying residential sites#, or in R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, for any #building#, a height of 25 feet above the maximum permitted height;

(ii) in R6 through R12 Districts:

(a) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height; and

(b) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(4) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(d) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) the diameter of the swept area of the rotor does not exceed 15 feet.

23-413 - Permitted obstructions in certain districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In the districts indicated, for those #buildings# that are subject to Section 23-421 (Basic pitched-roof envelopes for certain districts), permitted obstructions are limited to chimneys, dormers, #qualifying exterior wall thickness#, flagpoles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-411 (General permitted obstructions).

(b) In the districts indicated, for #buildings# other than those subject to the provisions set forth in Section 23-421, for those #buildings# subject to any height and setback regulations, the following rules shall apply within a required front setback distance above a maximum base height:

(1) Dormers shall be allowed as a permitted obstruction, provided that on any #street# frontage, either one of the following methods is applied:

(i) the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story#entirely below the maximum base height. For each foot above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height; or

(ii) the aggregate width of all dormers at the maximum base height does not exceed 40 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.

Where towers allowances are utilized pursuant to the provisions of Section 23-435, dormers may only rise to a height equivalent to 75 percent of the height of the tower portion. Such dormer shall be included in the calculation of tower coverage.

(2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.

(3) Wind energy systems shall not be allowed as permitted obstructions.

(4) Window washing equipment shall not be allowed as permitted obstructions.

23-42 - Height and Setback Requirements in R1 Through R5 Districts

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the height and setback regulations of a #building or other structure# shall be as set forth in Section 23-421 (Basic pitched-roof envelopes for certain districts) and 23-422 (Basic flat-roof envelopes for certain districts). Where applicable, standard setback provisions are set forth in Section 23-423.

Such heights may be increased on #qualifying residential sites# or on #zoning lots# containing #qualifying senior housing#, or for certain #large sites#, pursuant to Sections 23-424 or 23-425, respectively.

Additional provisions are set forth in Section 23-426 and Section 23-44, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and #abutting# #semi-detached# #buildings# may be considered to be one #building#.

23-421 - Basic pitched-roof envelopes for certain districts

LAST AMENDED
12/5/2024

R1 R2 R3A R3X R3-1 R3-2 R4 R4-1 R4A R5A

In the districts indicated, the height and setback regulations for #single-# or #two-family# #detached#, #semi-detached#, or #zero lot line# #buildings or other structures#, where permitted, shall be set forth in this Section.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of 25 feet.

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the following steps set forth in paragraphs (a) through (g):

(a) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second plane (the perimeter wall plane) is projected in the same manner at a height of 25 feet above the #base plane#. (See Figure A)

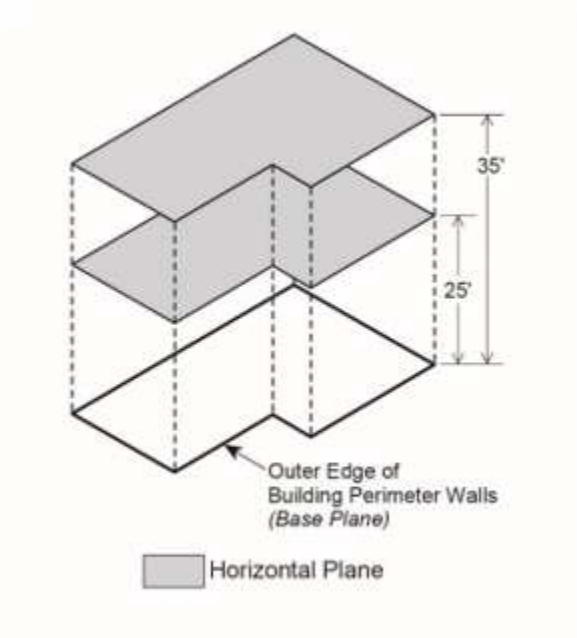


Figure A

(b) Each perimeter wall of the #building or other structure# with a horizontal dimension of eight feet or more which projects from an adjacent perimeter wall at least 18 inches may have an apex point directly above it on the 35-foot-high plane. (See Figure B). The location of the apex point is flexible provided it is directly above its perimeter wall and provided a line drawn from the intersection of two perimeter walls to such an apex point does not exceed 80 degrees to the horizontal. An apex point is not required for each qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.

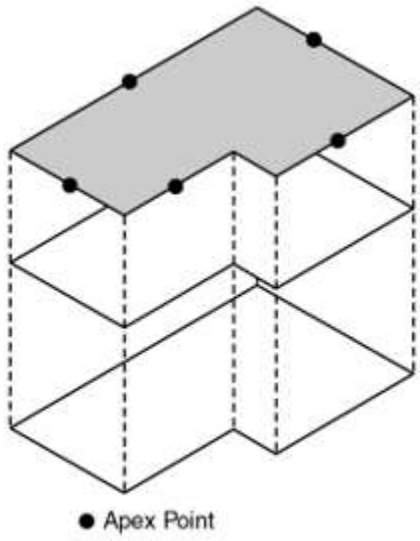


Figure B

(c) One “ridge line” is extended in a straight line from each apex point along the 35-foot-high plane. Ridge lines which connect two apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C)

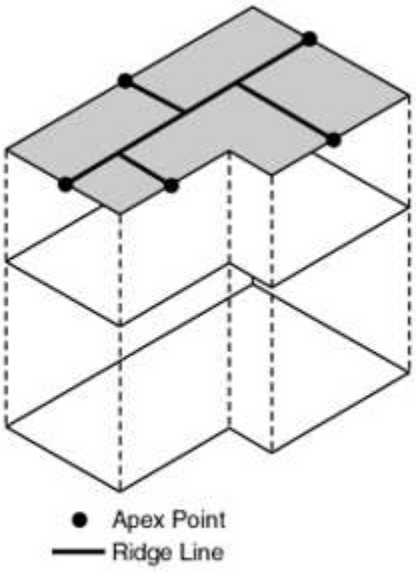


Figure C

(d) Sloping planes are extended in a straight line outward and downward from each ridge line until they intersect the perimeter wall plane. Every sloping plane generated must intersect the perimeter wall plane for the full width of the ridge line from which it extends. (See Figure D). The maximum angle of pitch for any sloping plane may not exceed 80 degrees to the horizontal. Sloping planes extended from ridge lines perpendicular or within 45 degrees of being perpendicular to each other may intersect, in which case the higher plane defines the limit of the envelope. Sloping planes extended from ridge lines parallel or within 45 degrees of being parallel to each other must intersect the perimeter wall plane without intersecting each other.

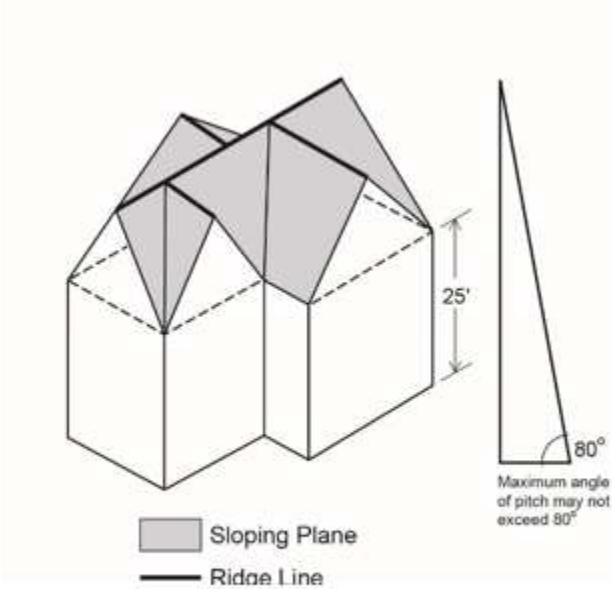


Figure D

(e) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (d). (See Figure E). The perimeter walls of the #building or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F).

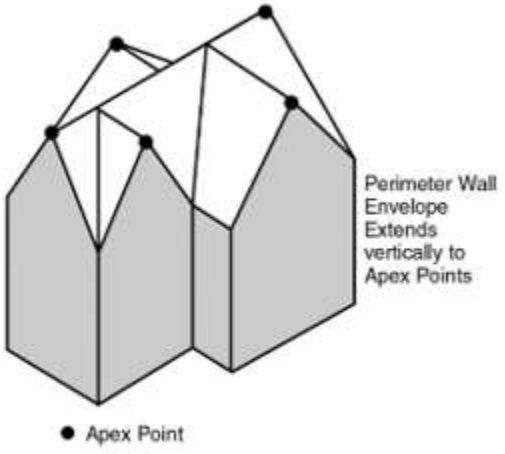


Figure E

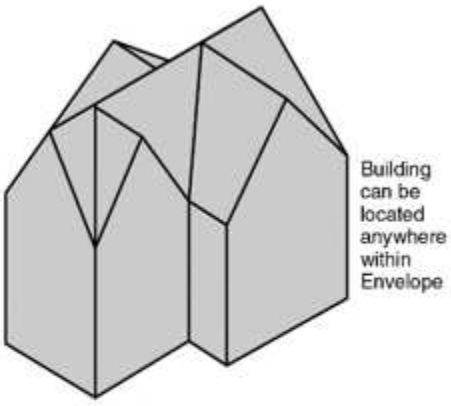


Figure F

(f) Special Situations

For convex curved perimeter walls, the #building or other structure# must be within a plane curve tapering uniformly to a vertex located at a height of 35 feet. For concave curved perimeter walls, the #building or other structure# must lie within a plane curve extending from the maximum perimeter wall height to a ridge line parallel to the prolongation of the perimeter wall at the 35-foot level. Such plane curves may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at the maximum height of the permitted perimeter wall. (See Figure G).

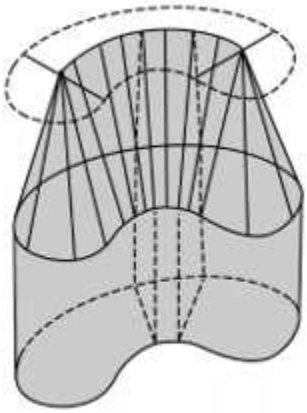


Figure G

(g) In R1 and R2 Districts without a letter suffix, for #zoning lots# that either:

(1) have a #lot area# of at least 9,500 square feet and #lot width# of at least 100 feet; or

(2) have a slope, as measured from the #street wall line level# to the #rear wall line level#, of at least five percent to the horizontal;

the reference plane for applying the regulations of this Section may be located up to five feet above the #base plane#.

23-422 - Basic flat-roof envelopes for certain districts

LAST AMENDED
12/5/2024

R3-2 R4 R4B R5 R5B R5D

In the districts indicated, the height and setback regulations for #buildings or other structures# shall be set forth in this Section.

R3-2 R4

(a) In the districts indicated, for #residences# not subject to the provisions of Section 23-421, the maximum #building# height shall be 35 feet.

R4B

(b) In the district indicated, the maximum #building# height shall be 25 feet.

R5B

(c) In the district indicated, the maximum #building# height shall be 35 feet.

R5

(d) In the district indicated, except R5 Districts with a letter suffix, the maximum base height shall be 35 feet, and the maximum #building# height shall be 45 feet. At a height not higher than the maximum base height, a setback shall be provided in accordance with Section 23-423.

R5D

(e) In the district indicated, the maximum #building# height shall be 45 feet.

23-423 - Standard setback regulations

LAST AMENDED
12/5/2024

Where minimum setback regulations are specific for a particular #building# envelope for a particular district, the following shall apply.

At a height not higher than the maximum base height specified for the applicable district, 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#. Such minimum setbacks may be modified as follows:

(a) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the minimum required #front yard#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.

(b) The depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.

(c) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

(d) Dormers provided in accordance with the provisions of Section 23-413 (Permitted obstructions in certain districts) may penetrate a required setback area.

23-424 - Height and setback requirements for qualifying residential sites

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, for #qualifying residential sites#, the height and setback modifications set forth in this Section shall apply.

The maximum base height and maximum #building# height shall be as set forth in the following table. At a height not higher than the maximum base height, a setback shall be provided in accordance with Section 23-423.

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS FOR #QUALIFYING RESIDENTIAL SITES# AND #QUALIFYING SENIOR HOUSING#

District	Maximum Base Height (in feet)	Maximum Height of #Buildings o other Structures# (in feet
R1-1 R1-2 R1-2A R2 R2A R2X R3-1 R3-2 R3A R3X	35	3
R4 R4-1 R4A R4B	35	4
R5 R5A R5B R5D	45	5

23-425 - Height and setback modifications for large sites

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# that meet the criteria of paragraph (a) of this Section, the height and setback modifications set forth in paragraph (b) shall apply.

(a) Eligible sites

The provisions of this Section shall apply to #large sites# that are #qualifying residential sites# or #zoning lots# located in R3-2, R4, R5, R5B or R5D Districts.

However, for #large sites# with existing #buildings#, eligible portions of the #zoning lot# for #developments# or #enlargements#:

(1) shall not include open space with amenities used for recreational purposes, such as play equipment, court game facilities, ball fields or fixed tables and chairs, unless such space is replaced in kind and size on the same #zoning lot#; and

(2) shall be located, partially or entirely, within 100 feet of a #street line#.

(b) Modified height and setback provisions

For eligible #zoning lots#, the maximum base height and maximum #building# heights set forth in Section 23-424 shall apply. However, where either the height at roof level of an existing #building#, or ornamental features in an existing non-#residential# #building or other structure#, meet or exceed the maximum heights set forth in such table, the maximum heights may be increased by 10 feet, or the height of such roof level or ornamental feature, whichever is lower.

23-426 - Additional height and setback provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the following additional regulations shall apply:

(a) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable maximum height regulations of Section 23-42, inclusive, or as modified in any applicable Special District, may be modified as follows: the maximum base

height may vary between the maximum set forth in Sections 23-422, 23-424, and 23-425, and the height of an adjacent #building# before setback, if such height is higher than the maximum base height.

(b) For #buildings# containing #multiple dwelling residences# with #street wall# widths exceeding 150 feet, as measured parallel to the #street line#, a minimum of 20 percent of the entire surface area of each #street wall# shall either recess or project a minimum of three feet from the #street wall#. The depth of required recesses or projections of a #building# shall be measured from the #street wall#.

23-43 - Height and Setback Requirements in R6 Through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the #street wall# location of a #building# shall be as set forth in Section 23-431, the height and setback regulations of a #building or other structure# shall be as set forth in Section 23-432, and standard setback provisions shall be as set forth in Section 23-433.

The maximum heights set forth in Section 23-432 may be modified for #zoning lots# meeting certain criteria, in accordance with Section 23-434, or where towers are permitted in accordance with Section 23-435. Additional height and setback provisions are set forth in Section 23-436 and Section 23-44, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate

#building#.

#Lot coverages# for towers, including maximums and minimums, where applicable, shall be applied at every level.

23-431 - Street wall location requirements

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the maximum base height and before the required setback as set forth in Section 23-432 (Height and setback requirements).

(a) Line-up rules

In R6B, R7B, and R8B Districts, the #street wall# of a #building# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, nor further from the #street line# than the furthest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage. Eligible adjacent #buildings# shall be located within 15 feet of the #street line#, within 25 feet of the subject #building#, and have a height that exceeds 35 feet. Where an existing adjacent #building# has multiple #street walls# located at varying depths from the #street line#, the subject #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width and extends to at least half the height of the #building#.

However, where, the #street wall# surrounding the subject #building# do not have a #prevailing street wall frontage#, the applicable #street wall# regulations of paragraph (b) may be applied.

(b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a), the following shall apply:

(1) Along #wide streets#, 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 Section 23-432, 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#.

(2) Along #narrow streets#, at least 70 percent of the #aggregate width of street wall# shall be located within 10 feet of the #street line# and extend to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond 10 feet of the #street line#, provided that any such recesses deeper than 15 feet are located within an #outer court#.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of this Section may be applied.

(c) Modifications for large zoning lots

Notwithstanding the provisions of paragraph (a) or (b) of this Section, for #zoning lots# with a #lot area# of at least 40,000 square feet or for #zoning lots# that occupy an entire #block#, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less.

(d) Articulation allowances

In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

23-432 - Height and setback requirements

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the minimum base height, maximum base height, and maximum #building# height shall be as set forth in the following table. Separate maximum base heights and maximum #building# heights are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

For portions of a #building# #street wall# that exceed the maximum base height, a setback shall be provided at a height not lower than the minimum base height or higher than the maximum base height in accordance with Section 23-433.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
AND MAXIMUM BUILDING HEIGHTS

District	**Minimum base height (in feet)**	**Standard #residences#**		**#Qualifying affordable ho #qualifying senior hou**	
		Maximum base height (in feet)	**Maximum height of #buildings or other structures# (in feet)**	**Maximum base height (in feet)**	**Maxim height #buildi other structu feet)**
R6A R6[1] R6-1	40	65	75	65	
R6[2]	30	45	55	65	
R6B	30	45	55	45	
R6D R6-2	30	45	65	55	

R7A R7-11 R7-21	40	75	85	85	
R7-12 R7-22	40	65	75	85	
R7B	40	65	75	65	
R7D	60	85	105	95	
R7X R7-3	60	95	125	105	
R8A	60	95	125	105	
R8B	55	65	75	85	
R8X	60	95	155	105	
R8[2]	60	85	115	105	
R8[1]	60	95	135	105	
R8[3]	60	95	135	125	
R9A[1] R9[1]	60	105	145	135	
R9A[2] R9[2]	60	95	135	135	
R9D R9-1	60	125	175	155	
R9X[1]	105	125	175	155	
R9X[2]	60	125	165	155	

R10X[1] R10[1]	60	155	215	155	
R10A[1]	125	155	215	155	
R10A[2] R10X[2] R10[2]	60	125	185	155	
R11A[1]	125	155	255	155	
R11A[2] R11	60	155	255	155	
R12	60	155	325	155	

1 For #zoning lots# or portions thereof within 100 feet of a #wide street#

2 For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# or, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

3 Outside of #Mandatory Inclusionary Housing areas#, for #zoning lots#, or portions thereof, located within 100 feet of a #wide street#, containing #UAP developments# or #qualifying senior housing#

23-433 - Standard setback regulations

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district, 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#. Such minimum setbacks may be modified as follows:

(a) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.

(b) The depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.

(c) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

(d) Dormers provided in accordance with the provisions of Section 23-413 (Permitted obstructions in certain districts) may penetrate a required setback area.

23-434 - Height and setback modifications for eligible sites

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, without a letter suffix, for #zoning lots# that meet the criteria of paragraph (a) of this Section, the height and setback modifications set forth in paragraph (b) may be applied.

The eligible site provisions of this Section may be applied to either a single #zoning lot# that meets the criteria of paragraph (a) or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street#, where the combined #lot area# exceeds 40,000 square feet, and where at least one individual #zoning lot# meets the criteria of paragraph (a).

(a) Eligible sites

The provisions of this Section shall apply to #zoning lots# that meet at least one of the following criteria:

(1) #zoning lots# with a #transportation-infrastructure-adjacent frontage#;

(2) #zoning lots# where one of the following irregularities exists on December 5, 2024, and the date of application for a building permit:

(i) an #interior lot#, or portions thereof, has a depth that is less than 85 feet, or a #through lot#, or portion thereof, has a depth that is less than 170 feet;

(ii) an #interior lot#, or portions thereof, has a depth that is greater than or equal to 115 feet, or a #through lot#, or portion thereof, has a depth that is greater than or equal to 230 feet;

(iii) #corner lots# or other #zoning lots# with multiple #front lot lines# where the angle between two #front lot lines# is more than 15 degrees from being

perpendicular;

(iv) #through lots# or other #zoning lots# with multiple #front lot lines# where the angle between two #front lot lines# is more than 15 degrees from being parallel;

(v) #zoning lots# where, over the depth of the lot, as measured perpendicular from the #front lot line#, there is a slope of at least 15 percent to the horizontal; or

(3) #zoning lots# that have a #lot area# of at least 20,000 square feet or occupy an entire #block#.

In addition, for #zoning lots# with a #lot area# of 30,000 square feet or more with existing #buildings#, the following restrictions shall apply. The area of the #zoning lot# used for #developments# or #enlargements# under the provisions of this Section:

(i) shall not include any portion of open space with amenities used for recreational purposes, such as play equipment, court game facilities, ball fields or fixed tables and chairs, unless such space is replaced in kind and size on the same #zoning lot#; and

(ii) shall be located, partially or entirely, within 100 feet of a #street line#.

(b) Modified height and setback provisions

For eligible #zoning lots#, the maximum permitted #building# height may be modified by the heights in the table below. However, for #zoning lots# with a #lot area# of at least 40,000 square feet, whether singly or in combination, where either the height at roof level of an existing #building#, or ornamental features in an existing non-residential #building or other

structure#, meet or exceed the maximum heights set forth in such table, the maximum heights may be increased by 25 percent, or the height of such roof level or ornamental feature, whichever is lower.

MAXIMUM BUILDING HEIGHT FOR ELIGIBLE SITES

District	**Maximum height of #buildings or other structures# (in feet)**
R6-2	95
R6 R6-1	125
R7-1 R7-2	155
R7-3	185
R8	215
R8[1]	255
R9	285
R9-1	315
R10	355
R11	405
R12	495

1 for #UAP developments# or #qualifying senior housing# on #zoning lots#, or portions thereof, within 100 feet of a #wide street#

23-435 - Tower regulations

LAST AMENDED
12/5/2024

In R9 through R12 Districts, other than R9A, R9X, R10A or R11A Districts, as an alternative to the maximum #building# heights set forth in Section 23-432, towers are permitted pursuant to the provisions of this Section.

Above the maximum base height specified for the particular district, a tower with a maximum #lot coverage# of:

(a) 65 percent shall be permitted up to a height of 300 feet; and

(b) 50 percent shall be permitted above a height of 300 feet.

23-436 - Additional height and setback provisions

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following additional regulations shall apply:

(a) Existing buildings may be vertically #enlarged# by up to one story or 15 feet without regard to the #street wall# location requirements of Section 23-431.

(b) On #through lots# which extend less than 190 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 23-431 shall be mandatory along only one #street# frontage.

(c) On #corner lots#, or portions thereof, the #street wall# location requirements of Section 23-431 shall be mandatory along only one #street# frontage. Where one of the #street# frontages bounding the #corner lot# is a #wide street# and the other a #narrow street#, the #street wall# location rules shall be applied along the #wide street# frontage;

(d) The #street wall# location and minimum base height provisions of Sections 23-431 and 23-432, respectively, shall not apply along any street frontage of a #zoning lot# occupied by buildings whose #street wall# heights or widths will remain unaltered.

(e) The minimum base height provisions of Section 23-432 shall not apply to #buildings#, or portions thereof, that are #developed# or #enlarged# and do not exceed such minimum base heights.

(f) For any zoning lot located in a Historic District designated by the Landmarks Preservation Commission, the #street wall# location and minimum or maximum base height regulations of Section 23-43, inclusive, or as modified in any applicable Special District, may be modified as follows:

(1) The minimum base height of a #street wall# may vary between the applicable minimum set forth in Section 23-432, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and

(2) The maximum base height of a #street wall# may vary between the applicable maximum set forth in Section 23-432, inclusive, and the height of the #street wall# of adjacent #building# before setback, if such height is higher than the maximum base height.

(g) 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 shall be considered to be the #street line# for the purposes of applying the provisions of Section 23-431, but such widening may be included in the setback reductions permitted pursuant to paragraph (a) of Section 23-433.

23-44 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

23-441 - Special tower provisions

LAST AMENDED
12/5/2024

The tower provisions of Section 23-435 shall be modified in certain areas, as follows:

(a) In R9D and R10X Districts, the minimum #lot coverage# of a tower above the maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 33 percent of the #lot area# of a #zoning lot# provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the tower.

(b) In R9 or R10 districts without a letter suffix, the following tower-on-a-base provisions shall apply to #buildings# where:

(1) more than 25 percent of the #floor area# is #residential#; and

(2) such #building# is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the #short dimension of a block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#.

The minimum #lot coverage# of a tower above the maximum base height shall be 30 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 30 percent of the #lot area# of a #zoning lot# provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the tower.

At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet. When the #lot coverage# of the tower portion is less than 40 percent, the required 55 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #lot coverage# of the tower portion	**Minimum percent of total #building# #floor area# distribution below the level of 150 feet**
40.0 or greater	55.0
39.0 to 39.9	55.5

38.0 to 38.9	56.0
37.0 to 37.9	56.5
36.0 to 36.9	57.0
35.0 to 35.9	57.5
34.0 to 34.9	58.0
33.0 to 33.9	58.5
32.0 to 32.9	59.0
31.0 to 31.9	59.5
30.0 to 30.9	60.0

For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof, that portion of a #zoning lot# located within 125 feet from the #wide street# frontage along the short dimension of a #block# shall be treated as if it were a separate #zoning lot#.

No tower or portion thereof shall be located on a #narrow street# at a distance that is more than 100 feet from the intersection with a #wide street#.

(c) No towers shall be permitted on any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a

#street line# opposite such a #public park#.

23-442 - Special provisions for certain community districts

LAST AMENDED
12/5/2024

(a) Borough of Manhattan

(1) Community District 9

In R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street, the underlying height and setback regulations for the zoning district shall apply, except that the additional height allowances for eligible sites set forth in Section 23-434 shall not apply.

(2) Community District 6

In Community District 6 in the Borough of Manhattan, in R10 Districts located east of First Avenue and north of East 51st Street, for #buildings# where more than 25 percent of the #floor area# is #residential# but are not otherwise subject to the tower-on-a-base provisions of paragraph (b) of this Section, the following shall apply.

The minimum #lot coverage# of a tower above the maximum base height shall be 30 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 30 percent of the #lot area# of a

#zoning lot# if the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# directly below the highest 15 percent of the tower.

At least 45 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #lot coverage# of the tower portion	**Minimum percent of total #building# #floor area# distribution below the level of 150 feet**
40.0 or greater	45.0
39.0 to 39.9	45.5
38.0 to 38.9	46.0
37.0 to 37.9	46.5
36.0 to 36.9	47.0
35.0 to 35.9	47.5
34.0 to 34.9	48.0
33.0 to 33.9	48.5
32.0 to 32.9	49.0

31.0 to 31.9	49.5
30.0 to 30.9	50.0

(b) Borough of Brooklyn

(1) Street wall modifications in Community Districts 8 and 9

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-431 and 23-432, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

(2) Height and setback modifications in Community District 9

For #zoning lots# in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and Franklin Avenue, the following height and setback modifications shall apply. The maximum height of a #building or other structure# shall not exceed an imaginary plane that:

(i) begins at an elevation of 90 feet above the level of the #base plane#, beginning at the point along the center line of Sullivan Place, distant 120 feet, 4 inches east of the center line of Washington Avenue and parallel to Sullivan Place, and

extending to Montgomery Street at an angle of 83 degrees, 17 minutes, 38 seconds; and

(ii) extends upwards at a slope equivalent of 10 percent to the horizontal, in an easterly direction, as measured perpendicular to the line established by paragraph (b)(2)(i) of this Section.

Obstructions permitted pursuant to Section 23-411 may penetrate such imaginary plane provided that they are at least 90 percent transparent. In addition, obstructions specified in Section 23-412(c) located within 85 feet of Franklin Avenue may penetrate such imaginary plane up to 12 feet if there is a minimum of 30 feet between such obstructions and the obstruction is no longer than 60 feet in length along the frontage of Franklin Avenue.

23-443 - Special provisions in other geographies

LAST AMENDED
12/5/2024

(a) Special provisions for #zoning lots# adjoining #public parks#

In all districts, where a #building# adjoining a #public park# utilizes the provisions of Section 23-381, such #public park# shall be considered a #wide street# for the purpose of applying the

regulations set forth in Sections 23-42 and 23-43 to any #building or other structure# on a #zoning lot# adjoining such #public park#.

(b) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, the following shall apply:

(1) the applicable #street wall# location provisions of Section 23-431 and the minimum base height provisions of Section 23-432 need not apply; and

(2) for #buildings# containing #multiple dwelling residences# that are not otherwise eligible for additional height pursuant to Section 23-434, the applicable maximum #building# heights may be increased by 10 feet in R1 through R6 Districts, and by 20 feet in R7 through R12 Districts.

(c) #Limited Height Districts#

In the #Limited Height Districts#, the underlying height and setback regulations for the zoning district shall apply, except that:

(1) the additional height allowances for eligible sites set forth in Section 23-434 shall not apply; and

(2) for #zoning lots# that do not contain #qualifying affordable housing# or #qualifying senior housing#, the maximum height of #buildings or other structures# shall be as shown in the following table:

#Limited height district#	Maximum height above #curb level# or #base plane#, as applicable
LH-1	50 feet
LH-lA	60 feet
LH-2	70 feet
LH-3	100 feet

(d) Special provisions along certain district boundaries

Where a #lot line# of a #zoning lot# located in an R6 through R12 District coincides with the district boundary of an R1 through R5 District, the height of a #building# within a 'transition area' measured parallel to the district boundary, shall not exceed the heights set forth in the table, depending on the zoning district adjacency, the adjacent #zoning lot# condition, and the width of the #zoning lot#.

TRANSITION AREA DIMENSION AND MAXIMUM HEIGHT

	Maximum permitted height within transition area (in feet, above #base plane#)	
Adjacent zoning district and #zoning lot# condition	**For #zoning lots# with a #lot width# less than or equal to 30 feet**	**For #zoning lots# with a #lot width# greater than 30 feet**

Within a distance equal to one-third of the #lot width# of the district boundary	Within 15 feet of the district boundary	Beyond 15 feet and within 25 feet of the district boundary		
R1 R2 R3	Non-#qualifying residential sites#	45*	45*	65
	#Qualifying residential sites#	65	65	85
R4 R5	Non-#qualifying residential sites#	65	65	85
	#Qualifying residential sites#	85	85	85

* For #zoning lots# in R7, R8, R9 and R10 Districts, the maximum permitted height within the transition area shall be 65 feet.

23-50 - DENSITY REGULATIONS

LAST AMENDED

12/5/2024

23-51 - Applicability

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11R12

The provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, shall apply to #developments#, #enlargements# or to existing #buildings# that increase the number of #dwelling units#. However, the provisions of this Section shall not apply to #rooming units#.

Any given #floor area# shall be counted only once in meeting the #floor area# requirements.

The provisions of this Section shall not apply to #single-# or #two-family residences#.

23-52 - Maximum Number of Dwelling Units

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, for #buildings# containing #multiple dwelling residences#, the maximum number of #dwelling units# permitted shall be determined by dividing the maximum #residential# #floor area# permitted on the #zoning lot# by the applicable #dwelling unit# factor. The applicable #dwelling unit# factor shall be as follows:

(a) For the following types of # multiple dwelling residences#, there shall be no applicable #dwelling unit# factor:

(1) #developments# or #enlargements# of #residences# in #special density areas#;

(2) #qualifying senior housing#; or

(3) #conversions# of any non-#residential# #building#, or portion thereof, to #residences# in the #special density areas#, or outside of #special density areas#, #conversions# of #community facility# #buildings#, or portions of #buildings# containing #community facilities#, to #residences#.

(b) For all other types of # multiple dwelling residences#, the applicable #dwelling unit# factor shall be 680. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit#.

In addition, for #zoning lots# with #residential uses# that have different #dwelling unit# factor applicability, for the purposes of calculating the maximum number of #dwelling units# permitted within #buildings#, or portions thereof, that are subject to a #dwelling unit# factor, the calculation shall exclude the #floor area# not subject to a #dwelling unit# factor before dividing by the #dwelling unit# factor. Where #floor area# in a #building# is shared by multiple #residential uses#, the #floor area# for such shared portion shall be attributed to each #residential use# proportionately, based on the percentage each #residential use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

23-60 - ADDITIONAL DESIGN ELEMENTS

LAST AMENDED
12/5/2024

23-61 - Street Trees and Planting

LAST AMENDED
12/5/2024

23-611 - Street tree planting

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#;

(b) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or

(c) construction of a #detached# garage that is 400 square feet or greater.

23-612 - Planting strips in residence districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family# #residences#;

(b) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or

(c) construction of a #detached# garage that is 400 square feet or greater.

23-613 - Front yard planting requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the 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 in any area where there is a #permitted obstruction# permitted pursuant to Section 23-31, inclusive.

Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees, or other living plant material, and shall have a minimum dimension of one foot, exclusive of any bounding walls.

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.

23-62 - Balconies

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, balconies may project into or over any open areas not occupied by #buildings# at that particular level, provided that:

(a) within any #yards#, #courts#, or other required open areas, such balcony shall:

(1) not project by more than one third of the depth of such areas specified above, or a distance greater than seven feet, whichever is less, as measured from the plane surface of the #building# wall from which it projects. However, where such balcony projects into any open area required pursuant to the application of height and setback regulations, the one third projection shall not apply;

(2) not cover more than 10 percent of any open area required pursuant to Section 23-30, inclusive, or any outdoor recreation space provided pursuant to Section 23-63; and

(3) have an aggregate width, at the level of any #story#, not exceeding 50 percent of the width at that level of the plane surface of the #building# wall from which it projects; and

(b) within any open areas, whether required or not, such balcony shall:

(1) be unenclosed except for #building walls# and parapets, railings, or safety guards, whether applied singly, or in combination, provided that:

(i) parapets shall not exceed four feet in height;

(ii) railings shall not exceed 4 feet, 6 inches in height and shall be at least 50 percent open for the portion that exceeds four feet in height; and

(iii) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent materials for the portion that exceeds four feet in height. In addition, where such balcony has a roofed portion above it, there shall be an opening that is not less than 40 percent of the height between the bottom of the roof and the finished floor level of such balcony.

However, such balconies may be recessed into a #building# wall up to a maximum depth of six feet provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet, railing, or safety guard; and

(2) be located at least 13 feet above #curb level#, except that for #buildings# containing #residences# not more than 35 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is

higher.

23-63 - Required Recreation Space in Multiple Dwelling Residences

LAST AMENDED
12/5/2024

All #developments#, #enlargements#, #extensions# or #conversions# in #buildings# that are #multiple dwelling residences# that result in nine or more new #dwelling units# after December 5, 2024 shall provide recreation space in accordance with this Section.

Such recreation space may include, but shall not be limited to, fitness centers, pools, wellness services, sports courts, game rooms, outdoor spaces, or child play spaces.

The amount of recreation space required shall be equivalent to a minimum of three percent of the #residential# #floor area# of the #building#. Such space may be provided indoors or outdoors, singly or in combination. Where provided indoors, floor space may be exempted from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS), provided that the standards of Section 23-231 (Floor area provisions for amenities) are met.

Additionally, such recreation space shall comply with the following standards:

(a) all recreation space shall be accessible to the residents of the #building#;

(b) the minimum dimension of any recreation space, in any direction, whether indoor or outdoor, shall be 15 feet;

(c) any outdoor recreation space shall be open to the sky, except that:

(1) #building# projections, not to exceed seven feet in depth, may cover up to 10 percent of the outdoor recreation space, provided that the lowest level of the projection is at least 10 feet above the level of the outdoor recreation space; and

(2) the combination of #building# projections, where provided, and any sun shading devices permitted pursuant to 23-311, including, but not limited to, arbors or trellises, awnings and other sun control devices, or canopies, may cover up to 50 percent; and

(d) any indoor recreation room shall have at least one exterior wall with windows, or ceiling with skylights, that measures not less than 9.5 percent of the total floor space of the room.

23-64 - Modification to Existing Recreation Space

LAST AMENDED
12/5/2024

Recreation space provided in #Quality Housing buildings#, in #buildings# #converted# pursuant to Article I, Chapter, or in any other #building# as part of requirements in effect prior to December 5, 2024, or recreation space that is provided pursuant to the requirements of Section 23-63 (Required Recreation Space in Multiple Dwelling Residences) after December 5, 2024, may be modified, relocated or otherwise reconfigured, provided that the requirements of Section 23-63 are met for all newly created spaces.

23-70 - ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS

LAST AMENDED

23-71 - Predominantly Built-up Areas

LAST AMENDED
12/5/2024

23-711 - Applicability

LAST AMENDED
12/5/2024

The optional #predominantly built-up area# provisions of Section 23-71, inclusive, may be applied to #zoning lots#:

(a) that have a #lot area# of not more than 1.5 acres;

(b) located on a #block#:

(1) that is entirely within R4 or R5 Districts without a letter or number suffix, including a #Commercial District# mapped within such #Residence Districts#;

(2) that has a maximum area of four acres;

(3) where the #buildings# on #zoning lots# comprise 50 percent or more of the area of the #block#; and

(c) where, as of October 21, 1987, not more than 75 percent of the aggregate length of the #block# frontages facing each other around the #zoning lot#, on both sides of the #street#, are allocated

to #single-# or #two-family# #detached# or #semi-detached# #residences#.

All #buildings# used in calculations shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued prior to the date of application for a building permit.

23-712 - Floor area modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R4 or R5 Districts, without a letter or number suffix, utilizing the #predominantly built-up area# provisions of Section 23-71, inclusive, the maximum #floor area ratio# shall be as set forth in the following table:

District	**Maximum #Floor Area Ratio#**
R4	1.35
R5	1.65

23-713 - Height and setback modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R4 or R5 Districts, without a letter or number suffix, utilizing the #predominantly built-up area# provisions of Section 23-71, inclusive, the following height and setback

modifications shall apply:

(a) in R4 Districts, the height and setback regulations applicable to an R4A District set forth in Section 23-421 (Basic pitched-roof envelopes for certain districts) shall apply; and

(b) in R5 Districts, the height and setback regulations applicable to an R5B District set forth in Section 23-422 (Basic flat-roof envelopes for certain districts) shall apply.

23-72 - Portions of Community District 12 in the Borough of Brooklyn

LAST AMENDED
12/5/2024

23-721 - Applicability

LAST AMENDED
12/5/2024

The optional provisions of Section 23-72, inclusive, may be applied to #zoning lots# containing #buildings# used exclusively as #single-#, #two-# or three-#family residences# in R5 and R6 Districts without a letter suffix in the portion of Community District 12, in the Borough of Brooklyn, that is bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway.

23-722 - Floor area modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R5 Districts, without a letter suffix, utilizing the provisions of Section 23-72, inclusive, the maximum #floor area ratio# shall be as set forth in the following table:

District	**Maximum #Floor Area Ratio# for a #corner lot#**	**Maximum #Floor Area Ratio# for an #interior# or #through lot#**
R5	1.65	1.80

23-723 - Yard modifications

LAST AMENDED
12/5/2024

For #zoning lots# utilizing the provisions of Section 23-72, inclusive, the #yard# regulations shall be modified as follows:

(a) in R5 Districts without a letter suffix, the #front yard# regulations shall be modified as follows: a #front yard# shall be provided with a depth of not less than five feet provided that, for #corner lots#, one #front yard# with a depth of not less than 10 feet is required;

(b) in R5 Districts and R6 Districts without a letter suffix, the #rear yard# regulations shall be modified to require a #rear yard# with a depth of not less than 20 feet at every #rear lot line# on any #zoning lot#.

23-724 - Height and setback modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R5 Districts, without a letter suffix, utilizing the provisions of Section 23-72, inclusive, the following height and setback modifications shall apply: the height and setback regulations applicable to an R5B District set forth in Section 23-422 (Basic flat-roof envelopes for certain districts) shall apply.

23-73 - Special Provisions for Sky Exposure Plane Buildings

LAST AMENDED
12/5/2024

23-731 - Applicability

LAST AMENDED
12/5/2024

The optional provisions for #sky exposure plane buildings# set forth in Section 23-73, inclusive, may be applied to #zoning lots# in R6 through R10 Districts without a letter suffix, except that such alternative provisions shall not apply to:

(a) #zoning lots# in R6-1, R6-2, R7-3 and R9-1 Districts;

(b) #zoning lots# in R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street; or

(c) #zoning lots# located in the #Limited Height Districts#.

23-732 - Floor area ratio and open space ratio in R6 through R9 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9

In the districts indicated without a letter suffix, for #sky exposure plane buildings#, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section. Where elected, such #floor area ratio# shall supersede the #floor area ratio# provisions of Section 23-22, and apply to all #residences#, including #qualifying affordable housing# or #qualifying senior housing#.

The minimum #open space# required through the application of a minimum #open space ratio# shall be applied in conjunction with the applicable regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS). The obstructions set forth in Section 23-311 shall per permitted in required #open space#.

MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

For #zoning lots# with a #height factor# of	In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Ma #Fl Ar Ra
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.9
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.9
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.8
4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.6
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.4
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.0
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.6
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.1
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.5
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.8
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.0
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.3

13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.4
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.5
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.5
16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.5
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.5
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.4
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.4
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.3
21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.2

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

District	**Minimum Required #Open Space Ratio# at #Height Factor# of 21**	**Additional Required #Open Space Ratio# for each Additional #Height Factor#**
R6	37.5	0.5
R7	25.5	0.5

R8	11.9	0.3
R9	9.0	0.4

For these #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{1}{FAR} = \frac{OSR}{100} + \frac{1}{HF}$$

23-733 - Floor area ratios in R9 and R10 Districts

LAST AMENDED
12/5/2024

(a) #Floor area ratios# in R10 Districts

In R10 Districts, the maximum #floor area ratio# on a #zoning lot# shall be 12.0 for #qualifying affordable housing# or #qualifying senior housing# and 10.0 for other #residences#.

(b) Additional #floor area# regulations in R9 and R10 Districts for #buildings# with towers

In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-737 (Tower regulations), the #floor area# provisions of Section 23-241 (Special tower provisions) shall apply.

23-734 - Permitted obstructions in open space

LAST AMENDED
12/5/2024

In R6 through R10 Districts without a letter suffix, the obstructions permitted for any #yard# set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted in any #open space# required on a #zoning lot#. For the purposes of applying such allowances to #open space#, all percentage calculations shall be applied to the area of the #open space# instead of the #yard#:

(a) balconies, unenclosed, subject to the provisions of Section 23-62;

(b) breezeways;

(c) driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed 50 percent of the required #open space# on any #zoning lot#;

(d) #energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(e) greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of the #open

space##;

(f) parking spaces, off-street, enclosed, #accessory#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#;

(g) solar energy systems:

(1) on the roof of an #accessory# #building#, limited to 18 inches in height as measured perpendicular to the roof surface; or

(2) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;

(h) steps;

(i) swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#; or

(j) fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-311, 23-312, 23-341 (Permitted obstructions in required rear yards or rear yard equivalents) or 23-351 (Permitted obstructions in courts), as applicable.

23-735 - Special yard, court and other area regulations

LAST AMENDED

For #sky exposure plane buildings#, the provisions of Section 23-30, inclusive, shall apply, except that:

(a) for #through lots#, the alternate location allowances set forth in paragraph (c)(2) of Section 23-343 (Rear yard equivalent requirements) may be applied to #rear yard equivalents#;

(b) the maximum #lot coverages# set forth in Section 23-36, inclusive, need not apply; and

(c) the minimum distance between #buildings# provisions of paragraph (c)(2) of Section 23-371, pertaining to two or more #buildings# on the same #zoning lot# that are not connected at any level, shall be modified as follows.

The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #building# and the particular wall condition and the presence of #legally required windows# in facing #building# walls.

For the purposes of this Section, wall condition shall be defined as follows:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

Such minimum distance shall be as indicated in the following table:

Wall Condition	**Maximum #building# height above #base plane# or #curb level#, as applicable**				
	25 feet	35 feet	40 feet	50 feet	Over 50 feet
Wall to wall	40	40	40	40	40
Wall to window	40	40	40	45	50
Window to window	40	45	50	55	60

However, for portions of #buildings# higher than 125 feet, the provisions of Section 23-371 shall continue to apply.

23-736 - Special height and setback regulations for sky exposure plane buildings

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #sky exposure plane buildings#, the height and setback regulations shall be as set forth in this Section, inclusive.

#Buildings# may elect to utilize the front setback provisions of paragraph (a) of this Section, or the alternate front setback provisions of paragraph (b) of this Section. Where elected, such provisions shall

supersede the provisions of Section 23-43, inclusive.

In R9 or R10 Districts, towers may penetrate a #sky exposure plane# pursuant to Section 23-737 (Tower regulations).

Notwithstanding the foregoing, for narrow #buildings#, the provisions of Section 23-738 shall apply, and within #Limited Height Districts# the provisions for Section 23-739 shall apply.

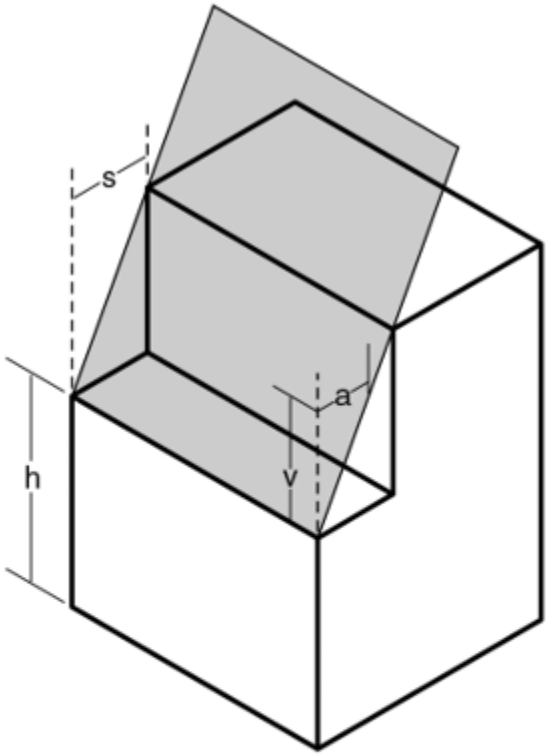
(a) Front setbacks

If the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above the #street line# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-737 (Tower regulations).

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)	Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#		
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a rati vertical distance to horizontal distance)	
			On #Narrow Street#	On #Wide Stree

On #Narrow Street#	On #Wide Street#	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance		
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to
R8 R9 or R10 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

(b) Alternate front setbacks

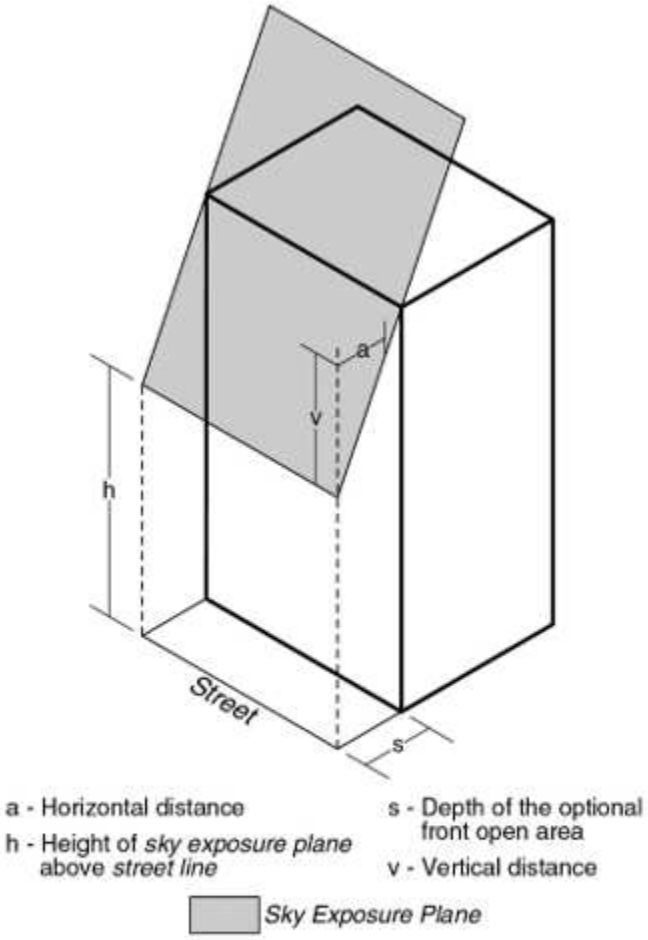
If an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the table in this Section, the provisions of this Section may apply in lieu of the provisions of paragraph (a) of this Section. The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-737 (Tower regulations).

In R9 or R10 Districts, the provisions of this paragraph shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the

#building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
R8 R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

23-737 - Tower regulations

LAST AMENDED

12/5/2024

In R9 or R10 Districts, for #buildings# that do not meet the criteria set forth in paragraphs (b)(1) and (b)(2) of Section 23-441, a tower may penetrate a #sky exposure plane# provided that such tower:

(a) does not occupy more than 40 percent of the #lot area# of a #zoning lot# for #zoning lots# with a #lot area# greater than 20,000 square feet, or more than 50 percent of the #lot area# for all other #zoning lots#; and

(b) is set back at least 10 feet from a #street line# along a #wide street# and at least 15 feet from a #street line# along a #narrow street#.

However, the provisions of this Section shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

23-738 - Height limitations for narrow buildings or enlargements

LAST AMENDED
12/5/2024

R7-2 R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

(a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;

(b) For #corner lots# bounded by only #narrow streets#, a height equal to the width of the narrowest of such #streets# on which such #street walls# front;

(c) For #corner lots# bounded by at least one #wide street#, a height equal to the width of the widest #street# on which it fronts, or 100 feet, whichever is less;

(d) The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded if:

(1) on a #wide street#, such portion of a #building# with a #street wall# less than 45 feet in width #abuts# an existing #building# with a #street wall# that exceeds such permitted heights. Such new #street walls# may reach the height of such #abutting# #building# or, where there are two #abutting# #buildings# that exceed such heights, such new #street wall# may reach the height of the tallest of such #abutting# #buildings#; or

(2) on a #narrow street#, such #street walls# #abut# two existing #buildings# with #street walls# that both exceed the heights permitted. Such new #street walls# may reach the height of the lowest of such #abutting# #buildings#; and

(3) such new #street walls# shall be fully contiguous at every level with such #abutting# #street walls#.

(e) In addition, the following rules shall apply:

(1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback regulations of paragraph (b) of Section 23-736 and the tower regulations of Section 23-737 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

(2) The provisions of this Section shall not apply to #street walls# of permitted obstructions or #street walls# located beyond 100 feet of a #street line#.

(3) For the purposes of determining the width of a #street wall#:

(i) the width shall be the sum of the maximum widths of all #street walls# of a #building# at every level. The width of a #street wall# shall be the length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#; and

(ii) #abutting# #buildings# on a single #zoning lot# may be considered a single #building#.

(4) For #buildings# with #street walls# less than 45 feet in width that front only on a #narrow street# and #abut# two existing #buildings#, the #street wall# of such #building# shall be no closer to the #street line# than the #street wall# of the #abutting building# that is closest to the #street line#.

(5) On a #through lot# containing #buildings# with #street walls# less than 45 feet in width, the alternative location provisions for #rear yard equivalents# set forth in Section 23-735 (Special yard, court and other area regulations) shall not apply.

23-739 - Limited Height Districts

LAST AMENDED

In the #Limited Height Districts#, for #zoning lots# that do not contain #qualifying affordable housing# or #qualifying senior housing#, the maximum height of #buildings or other structures# shall

be as shown in the following table:

#Limited Height District#	Maximum height above #curb level# or #base plane#, as applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

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Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

24-00 - APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

24-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #community facility building#, or to the #community facility# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

The #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# in any #Residence District# which contains a #residential building#, or to the #residential# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

24-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a

#railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to Section 74-61.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

24-03 - General Purposes of Community Facility Bulk Regulations

LAST AMENDED
12/5/2024

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of the physical volume of buildings and their degree of lot coverage is established.

24-04 - Applicability of Article II, Chapter 3 Regulations

LAST AMENDED
12/5/2024

For #community facility# #buildings# or #buildings# used partly for #community facility# #use# and partly for #residential use#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) All #bulk# regulations

(1) In all districts, the #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) for #qualifying affordable housing# may be applied to #buildings# subject to an #affordable housing regulatory agreement# if #qualifying affordable housing# includes #community facility# #uses#.

(2) In R3-1, R3A, R3X, R4-1, R4A, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility# #building#, and the #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility# #use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility# #use# and partly for #residential use# only where:

(i) such #community facility# #use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or

(ii) such #building# has received an authorization pursuant to Section 24-06 (Modification of Bulk Regulations in Certain Districts).

(b) Height and setback

(1) In R6 through R12 Districts with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts),

inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations.

(2) In all other #Residence Districts#, the #residential# height and setback regulations may be applied as follows:

(i) the height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied in accordance with the applicable #Residence District# regulations;

(ii) the height and setback regulations of Section 23-43, inclusive, may be applied in accordance with the applicable #Residence District# regulations.

However, for Districts subject to the #street wall# location requirements of paragraph (b) of Section 23-431, such regulations need not apply to houses of worship listed under Use Group III(B).

Any obstructions permitted to penetrate a maximum height limit pursuant to Section 23-41 (Permitted Obstructions), inclusive, shall also be permitted in addition to those set forth in Section 24-51 (Permitted Obstructions).

(c) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential# #bulk# regulations may also be applied to the entire #building#:

(1) the #yard# regulations of Section 23-30, inclusive, applicable to a #multiple dwelling residence#;

(2) the maximum #lot coverage# requirements of Section 23-36, inclusive; and

(3) for #community facility# #uses# with sleeping accommodations:

(i) the special #floor area# allowances of Section 23-23, inclusive;

(ii) the #court# regulations of Section 23-35, inclusive; and

(iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37.

Any obstructions permitted within a specific open area pursuant to Section 23-30, inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article II, Chapter 4.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

24-05 - Buildings Containing Certain Community Facility Uses

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In R1 through R5 Districts in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:

(1) ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or

(2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

(b) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3, shall apply, except that:

(1) the minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the

#zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet;

(2) the provisions of Section 23-341 (Permitted obstructions in required yards or rear yard equivalents), inclusive, shall be modified to prohibit parking spaces of any kind within a #front yard#; and

(3) in lieu of Section 23-332 (Basic side yard requirements in R1 through R5 Districts), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply.

For such #buildings#, the authorization provisions of Section 24-06 (Modification of Bulk Regulations in Certain Districts) shall be inapplicable.

24-06 - Modification of Bulk Regulations in Certain Districts

LAST AMENDED
12/5/2024

R3-1 R3A R3X R4-1 R4A R4B R5B

In the districts indicated, the City Planning Commission may authorize #developments# or #enlargements#, pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

(a) the design of the #development# or #enlargement# ensures adequate separation of #uses# and sufficient independent access to each #use#; and

(b) the #floor area# designated for #community facility# #use# is designed in a manner that is consistent with such #use# and physically distinguishes such space from that designated for #residential use#.

The Commission may prescribe additional safeguards to prevent the #conversion# of such #community facility# #use# to #residential use#.

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.

24-07 - Street Tree Planting

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #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).

24-08 - Planting Strips

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide and maintain a planting strip in accordance with Section 26-42.

24-10 - FLOOR AREA AND LOT COVERAGE REGULATIONS

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the #floor area# and #lot coverage# regulations of this Section 24-10, inclusive, shall apply as follows.

For any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility# #use# shall not exceed the #floor area ratio# and #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), except as otherwise provided in the following Sections:

Section 24-111 (Maximum floor area ratio for certain community facility uses)

Section 24-112 (Special floor area ratio provisions for certain areas)

Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)

Section 24-14 (Floor Area Bonus for a Public Plaza)

Section 24-15 (Floor Area Bonus for Arcades)

Section 24-16 (Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses)

Section 24-17 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

24-11 - Maximum Floor Area Ratio and Percentage of Lot Coverage

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility# #use# shall not exceed the #floor area ratio# and #lot coverage# set forth in the table in this Section.

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R1 THROUGH R5 DISTRICTS

District	#Floor Area Ratio#	#Lot coverage# (percent of #lot area#)	
		#Corner Lot#	#Interior Lot# or #Through Lot#
R1	1.00	60	55
R2	1.00	60	55
R3	1.00	60	55
R4	2.00	60	55
R5 R5A R5B	2.00	60	55
R5D	2.00	80	60

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH R12 DISTRICTS FOR CONTEXTUAL DISTRICTS

District	#Floor Area Ratio#	#Lot coverage# (percent of #lot area#)	
		#Corner Lot#	#Interior Lot# or #Through Lot#
R6A	3.00	80	60
R6B	2.00	80	60
R6D	2.50	80	65
R7A	4.00	80	65
R7B	3.00	80	65
R7D	4.66	80	65
R7X	5.00	80	70
R8A	6.50	80	70
R8B	4.00	80	70

R8X	6.00	80	70
R9A	7.50	80	70
R9D	9.00	80	70
R9X	9.00	80	70
R10A	10.00	100	70
R10X	10.00	100	70
R11A	12.00	100	70

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH R12 DISTRICTS FOR NON-CONTEXTUAL DISTRICTS

		#Lot coverage# (percent of #lot area#)	
District	#Floor Area Ratio#	#Corner Lot#	#interior Lot# or #Through Lot#
R6 R6-1	4.80	70	65
R6-2	2.50	70	65
R7-1	4.80	70	65

R7-2 R7-3	6.50	70	65
R8	6.50	75	65
R9 R9-1	10.00	75	65
R10	10.00	75	65
R11	12.00	100	70
R12	15.00	100	70

24-111 - Maximum floor area ratio for certain community facility uses

LAST AMENDED
12/5/2024

R1 R2

(a) In the districts indicated, for any #zoning lot# containing #community facility# #uses# other than those #uses# for which a permit is required pursuant to Sections 73-11 (Agriculture and Open Uses), 73-13 (Community Facilities) or 73-18 (Recreation, Entertainment and Assembly Spaces), or where #bulk# modification is permitted pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), the maximum #floor area ratio# shall not exceed the #floor area# permitted for #residential uses# by the applicable district regulations. The provisions of this paragraph shall not apply to #buildings# for which plans were filed with the Department of Buildings prior to November 15, 1972, including any subsequent amendments thereof.

R3 R4 R5 R6 R7 R8 R9

(b) In R3 through R5 Districts, and in R6 through R9 Districts without a letter suffix, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with

sleeping accommodations, and in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, the maximum #floor area ratio# on a #zoning lot# for #long-term care facilities# shall be as set forth in the table in this Section, except that such maximum #floor area ratio# shall not apply to #qualifying affordable housing#. Such maximum #floor area ratio# may be modified by special permit of the City Planning Commission pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

MAXIMUM FLOOR AREA RATIO FOR CERTAIN COMMUNITY FACILITY USES

District	Maximum #Floor Area Ratio# Permitted
R3	0.50
R4	0.75
R5 R5A R5B	1.27
R5D	2.00
R6	2.43
R7	3.44
R8	6.02
R9	7.52

(c) In R6 through R12 Districts with a letter suffix, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with sleeping accommodations shall be as set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage).

24-112 - Special floor area ratio provisions for certain areas

LAST AMENDED
12/5/2024

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

(a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #uses# exclusively shall be 5.10;

(b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all #zoning lots# shall be limited to a maximum #floor area ratio# of 10.0; and

(c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Sections 23-435 or 23-737 (Tower regulations), the provisions of Section 23-242 (Special provisions for certain community districts) shall apply:

(1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

24-113 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
3/22/2016

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

24-12 - Height and Application of Lot Coverage

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the portion of a #building# containing a #community facility# #use# located at any height up to but not exceeding 23 feet above #curb level# or #base plane#, where applicable, may be excluded in determining the percentage of #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage). Obstructions permitted under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.

24-13 - Floor Area Bonus for Deep Front and Wide Side Yards

LAST AMENDED
3/22/2016

R3 R4 R5

In the districts indicated, except R5D Districts, the maximum #floor area ratio# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased to the #floor area ratio# set forth in the table in this Section, if #yards# are provided as follows:

(a) on #interior lots#, a #front yard# not less than 30 feet in depth, and a #side yard# not less than 15 feet in width along any #side lot line#;

(b) on #corner lots#, two #front yards#, each not less than 30 feet in depth;

(c) on #through lots#, a #front yard# not less than 30 feet in depth along each #front lot line#, provided, however, that if the #rear yard equivalent# required for such #through lot# is provided as set forth in the alternative in paragraph (b) of Section 24-382 (Required rear yard equivalents), at least one #side yard# not less than 30 feet in width shall be provided in addition.

No portion of a #rear yard equivalent# that is also a #front yard# or a #side yard# as provided under this Section may contain any obstructions not permitted in a #front yard# or #side yard# under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

However, the provisions of this Section shall not apply to philanthropic or non-profit institutions with sleeping accommodations and #long-term care facilities#.

Districts	Maximum #Floor Area Ratio# Permitted
R3	1.60
R4	2.40
R5	2.40

24-14 - Floor Area Bonus for a Public Plaza

LAST AMENDED
12/5/2024

R9 R10 R11 R12

In the districts indicated, for #developments# or #enlargements# with 25 percent or less of the total #floor area# of the #building# allocated to #residential uses#, for each square foot of a #public plaza#, subject to the provisions of Section 37-70, provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by six square feet.

24-15 - Floor Area Bonus for Arcades

LAST AMENDED
12/5/2024

R9 R10 R11 R12

In the districts indicated, for #developments# or #enlargements# with 25 percent or less of the total #floor area# of the #building# allocated to #residential uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by three square feet.

24-16 - Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

24-161 - Maximum floor area ratio for zoning lots containing community facility and residential uses

LAST AMENDED
12/5/2024

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R6D R7-2 R7-3 R7A R7B R7D R7X R8 R9 R10 R11 R12

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility# #use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

24-162 - Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

LAST AMENDED
12/5/2024

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4-1, R4A, R4B, R5D, R6A, R6B and R6D Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations.

(a) For #buildings# containing #residential# and #community facility# #uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is greater than as set forth in Column A in the table in this Section, then the maximum ratio of #community facility# #floor area# in such #buildings# to the #lot area# of the #zoning lot# shall be as set forth in Column B in the table. The maximum #floor area ratio# for the #residential# portions of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

MAXIMUM COMMUNITY FACILITY FLOOR AREA RATIO FOR CERTAIN BUILDINGS CONTAINING COMMUNITY FACILITY AND RESIDENTIAL USES

District	COLUMN A	COLUMN B
	Ratio of #Floor Area# of #Building# to #Lot Area#	Maximum Ratio of #Floor Area# for #Community Facility Use# to #Lot Area#
R3-2	.50	.20
R4	.75	.40
R5B	1.25	.40

R5	1.25	.60
R6	2.50	1.00
R7-1	3.50	1.00

(b) For #buildings# containing #residential# and #community facility# #uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is not greater than as set forth in Column A in the table in paragraph (a), then the maximum ratio of the #community facility# #floor area# in such #buildings# to the #lot area# shall be as set forth in Section 24-11 , inclusive. The maximum #floor area ratio# for the #residential# portion of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to #buildings# containing only #community facility# #uses# or only #residential uses#. The maximum #floor area ratio# permitted for a #building# containing only #community facility# #uses# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #building# containing only #residential uses# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(d) The total #floor area ratio# permitted for #community facility# #use# on the #zoning lot# shall be as set forth in Section 24-11, inclusive, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

24-163 - Lot coverage for zoning lots containing community facility and residential uses

LAST AMENDED
12/5/2024

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#.

Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

In addition, where a portion of a #building# is permitted as an obstruction in a required #rear yard# or #rear yard equivalent# pursuant to Section 24-33, for the purposes of applying the provisions of Section 24-12, portions of #community facility# #buildings# in existence on December 15, 1961, that exceed the maximum heights for such permitted obstructions, may be excluded from the maximum #lot coverage#.

24-164 - Balconies

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations set forth in Section 23-62 (Balconies) shall apply to any portion of a #building# used for living or sleeping accommodations.

24-17 - Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different maximum #floor area ratios# or different maximum percentages of #lot coverage#, on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

24-18 - Special Floor Area Ratio and Related Bulk Provisions for Certain Areas

LAST AMENDED
12/5/2024

24-181 - Special provisions for certain buildings

LAST AMENDED
12/5/2024

For #sky exposure plane buildings# in R6 through R9 Districts without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section 23-73 (Special Provisions for Sky Exposure Plane Buildings), inclusive, shall be modified by the provisions of this Section.

(a) **#Open space ratio# for #residential# portions of #buildings#**

For #zoning lots# containing a #residential building# or for the #residential# portion of a #mixed building#, a minimum #open space ratio# shall be provided in accordance with Section 23-70. For the purposes of applying such regulations:

(1) **the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;**

(2) **the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and**

(3) **the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.**

A non-#residential# #use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential# #use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

(b) **Location of #open space#**

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of a #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on a #community facility# #building# or the #community facility# portion of a #building#, provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of a #building# used partly for #community facility# and #residential uses#. However, #open space# located on the roof of a #community facility# #building# separated by open area from #residential# #buildings# or #buildings# used partly for #community facility# and #residential uses# on the same #zoning lot# may not be at a

level higher than 23 feet above #curb level#.

For the purposes of this Section, #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#.

24-20 - APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES

LAST AMENDED
12/5/2024

In all districts, the maximum number of #dwelling units# on a #zoning lot# containing both #community facility# and #residential uses# shall

be as set forth in Section 23-50 (DENSITY REGULATIONS).

24-30 - YARD REGULATIONS

LAST AMENDED
12/15/1961

General Provisions

24-31 - Applicability of Yard Regulations

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #yards# shall be provided as set forth in Sections 24-30 (YARD REGULATIONS) and 24-40 (SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES), inclusive.

For #zoning lots# with #residential# and #community facility# #uses#, #front yards# shall be provided pursuant to Article II, Chapter 3, where applicable, and #side yards# and #rear yards# shall be provided in accordance with this Chapter. The #building# articulation provisions of paragraph (b) of Section 23-426 (Additional height and setback provisions) shall apply to #zoning lots# with #residential# and #community facility# #uses#.

For the #residential# portion of a #building# with both #residential# and #community facility# #uses#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units#, where any window of such #dwelling units# faces onto such #rear yard#.

24-32 - Level of Yards and Measurement of Yard Width or Depth

LAST AMENDED
2/2/2011

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except as otherwise provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

In all #Residence Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

24-33 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Sections 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-341 (Permitted obstructions in required rear yards or rear yard equivalents), as well as the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

(1) Fences;

(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;

(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(4) Steps;

(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

(b) In any #rear yard# or #rear yard equivalent#:

(1) Balconies, unenclosed, subject to the provisions of Section 24-164;

(2) Any #building# or portion of a #building# used for #community facility# #uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, pursuant to Section 24-51 (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:

(i) in all #Residence Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;

(ii) in R1, R2, R3-1, R3A, R3X, R4-1 R4A or R4B Districts, any portion of a #building# used for any #community facility# #use#;

(iii) in all #Residence Districts# not listed in paragraph (b)(2)(ii) of this Section, beyond 100 feet of a #wide street#, any portion of a #building# used for a #community facility# #use# other than a #school#, house of worship, college or university, or hospital and related facilities;

(3) Parking spaces, off-street, #accessory# to a #community facility# #use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 15 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

24-34 - Minimum Required Front Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet.

District	#Front Yard# (in feet)
R1	20
R2 R3 R4	15
R5	10
R5D	5*

* In R5D Districts, the provisions set forth in Section 23-321 (Basic front yard requirements) shall apply.

24-35 - Minimum Required Side Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

(a) In the districts indicated, if a #building# containing a #community facility# #use# has an #aggregate width of street walls# equal to 80 feet or less or, for #abutting# #buildings#, if the combined #aggregate width of street walls# of all such #abutting# #buildings# on a #zoning lot# is equal to 80 feet or less, then two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# or #buildings# have an #aggregate width of street walls# equal to more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of the #aggregate width of street walls#. The provisions of this paragraph (a) shall not apply in R5D Districts. In lieu thereof, the #side yard# regulations set forth in Section 23-332 (Basic side yard requirements in R1 through R5 Districts), as applicable, shall apply.

R6 R7 R8 R9 R10 R11 R12

(b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

24-351 - Special provisions applying along district boundaries

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated.

24-36 - Minimum Required Rear Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 24-37 (Special Provisions for Shallow Interior Lots), 24-38 (Special Provisions for Through Lots) or 24-39 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 24-361 (Beyond one hundred feet of a street line).

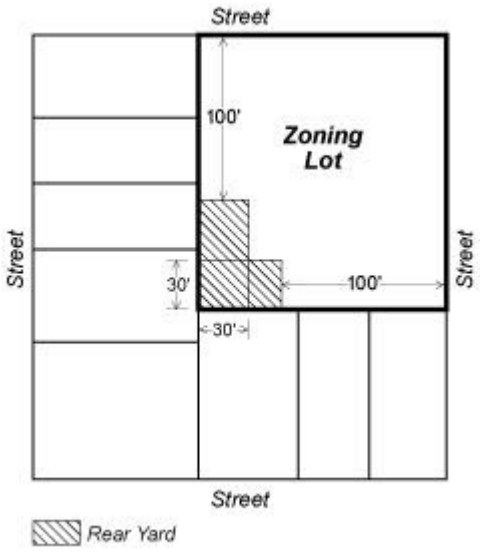
24-361 - Beyond one hundred feet of a street line

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

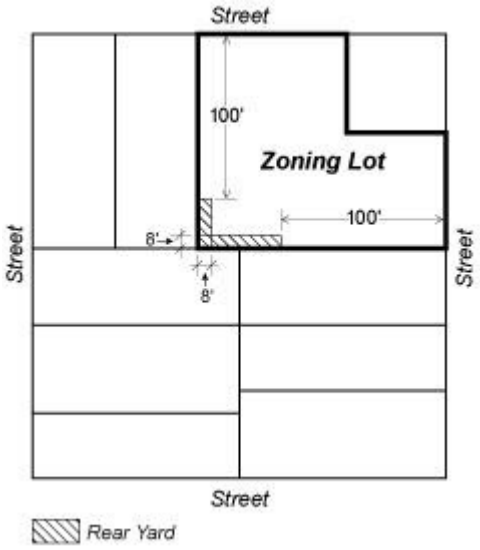
In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



ZONING LOT BOUNDED BY TWO OR MORE STREETS (NEITHER A CORNER LOT NOR A THROUGH LOT)

(c) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

24-37 - Special Provisions for Shallow Interior Lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, if an #interior lot# consists entirely of a tract of land:

(a) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

(b) which is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be 10 feet.

24-38 - Special Provisions for Through Lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

24-381 - Excepted through lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

(b) In the districts indicated, for all #buildings#, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion which is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

24-382 - Required rear yard equivalents

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

(a) an open area with a minimum depth of 60 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

(b) two open areas, each adjoining and extending along the full length of a #street line#, and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that:

(1) a corresponding increase in the depth of the open area along the other #street line# is made; and

(2) any required front setback areas are maintained; or

(c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 30 feet measured from each such #side lot line#.

However, in R5D, R6A, R6B, R6D, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A, R10X and R11A Districts, on any #through lot# at least 180 feet in depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

24-39 - Other Special Provisions for Rear Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the #rear yard# requirements set forth in Section 24-36 (Minimum Required Rear Yards) shall be modified, as set forth in this Section, inclusive.

24-391 - Within one hundred feet of corners

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

24-392 - Along short dimension of block

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

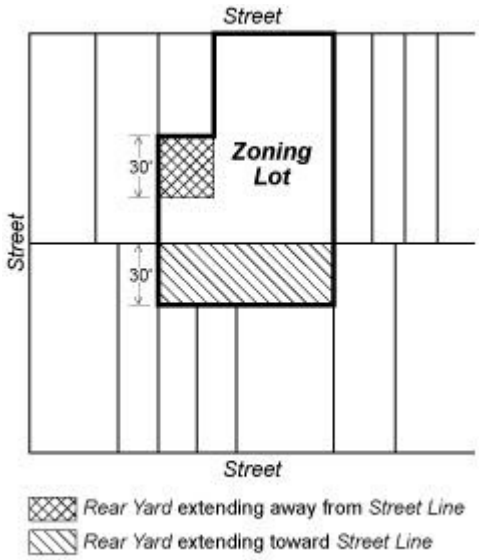
24-393 - For zoning lots with multiple rear lot lines

LAST AMENDED
12/5/2024

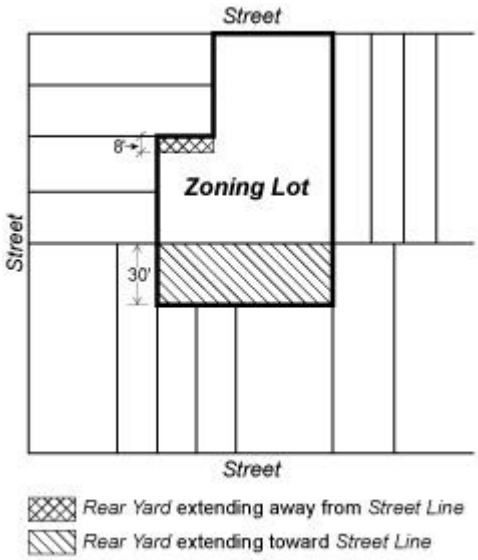
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.

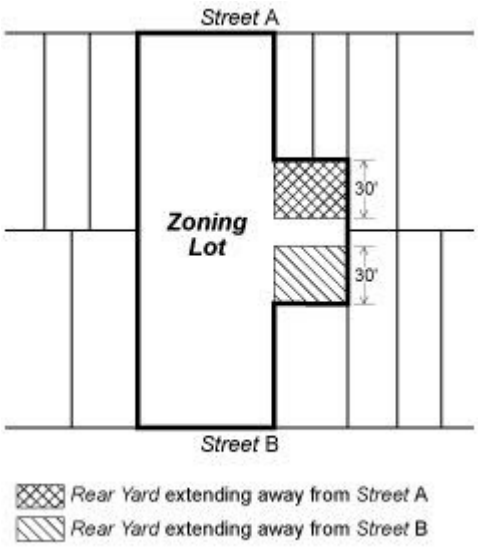


(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



(c) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(d) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



24-40 - SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

24-41 - Modifications of Rear Yard Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations set forth in Section 24-393 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

24-50 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the height and setback regulations of this Section 24-50, inclusive, shall apply as follows.

Height and setback regulations applicable to R1 through R5 Districts, except R5D Districts, are set forth in Section 24-521 (Front setbacks in districts where front yards are required). In R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements

set forth in Section 23-40 (HEIGHT AND SETBACK REGULATIONS), inclusive.

In R6 through R12 Districts with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, pursuant to Section 24-04 (Applicability of Article II, Chapter 3 Regulations). For other #buildings# in R6 through R12 Districts without a letter suffix utilizing the provisions of this Chapter, height and setback regulations are set forth in Sections 24-522 (Front setbacks in districts where front yards are not required), 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations), as applicable.

In all districts, supplemental provisions are set forth in Sections 24-55 (Required Side and Rear Setbacks), 24-56 (Special Height and Setback Provisions for Certain Areas), 24-57 (Modifications of Height and Setback Regulations), 24-58 (Special Provisions for Zoning Lots Divided by District Boundaries) and 24-59 (Special Height Limitations), respectively.

24-51 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions, shall be permitted and may thus penetrate a maximum height limit or #sky exposure plane# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

(a) Balconies, unenclosed, subject to the provisions of Section 24-164;

(b) Elevator or stair bulkheads (including shafts; and vestibules), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed:

(i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;

(ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(4) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(d) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;

(e) Spires or belfries;

(f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) the diameter of the swept area of the rotor does not exceed 15 feet.

24-52 - Maximum Height of Walls and Required Setbacks

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be as set forth in this Section, except as otherwise provided in Section 24-51 (Permitted Obstructions), 24-53 (Alternate Front Setbacks) or 24-54 (Tower Regulations).

24-521 - Front setbacks in districts where front yards are required

LAST AMENDED
3/22/2016

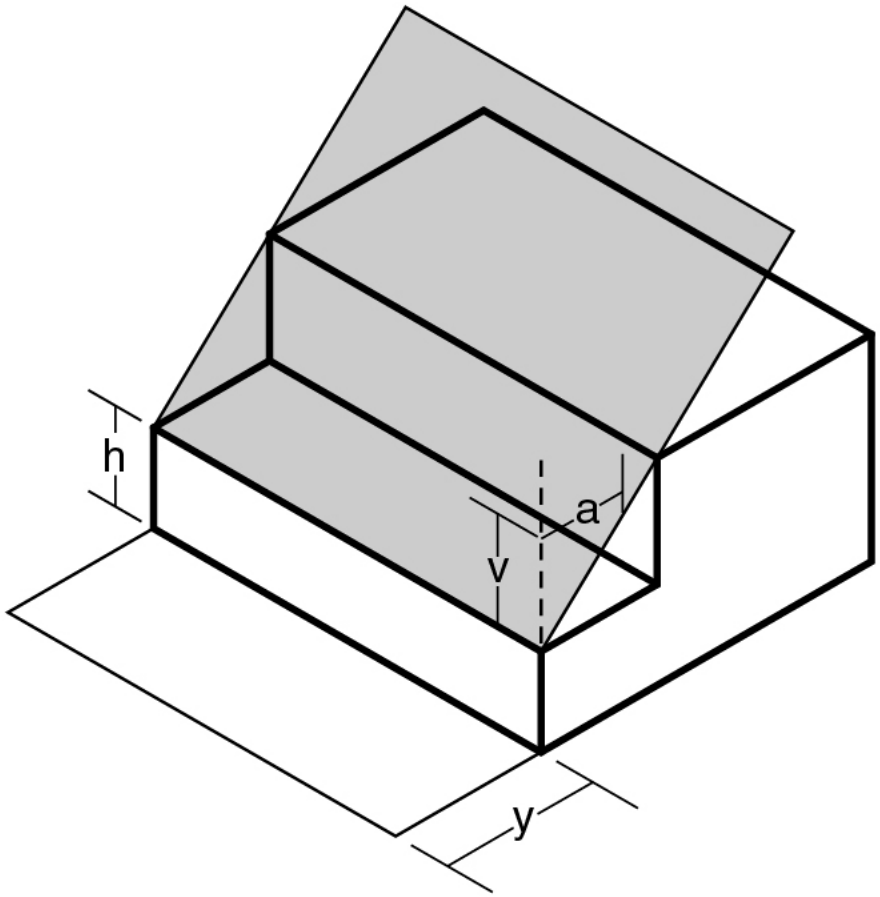
R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, where #front yards# are required, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

	#Sky Exposure Plane#	
Height above #Front Yard Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	District

On #Narrow Street#		On #Wide Street#			
Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance		
25	1 to	1	1 to	1	R1 R2 R3
35	1 to	1	1 to	1	R4 R5



a - Horizontal distance

v - Vertical distance

h - Height of *sky exposure plane* above *front yard line level*

y - Depth of required *front yard*

Sky Exposure Plane

SKY EXPOSURE PLANE

R1, R2, R3, R4, R5 Districts

24-522 - Front setbacks in districts where front yards are not required

LAST AMENDED

12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix,if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table:

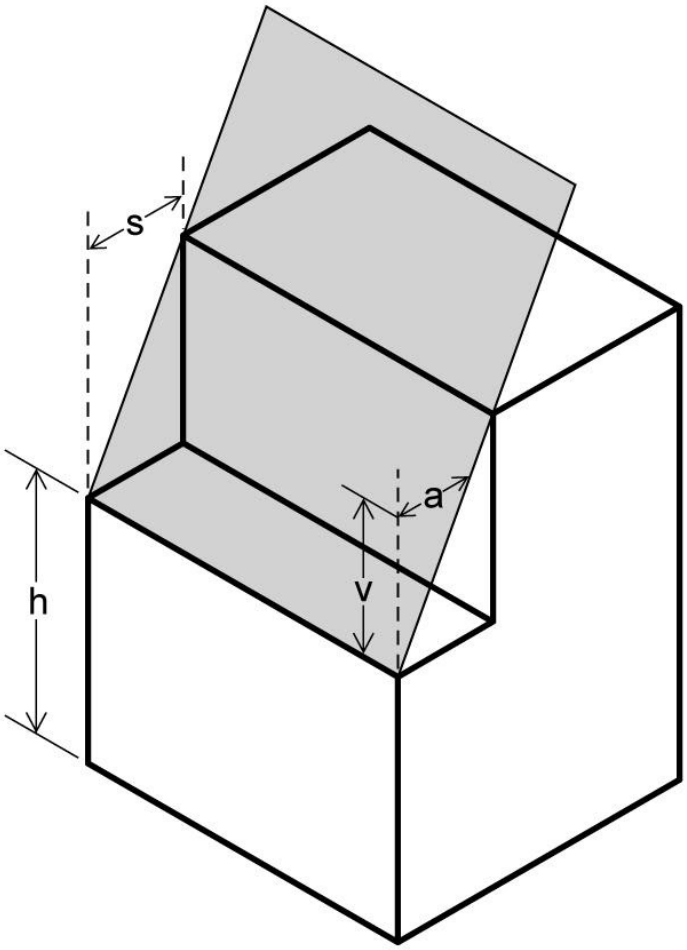
MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or other structure# within the #Initial Setback Distance#	#Sky Exposure Plane#			
			Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)		
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts							

20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to 1

R8, R9, R10, R11 or R12 Districts

20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to 1



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE

R6, R7, R8, R9, R10, R11, R12 Districts

24-53 - Alternate Front Setbacks

LAST AMENDED

12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 24-52 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 24-51 (Permitted Obstructions) or 24-54 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table, and the #sky exposure plane# shall be measured from a point above the #street line#.

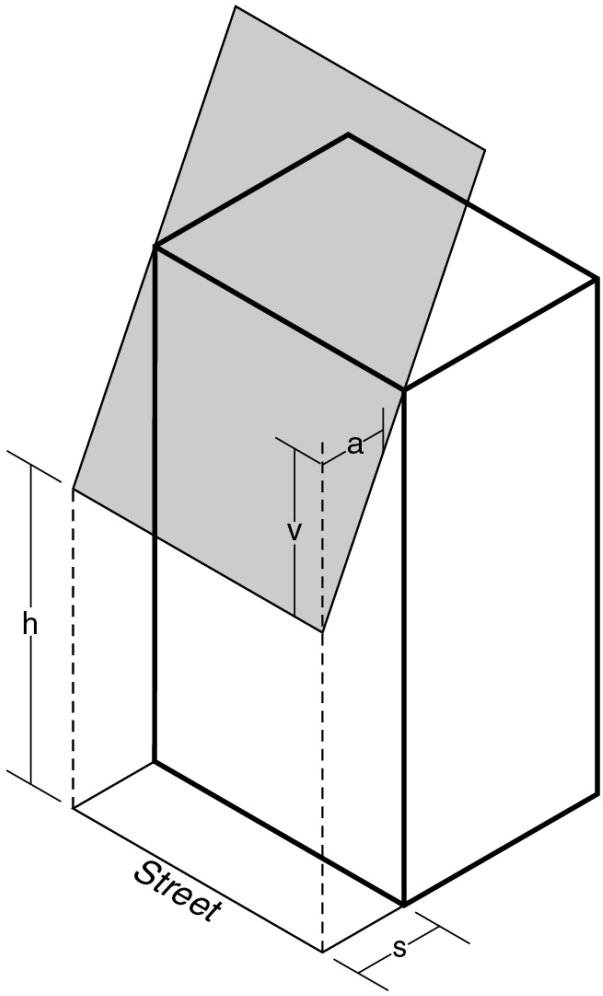
If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 24-14 (Floor Area Bonus for a Public Plaza).

In R9 , R10, R11 or R12 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)	Alternate #Sky Exposure Plane#		
	Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	
		On #Narrow Street#	On #Wide Street#

On #Narrow Street#	On #Wide Street#	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	
Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8 R9, R10, R11 or R12 Districts						
15	10	85	3.7	to 1	7.6	to 1



a - Horizontal distance

h - Height of *sky exposure plane* above *street line*

s - Depth of the optional front open area

v - Vertical distance

Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE

R6 R7 R8 R9 R10 R11 R12 Districts

24-54 - Tower Regulations

R7-2 R7-3 R8 R9 R10 R11 R12

(a) In the districts indicated without a letter suffix, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in this Section, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. (Such portion of a #building# that penetrates a #sky exposure plane# is hereinafter referred to as a tower.)

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45

15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

#Buildings# #developed# or #enlarged# with towers shall comply with either tower-on-a-base regulations or standard tower regulations as follows:

(1) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section 23-442 (Special provisions for certain community districts) shall apply in R9 and R10 Districts to any such #building# that:

(i) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and

(ii) contains more than 25 percent of its total #floor area# in #residential use#.

If a portion of such #building# is #developed# or #enlarged# as a #tower# the entire #zoning lot# shall comply with the provisions of Section 23-442.

(2) Applicability of standard tower regulations

In R7-2, R7-3 and R8 Districts, for #buildings# #developed# or #enlarged# as towers, where such towers are comprised, at every level, of only #community facility# #uses#; and in R9 and R10 Districts, for any #building# #developed# or #enlarged# as a tower that does not meet the location and #floor area# criteria of paragraph (a)(1) of this Section the tower provisions of this Section may be applied.

At all levels, a tower shall be located not less than 15 feet from the #street line# of a #narrow street# and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-62 (Balconies), are permitted to project into or over open areas not occupied by towers.

(b) Inapplicability of tower regulations

R7-2 R7-3 R8 R9 R10 R11 R12

In the districts indicated, the provisions of this Section shall not apply to any #development# or #enlargement# located wholly or partly in a #Residence District# that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

24-55 - Required Side and Rear Setbacks

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-164 (Balconies); and awnings and other sun control devices, decks, #qualifying exterior wall thickness#, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

24-551 - Required side setbacks for tall buildings in low bulk districts

LAST AMENDED
2/2/2011

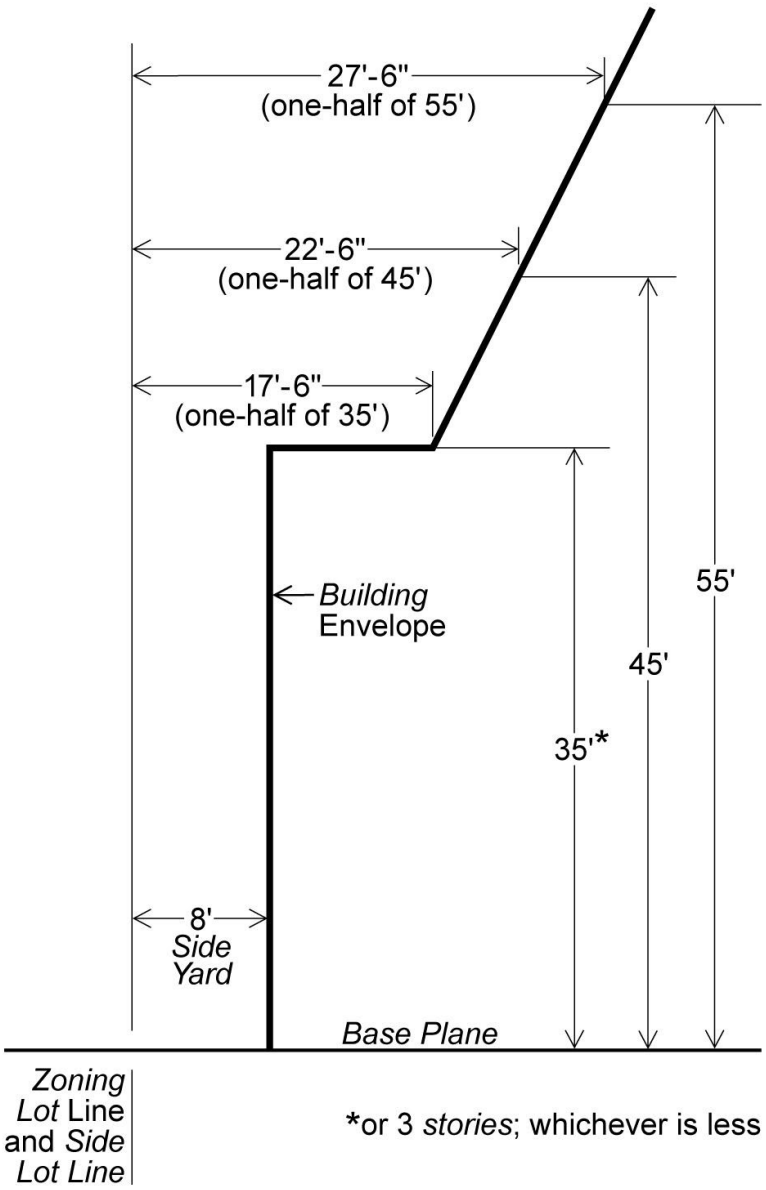
R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no #community facility# portion of any #building# that is more than 35 feet or more than three #stories# above the level of a #side yard#, whichever is lower, shall be nearer to a #side lot line# bounding such #yard# than a distance equal to one-half the height above yard level of such portion of the #building#.

The following are permitted to project into any open area required under the provisions of this Section:

(a) parapet walls, not more than four feet high; and

(b) chimneys or flues, with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.



SIDE SETBACK REQUIREMENT

24-552 - Required rear setbacks for tall buildings

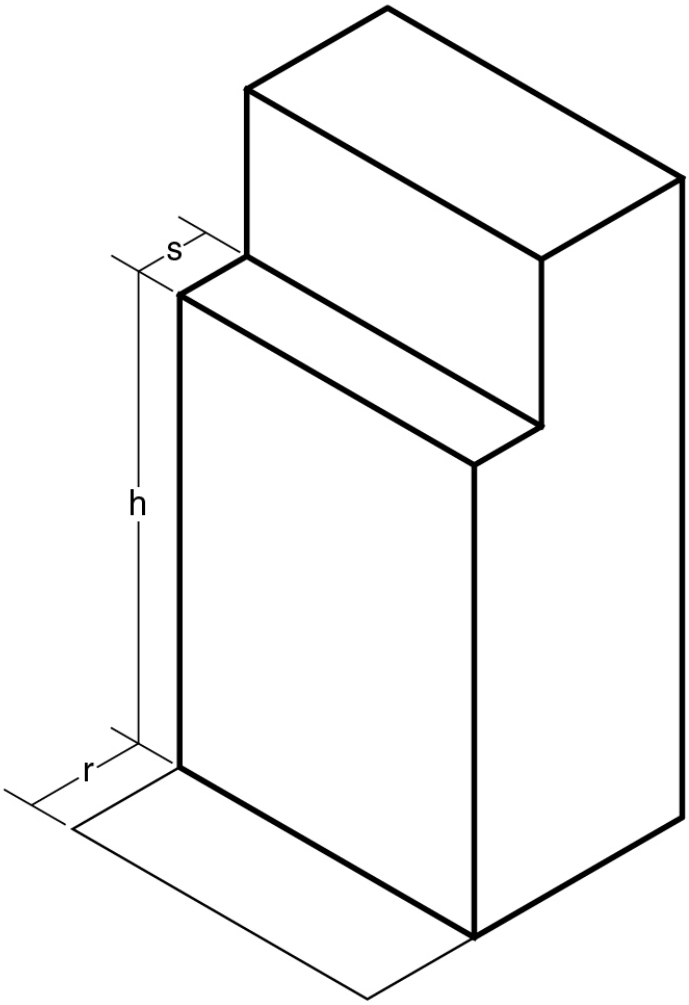
LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix, no portion of a #building# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 24-54.

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 24-382, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraphs (b) or (c) of Section 24-382, the requirements of this Section shall not apply.



h - Height of wall above *rear yard*
r - Depth of required *rear yard*
s - Depth of required *rear yard* setback

REAR SETBACK FOR TALL BUILDINGS

24-56 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-441 (Special tower provisions) apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. However, such provisions shall be modified in accordance with the provisions of Section 23-442 (Special provisions for certain community districts).

(c) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-443.

(d) Community District 9, Brooklyn

Notwithstanding any other provisions of this Resolution, in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and

Franklin Avenue, any #building or other structure# hereafter constructed or any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall comply with the provisions of Section 23-442(b)(2), inclusive.

24-57 - Modifications of Height and Setback Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) and (c) of Section 24-56, relating to height and setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

24-58 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 24-54 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

24-59 - Special Height Limitations

LAST AMENDED
12/5/2024

The provisions of this Section, inclusive, shall apply to #buildings# utilizing the #sky exposure plane# provisions of this Chapter. In no event shall such provisions apply to #buildings# that utilize the #residential# height and setback regulations of Section 23-40, inclusive.

24-591 - Limited Height Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level# or #Base Plane#, as applicable
LH-1	50 feet
LH-lA	60 feet
LH-2	70 feet
LH-3	100 feet

24-592 - Height limitations for narrow buildings or enlargements

LAST AMENDED
12/5/2024

R7-2 R8 R9 R10

In the districts indicated, the provisions of Section 23-738 (Height limitations for narrow buildings) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

24-60 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

LAST AMENDED
12/15/1961

24-61 - General Provisions and Applicability

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions set forth in Sections 24-62 to 24-66, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, shall apply only to #community facility buildings# or portions of #buildings# used for #community facility# #use# containing living accommodations with required windows. For the purposes of these Sections, a required window shall be deemed to be a window or part of a window that:

(a) opens into any room used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients; and

(b) is required to provide adequate light or ventilation to such room by any applicable law or statute.

The provisions of Sections 24-62 through 24-67, inclusive, shall apply only to portions of #buildings# at or above the sill level of the lowest required window. For the purposes of these Sections, #abutting# #buildings# on a single #zoning lot# shall be considered a single #building#.

24-62 - Minimum Dimensions of Courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between different walls of the same #building# shall conform to the regulations set forth in the following Sections:

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines).

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

24-63 - Outer Court Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

24-631 - Narrow outer courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

24-632 - Wide outer courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, if an #outer court# is 20 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 40 feet.

24-633 - Outer court recesses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 40 feet.

24-64 - Inner Court Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

24-641 - Minimum dimensions of inner courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the area of an #inner court# shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet. For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed from directly above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

24-642 - Inner court recesses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the width of an #inner court recess#:

(a) if 20 feet or less, shall be at least twice the depth of the recess; or

(b) if more than 20 feet but less than 40 feet, shall be at least equal to the depth of the recess; and

(c) need not be greater than 40 feet, whatever the depth of the recess.

24-65 - Minimum Distance Between Required Windows and Walls or Lot Lines

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less.

24-651 - General provisions

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except as otherwise provided in Section 24-652 (Minimum distance between required windows and certain walls), the minimum distance between any required windows and:

(a) any wall;

(b) a #rear lot line#, or vertical projection thereof; or

(c) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window; provided, however, that a required window may open on any #outer court# meeting the requirements of Section 24-63 (Outer Court Regulations).

24-652 - Minimum distance between required windows and certain walls

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum horizontal distance between a required window opening on an #inner court# and any wall opposite such window on the same #zoning lot# or between a required window and any wall of any other #building# opposite such window on the same #zoning lot#, shall not be less than 20 feet, nor shall any such wall be nearer to such window than a distance equal to one-third the total height of such wall above the sill level of such window. Such minimum distance need not exceed 40 feet.

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the required window for the full width of the rough window opening between such window and a projection of such wall onto such horizontal plane.

For the purposes of this Section, at any level at which two portions of a single #building# are not connected one to the other, such portions shall be deemed to be two separate #buildings# and shall be subject to the provisions of this Section.

24-66 - Modifications of Court Regulations or Distance Requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-61 to 24-65, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

24-67 - Permitted Obstructions in Courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the obstructions permitted for any #yard# set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following, shall not be considered obstructions when located within a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

(a) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in paragraph (g) of Section 23-312;

(b) Fences;

(c) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer courts#;

Fire escapes in #outer court recesses#, not more than five feet in depth;

Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(d) Recreational or yard drying equipment;

(e) Steps.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), shall be permitted.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Accessory Off-Street Parking and Loading Regulations

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Chapter 5 - Accessory Off-Street Parking and Loading Regulations

25-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

25-01 - General Purposes

LAST AMENDED
4/22/2009

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide needed space off the streets for parking in connection with new residences, to reduce traffic congestion resulting from the use of streets as places for storage of automobiles, to protect the residential character of neighborhoods, to provide for a higher standard of residential development within the City and thus to promote and protect public health, safety and general welfare.

25-02 - Applicability

LAST AMENDED
4/22/2009

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#,

#community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections.

25-021 - Applicability of regulations in the Manhattan Core and Long Island City area

LAST AMENDED
12/5/2024

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

25-022 - Applicability of regulations to non-profit hospital staff dwellings

LAST AMENDED
12/5/2024

In all districts, the regulations of this Chapter applicable to #community facility# #uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply, as follows:

(a) the regulations of an R5 District shall apply to #non-profit hospital staff dwellings# located in R1, R2 and R3 Districts;

(b) the regulations of an R6 District shall apply to #non-profit hospital staff dwellings# located in R4 and R5 Districts; and

(c) the regulations of an R10 District shall apply to #non-profit hospital staff dwellings# located in R6 through R10 Districts.

25-023 - Applicability of regulations to certain community facility uses in lower density growth management areas

LAST AMENDED
12/5/2024

(a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or

(2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the provisions of Section 25-624 (Special parking regulations for certain community facility

uses in lower density growth management areas) in lieu of the following provisions:

(1) the parking location provisions of Sections 25-622 (Location of parking spaces in lower density growth management areas) and 25-623 (Maneuverability standards);

(2) the driveway and curb cut provisions of Sections 25-632 (Driveway and curb cut regulations in lower density growth management areas) and 25-634 (Curb cut regulations for community facilities); and

(3) the screening provisions of Section 25-65 (Screening).

In addition, where the #uses# listed in paragraphs (a)(1) and (a)(2) of this Section result from a change of #use#, the provisions of Section 25-31 (General Provisions) shall be modified to require #accessory# off-street parking spaces for such #uses#. However, the requirements of Sections 25-31 and 25-624 may be modified for #zoning lots# containing #buildings# with such changes of #use# where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are necessary due to the location of existing #buildings# on the #zoning lot#, and such requirements have been complied with to the maximum extent feasible.

25-024 - Applicability of regulations in flood zones

LAST AMENDED
12/5/2024

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

25-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-11 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street parking spaces may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, subject to the provisions set forth in the following Sections:

Section 25-12 (Maximum Size of Accessory Group Parking Facilities)

Section 25-15 (Maximum Spaces for Single-Family Detached Residences)

Section 25-16 (Maximum Spaces for Other Residences)

Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-47 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

25-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, no #group parking facility# #accessory# to #residences# shall contain more than 200 off-street parking spaces, and no such facility #accessory# to permitted #community facility# or #commercial# #uses# shall contain more than 150 off-street parking spaces, except as provided in Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

25-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that:

(a) access for such facility is located so as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;

(b) such facility has separate vehicular entrances and exits thereto, located not less than 25 feet apart;

(c) such facility, if #accessory# to a permitted #community facility# or #commercial use# is located on a #street# not less than 60 feet in width; and

(d) such facility, if #accessory# to a permitted #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

25-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/15/1961

25-141 - For hospitals

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the Board of Standards and Appeals may permit #group parking facilities# #accessory# to hospitals, with more than 150 spaces, in accordance with the provisions of Section 73-46 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

25-142 - For accessory uses in large-scale residential developments

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the City Planning Commission may permit #group parking facilities# #accessory# to #uses# in #large-scale residential developments# with more than the prescribed maximum of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), in accordance with the provisions of Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities).

25-15 - Maximum Spaces for Single-Family Detached Residences

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, not more than three off-street parking spaces shall be provided for a #single-family# #detached# #residence#, except on #zoning lots# with a #lot area# of 10,000 square feet or more. For the purposes of this Section, a driveway shall not be considered as off-street parking space.

25-16 - Maximum Spaces for Other Than Single-Family Detached Residences

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for #zoning lots# occupied by #residential# #uses# other than #single-family# #residences#, no more than two off-street parking spaces #accessory# to such #residences# shall be provided for each #dwelling unit# located on the #zoning lot#.

25-17 - Modification of Maximum Spaces for Other Than Single-Family Detached Residences

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-16 (Maximum Spaces for Other Residences) may be provided if the Commissioner of Buildings determines that:

(a) such additional spaces are needed for the occupants of #residences# to which such spaces are #accessory#, in order to prevent excessive on-street parking; and

(b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking areas to minimize adverse effects on the character of surrounding areas.

25-18 - Maximum Spaces for Permitted Community Facility or Commercial Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, on a #zoning lot# used for permitted #community facility# or #commercial# #uses#, not more than one off-street parking space shall be provided for every 400 square feet of #lot area#, except as provided in Section 25-19 (Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses).

25-19 - Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses) may be provided if the Commissioner of Buildings determines that:

(a) such additional spaces are needed for the occupants, visitors, customers, or employees of the #use# or #uses# to which such spaces are #accessory#; and

(b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking area, to minimize adverse effects on the character of surrounding areas.

25-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

LAST AMENDED
12/5/2024

In the districts indicated, #accessory# off-street parking spaces shall be required for #residences# in accordance with the provisions of this Section, inclusive. Separate requirements are set forth for #zoning lots# in the #Inner Transit Zone# pursuant to Section 25-21, inclusive, the #Outer Transit Zone#, pursuant to Section 25-22, inclusive, and beyond the #Greater Transit Zone#, pursuant to Section 25-23, inclusive.

25-21 - Required Parking in the Inner Transit Zone

LAST AMENDED
12/5/2024

25-211 - General provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within the #Inner Transit Zone#, no #accessory# off-street parking spaces shall be required for #dwelling units# or #rooming units# created after December 5, 2024.

For #dwelling units# or #rooming units# in #multiple dwelling residences# created between July 20, 1950 and December 5, 2024, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# shall continue to be provided in accordance with the calculation methods set forth in Section 25-212 (Existing parking requirements in the Inner Transit Zone). The number of parking spaces required pursuant to Section 25-212 may only be reduced or eliminated pursuant to the provisions of Section 73-432 (Reduction of existing parking spaces for income-restricted housing units) or Section 75-31 (Authorization to Remove Required Parking).

For the purposes of this Section, the term "created" shall mean that, for the applicable #dwelling unit# or #rooming unit#, a temporary certificate of occupancy has been issued or, where no temporary certificate of occupancy has been issued, a final certificate of occupancy has been issued.

25-212 - Existing parking requirements in the Inner Transit Zone

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Where #accessory# off-street parking is required to be maintained for #multiple dwelling residences# pursuant to Section 25-211, the number of required #accessory# off-street parking spaces may be calculated pursuant to either paragraph (a) or (b) of this Section.

For the purposes of calculating the number of required parking spaces for any #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space, and for the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Any #accessory# off-street parking spaces serving a #zoning lot# in excess of the number required by this Section shall be considered permitted spaces and shall not be regulated by the provisions of Section 25-20, inclusive.

(a) Previously approved applications

The number of required #accessory# off-street parking spaces shall be the number of spaces that were required at the time of the #development#, #enlargement# or #conversion#, as applicable, unless it would no longer be required pursuant to the regulations in effect prior to December 5, 2024. Such calculation may include all applicable parking reductions, waivers, geographically based modifications, or modifications for specific #uses#.

For the purpose of establishing this amount, the Department of Buildings may accept any historical evidence deemed appropriate by the Department of Buildings, such as construction documents, zoning analyses, or other documents submitted as an approved application for a building permit.

Where a #building# was subsequently #enlarged# or #converted# after its #development#, this historical evidence must include materials indicating the most-recent parking requirement in effect for all #dwelling units# on the #zoning lot# prior to December 5, 2024.

(b) Simplified reference table

As an alternative to the method set forth in paragraph (a), the number of required #accessory# off-street parking spaces shall be the number of spaces set forth in this paragraph (b).

The number of required off-street spaces shall be determined by the total number of #dwelling units# on a #zoning lot# existing prior to December 5, 2024 multiplied by the applicable parking requirement in Column A or B, as applicable. However, where the calculation results in a number of parking spaces less than or equal to the number in Column C, no parking spaces

shall be required for #residences# on the #zoning lot#.

REQUIREMENTS FOR DWELLING UNITS LOCATED WITHIN MULTIPLE DWELLINGS			
District	**Requirement**		**Waive**
	Column A	**Column B**	**Column**
	Parking requirement per standard #dwelling unit# (in percent)	Parking requirement per #dwelling unit# that is #qualifying senior housing# or an income-restricted unit in #qualifying affordable housing# (in percent)	Maximum waive
R1	100	0	0
R2	100	0	0
R3	100	0	0
R4	100	0	1
R5	85	0	1
R6	50	0	5
R7	50	0	25
R8	40	0	30

R9	40	0	40
R10	40	0	50
R11	40	0	60
R12	40	0	75

No spaces shall be required on any #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

25-22 - Required Parking in the Outer Transit Zone

LAST AMENDED
12/5/2024

25-221 - General provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within the #Outer Transit Zone#, #accessory# off-street parking spaces shall be required for #dwelling units# created as part of a #development# or #enlargement# after December 5, 2024, in accordance with the provisions of Section 25-222. No #accessory# off-street parking spaces shall be required for #rooming units# created as part of a #development# or #enlargement# after March 22, 2016.

For #dwelling units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 5, 2024, off-street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations at the time such #dwelling units# were created. However, such spaces can be removed if:

(a) such spaces would not be required pursuant to the applicable zoning regulations currently in effect, as well as those in effect prior to December 5, 2024; or

(b) such spaces would not be required pursuant to an amendment to the applicable zoning regulations effectuated after December 5, 2024.

For #rooming units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to March 22, 2016, the applicable zoning regulations in effect prior to March 22, 2016 shall continue to apply. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

The number of parking spaces required pursuant to Section 25-22, inclusive, may only be reduced or eliminated pursuant to the provisions of Sections 73-432 (Reduction of existing parking spaces for income-restricted housing units), 73-433 (Reduction of existing parking spaces for qualifying senior housing) or 74-52 (Special Permit to Remove Required Parking).

For the purposes of this Section, the term “created” shall mean that, for the applicable #dwelling unit# or #rooming unit#, a temporary certificate of occupancy has been issued or, where no temporary certificate of occupancy has been issued, a final certificate of occupancy has been issued.

25-222 - Requirements for developments or enlargements in the Outer Transit Zone

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within the #Outer Transit Zone#, for #dwelling units# created as part of a #development# or #enlargement# after December 5, 2024, the number of required #accessory# off-street parking spaces shall be determined by multiplying the number of #dwelling units# by the applicable parking requirement set forth for the applicable district in Columns A or B of the table below. However, where the calculation results in a number of parking spaces less than or equal to the number in Column C, no parking spaces shall be required for #residences# on the #zoning lot#.

REQUIREMENTS FOR DWELLING UNITS			
District	**Requirement**		**Waiver**
	Column A	**Column B**	**Column**
	Parking requirement per standard #dwelling unit# (in percent)	Parking requirement per #dwelling unit# that is an #ancillary dwelling unit#, #qualifying senior housing# or an income-restricted unit in #qualifying affordable housing# (in percent)	Maximum wa spaces)[1],
R1 R2	100	0	0

R3-1 R3A R3X R4-1 R4A R4B R5A	50	0	0[3]
R3-2 R4	35	0	5
R5	35	0	10
R5B R5D	25	0	10
R6 R7-1 R7-2	25	0	15
R7A R7B	15	0	15
R7-3 R7D R7X	15	0	25
R8	12	0	30
R9	12	0	40
R10	12	0	50
R11	12	0	60
R12	12	0	75

1 For #qualifying residential sites# in R1 through R5 Districts, #accessory# off-street parking spaces shall be waived where the number of #dwelling units# is 75 or less.

2 For #zoning lots# in R7-2, R7-3, R8, R9, R10, R11 or R12 Districts, the parking requirements shall be waived where the #lot area# is 10,000 square feet or less.

3 For #zoning lots# existing on December 5, 2024 where the #lot width# is 25 feet or less, no parking shall be required. In addition, irrespective of the #lot width# of the #zoning lot#, in R4B Districts, one #accessory# off-

street parking space may be waived.

No spaces shall be required on any #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

25-23 - Required Parking Beyond the Greater Transit Zone

LAST AMENDED
12/5/2024

25-231 - General provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, beyond the #Greater Transit Zone#, #accessory# off-street parking spaces shall be required for #dwelling units# created as part of a #development# or #enlargement# December 5, 2024, in accordance with the provisions of Section 25-232. No #accessory# off-street parking spaces shall be required for #rooming units# created as part of a #development# or #enlargement# after March 22, 2016.

For #dwelling units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 5, 2024, off-street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations at the time such #dwelling units#

were created. However, such spaces can be removed if:

(a) such spaces would not be required pursuant to the applicable zoning regulations currently in effect, as well as those in effect prior to December 5, 2024; or

(b) such spaces would not be required pursuant to an amendment to the applicable zoning regulations effectuated after December 5, 2024.

For #rooming units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to March 22, 2016, the applicable zoning regulations in effect prior to March 22, 2016 shall continue to apply. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

The number of parking spaces required pursuant to Section 25-23, inclusive, may only be reduced or eliminated pursuant to the provisions of Section 73-433 (Reduction of existing parking spaces for qualifying senior housing) or Section 74-52 (Special Permit to Remove Required Parking).

For the purposes of this Section, the term "created" shall mean that, for the applicable #dwelling unit# or #rooming unit#, a temporary certificate of occupancy has been issued or, where no temporary certificate of occupancy has been issued, a final certificate of occupancy has been issued.

25-232 - Requirements for developments or enlargements beyond the Greater Transit Zone

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, beyond the #Greater Transit Zone#, for #dwelling units# created as part of a #development# or #enlargement# after December 5, 2024, the number of required #accessory# off-street parking spaces shall be determined by multiplying the number of #dwelling units# by the applicable parking requirement set forth for the applicable district in Columns A or B of the table below. However, where the calculation results in a number of parking spaces less than or equal to the number in Column C, no parking spaces shall be required for #residences# on the #zoning lot#.

REQUIREMENTS FOR DWELLING UNITS					
District	**Requirement**				**Waiv**
	Column A	**Column B**			**Colum**
	Parking requirement per standard #dwelling unit# (in percent)	Parking requirement per #dwelling unit# that is an income-restricted unit in #qualifying affordable housing# (in percent)	Parking requirement per #dwelling unit# that is #qualifying senior housing# (in percent)	Parking requirement per #dwelling unit# that is an #ancillary dwelling unit# (in percent)	Maximum (in spac
R1 R2	100	50	10	0	0
R3A R3-1 R3X R4-1 R4B R4A R5A	100	50	10	0	0[5]
R3-2	50	50	10	0	1
R4	50	50	10	0	3
R5 R5B R5D	50	25	10	0	5

R6	50	25	10	0	10
R7-1 R7B	50[1]	12	10	0	10
R7A R7D R7X	50[1]	12	10	0	15
R7-2 R7-3	50[2]	12	10	0	15
R8 R9 R10 R11 R12	40[3]	12	10	0	15

1 For #zoning lots# in R7-1, R7A, R7B, R7D and R7X Districts, the parking requirement per standard #dwelling unit# shall be reduced to 30 percent where the #lot area# is 10,000 square feet or less.

2 For #zoning lots# in R7-2 and R7-3 Districts, the parking requirement per standard #dwelling unit# shall be reduced to 30 percent where the #lot area# is between 10,001 and 15,000 square feet and waived where the #lot area# is 10,000 square feet or less.

3 For #zoning lots# in R8, R9, R10, R11 and R12 Districts, the parking requirement per standard #dwelling unit# shall be reduced to 20 percent where the #lot area# is between 10,001 and 15,000 square feet and waived where the #lot area# is 10,000 square feet or less.

4 For #qualifying residential sites# in R1 through R5 Districts, #accessory# off-street parking spaces shall be waived where the number of #dwelling units# is 75 or less.

5 For #zoning lots# existing on December 5, 2024 where the #lot width# is 25 feet or less, no parking shall be required. In addition, irrespective of the #lot width# of the #zoning lot#, in R4B Districts, one #accessory# off-street parking space shall be waived.

No spaces shall be required on any #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

25-24 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

25-241 - Special provisions for certain community districts

LAST AMENDED
12/5/2024

(a) Borough of the Bronx

Within the portion of Community District 12 in the Borough of the Bronx that is within the #Outer Transit Zone#, the parking requirements applicable to #zoning lots# located beyond the #Greater Transit Zone#, other than those for #qualifying affordable housing# or #qualifying senior housing#, shall apply.

(b) Borough of Queens

Within the portions of Community Districts 3 & 4 east of Junction Boulevard in the Borough of the Queens that is within the #Outer Transit Zone#, the parking requirements applicable to #zoning lots# located beyond the #Greater Transit Zone#, other than those for #qualifying affordable housing# or #qualifying senior housing#, shall apply.

Within the portion of Community District 14 in the Borough of the Queens that is within the #Outer Transit Zone#, the parking requirements applicable to #zoning lots# located beyond the #Greater Transit Zone#, other than those for #qualifying affordable housing# or #qualifying senior housing#, shall apply.

25-30 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

LAST AMENDED
12/15/1961

25-31 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all #development# after December 15, 1961, for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

(a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number);

(b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street); or

(c) for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section 25-36 (Waiver of Requirements for Certain Small Zoning Lots).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

Parking Requirement Category	**Type of Requirement**
PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees

PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Parking Requirement Category	**PRC - A**				**PRC- B**			**P**
	A1 1	**A2** 1	**A3**	**A4**	**B1**	**B2**	**B3**	
Unit of measurement	**per square feet of #floor area#** 2				**per persons-rated capacity**			**per s of #**
R1 R2	1 per 100	1 per 150	n/a	n/a	n/a	1 per 8	1 per 10 3	
R3			1 per 400					
R4 R5	1 per 200	1 per 300	1 per 500					
R6 R7-1 R7B	1 per 300	1 per 400	1 per 800			1 per 16	1 per 20 3	
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required			None required	None required	

1 For #accessory# #commercial# #uses# in #large-scale residential developments#.

2 For ambulatory diagnostic or treatment facilities listed under Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements. However, in #lower

density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements.

3 In R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

Parking Requirement Category	**PRC - D**		**PRC - E**			**PRC - F**	
	D1	**D2**	**E1**	**E2**	**E3** 5	**F1**	**F2**
Unit of measurement	**per square feet of #floor area# or per employees**		**per bed**			**per guest room or suites**	
R1 R2	n/a	n/a	1 per 5 4	1 per 6	1 per 10	n/a	n/a
R3							
R4 R5							
R6 R7-1 R7B			1 per 8 4	1 per 12	1 per 20		
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12			1 per 10 4	None required	None required		

4 Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

5 Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 25-20. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 12-10.

Parking Requirement Category	PRC - G					
	Agricultural #uses#	**Outdoor racket courts**	**Outdoor skating rinks**	**Colleges, universities or seminaries**	**#Schools#**	**Libraries, museums or non-commercial art galleries**
Unit of measurement	**per square feet of #lot area# used for selling purposes**	**per court**	**per square feet of #lot area#**	**per square feet of #floor area# used for classrooms, laboratories, student centers or offices**	**per square feet of #floor area#**	**per square feet of #floor area#** 6
R1 R2	1 per 1,000	1 per 2	1 per 800	1 per 1,000	1 per 1,500	1 per 1,000
R3					None required	
R4 R5						
R6 R7-1 R7B	1 per 2,500	1 per 5	1 per 2,000	1 per 2,000		1 per 2,000
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required	None required		None required

6 Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

Parking Requirement Category	PRC - G (continued)							
	Court houses	**Fire or Police stations**	**Prisons**	**Docks**	**Camps, overnight and day**	**Post offices** 7	**Funeral establishments**	**Riding or s**

Unit of measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per squ #floo
R1 R2	n/a	1 per 500	n/a	see Section 62-43	1 per 2,000 or 1 per 3	1 per 800	n/a	1 p
R3								
R4 R5						1 per 1,200		
R6 R7-1 R7B		1 per 800				1 per 1,500		1 p
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12		None required				None required		None

7 For #accessory# #commercial# #uses# in #large-scale residential developments#.

25-311 - Special Provisions in Certain Areas

LAST AMENDED
6/6/2024

In #lower density growth management areas#, the parking requirements for child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in R1 through R5 Districts, shall be 1 per 1,000 square feet.

25-32 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES)

Section 25-31 (General Provisions)

25-33 - Waiver of Requirements for Spaces Below Minimum Number

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 25-31 (General Provisions) or 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses# if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Districts	Number of Spaces

R1 R2 R3 R4 R5	10
R6 R7-1 R7B	25
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	40

25-331 - Exceptions to application of waiver provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to the following types of #uses#:

Agricultural #uses#, including greenhouses, nurseries or truck gardens;

Ambulatory diagnostic or treatment health care facilities in R3, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital, as defined in the New York State Hospital Code or a #long-term care facility#, and shall apply where such #use# is located in such areas on any #zoning lot# in an R6 or R7 District in Community District 10, Borough of the Bronx;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts, child care services in R1, R2, R3, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions shall apply where child care services are located in such districts on the same #zoning lot# as a house of worship, and shall apply where child care services located in such districts on #zoning lots#

that do not contain houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

25-34 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

25-35 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

25-36 - Waiver of Requirements for Certain Small Zoning Lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the parking requirements of Section 25-31 (General Provisions) for camps, overnight or day, shall only apply to #developments# or #enlargements# with a minimum of either 10,000 square feet of #lot area# or 10 employees.

25-37 - Waiver for Mixed-Use Developments

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the non-residential parking requirements of Section 25-30 shall be waived for #uses# located within #buildings# containing #residences# on any #zoning lot#:

(a) within the #special mixed use parking area#;

(b) with a #lot area# of 10,000 square feet or less that is located within the remaining portion of the #Outer Transit Zone#; or

(c) with a #lot area# of 5,000 square feet or less that is located outside the #Greater Transit Zone#.

25-40 - RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-41 - Use of Spaces Accessory to Permitted Residential Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to #residences# shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#, except as set forth in this Section.

(a) Within individual parking spaces:

#accessory# off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of such #residences#; and

(b) Within #group parking facilities#:

(1) in the #Inner Transit Zone#, all #accessory# off-street parking spaces may be made available for public use. Outside the #Inner Transit Zone#, #accessory# off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of such #residences#; and

(2) up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

(i) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 25-44, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed; or

(ii) #car sharing vehicles#.

However, spaces designed and operated pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days of a written request to the landlord.

25-42 - Use of Spaces Accessory to Permitted Non-residential Uses

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented, except as set forth in this Section.

In R3-2 through R12 Districts, other than other than R4-1, R4A, R4B and R5A Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

(a) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 25-44, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed; or

(b) #car sharing vehicles#.

25-43 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted, except as provided in this Section in specified districts.

25-431 - Limited repairs permitted in specified districts

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within a #completely enclosed# garage, #detached# from a #building# containing #residences# and containing not less than 150 #accessory# off-street parking spaces, minor automotive repairs (not including body work) are permitted.

25-44 - Electric Vehicle Charging

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces.

25-50 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/5/2024

25-51 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility# #uses#, to #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-site Spaces for Residences)

Section 25-53 (Off-site Spaces for Permitted Non-residential Uses)

Section 25-54 (Joint and Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-site Parking Provisions)

25-52 - Off-site Spaces for Residences

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

(a) located in a district other than a #Residence District# or a C7 District, or provided in a joint facility located in a district other than an R1 or R2 District, on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 25-541 (Joint Facilities);

(b) not further than the maximum distance from the #zoning lot# specified in Section 25-521; and

(c) enclosed, except that such spaces may be unenclosed provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

25-521 - Maximum distance from zoning lot

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

District	Maximum Distance from #Zoning Lot#

R3 R4 R5 R6 R7-1 R7B	600 feet
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	1,000 feet

25-53 - Off-site Spaces for Permitted Non-residential Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section, inclusive.

25-531 - For houses of worship

LAST AMENDED
12/5/2024

R1 R2 R3 R4

In the districts indicated, parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district, provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

25-532 - For permitted non-residential uses

LAST AMENDED
12/5/2024

R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an Rl, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial District# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

(a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and

(b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

25-54 - Joint and Shared Facilities

LAST AMENDED
9/9/2004

25-541 - Joint facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not less than that required by this Chapter for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#;

(b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 25-52 (Off-Site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), or 73-45 (Modification of Off-site Parking Provisions); and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

25-55 - Additional Regulations for Required Spaces When Provided Off Site

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses) or 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

(a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and the owner's heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

(b) Such spaces shall conform to all applicable regulations of the district in which they are located.

25-60 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-61 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of the following Sections:

Section 25-62 (Size and Location of Spaces)

Section 25-63 (Location of Access to the Street)

Section 25-64 (Surfacing)

Section 25-65 (Screening)

Section 25-66 (Parking Lot Landscaping)

Section 25-67 (For Parking Facilities Containing Car Sharing Vehicles)

No portion of a #side lot ribbon# shall be less than eight feet wide and no portion shall be more than 10 feet wide on an #interior lot# or #through lot# and not more than 20 feet wide on a #corner lot#. If two #zoning lots# share a common #side lot ribbon# along a common #side lot line#, the width of a shared #side lot ribbon# must be at least eight feet.

Special regulations applying to #large-scale residential developments# are set forth in Article VII, Chapter 8, and to #large-scale community facility developments# in Article VII, Chapter 9.

25-62 - Size and Location of Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space, except as follows:

(1) Standard attended facilities

An area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall

constitute one parking space. The term “tray” shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(4) #Single-# and #two-family# #residences#

For #accessory# off-street parking spaces serving #single-# or #two-family# #residences#, an area of less than 300 square feet may be considered as one space.

(b) Driveway access

Driveways used to access parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

(c) Minimum size for each parking space

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semi-detached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are provided if such #accessory# parking spaces are located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

(d) Special rules for certain areas

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility# #uses#, each parking space in a parking area not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-57 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, permitted parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

25-621 - Location of parking spaces in certain districts

LAST AMENDED
12/5/2024

All #accessory# off-street parking spaces on #zoning lots# with #buildings# containing #residences# shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

(a) In the districts indicated, for #single-# and #two-family residences#, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and

#street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

(1) a #semi-detached# #building# in an R3-1 or R4-1 District; or

(2) a #detached# #building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such driveway, and at least 18 feet of uninterrupted curb space along such #street#.

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached# #building# in an R3-1 or R4-1 District.

R3-2 R4 R5

(b) In the districts indicated, other than R4-1, R4A, R4B, R5A, R5B and R5D Districts, for #single-# and #two-family residences#, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations, provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:

(1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured

parallel, or within 30 degrees of being parallel, to the #street line#; or

(2) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25-65 (Screening), paragraphs (a) or (b), as applicable.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(c) In all districts, as indicated, for #zoning lots# with #buildings# that are #multiple dwelling residences#, all #accessory# off-street parking spaces shall be located only within such #buildings# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of such #buildings# and their prolongations.

However, on #through lots#, such limitation shall only apply along one #street# frontage.

In addition, such limitation shall not apply on #zoning lots# occupying an entire #block#, or to #large sites#.

25-622 - Location of parking spaces in lower density growth management areas

LAST AMENDED
4/14/2010

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# in R1, R2, R3, R4-1 and R4A Districts within #lower density growth management areas#.

Required #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or

prolongation thereof of the #building#. Non-required parking spaces may be permitted between the #street line# and the #street wall# provided they are located in a driveway that accesses required parking spaces that are located behind the #street wall# of the #building# or prolongation thereof.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width.

For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

25-623 - Maneuverability standards for community facility uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of this Section shall apply to:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in:

(1) an increase in the total number of parking spaces #accessory# to #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards, as set forth in paragraphs (b) and (c) of Section 36-57.

25-624 - Special parking regulations for certain community facility uses in lower density growth management areas

LAST AMENDED

6/6/2024

(a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and

(2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the following provisions:

(1) #Accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

(2) The maneuverability provisions of paragraphs (b) of Section 36-57 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#. No tandem parking shall be permitted.

(3) The curb cut provisions of paragraph (c) of Section 36-57 shall apply to all such #zoning lots#, except that, for #zoning lots# with less than 75 feet of #street# frontage, a minimum distance of four feet from other curb cuts on adjacent #zoning lots# shall be maintained.

(4) For #zoning lots# in R1, R2, R3A, R3X, R3-1, R4-1 and R4A Districts with #buildings# containing child care services, a driveway shall be required for drop-off and pick-up of users of the child care facility. Such driveway shall have a minimum width of 15 feet and a maximum width of 18 feet and shall serve one-way traffic. Such driveway shall include a designated area for the drop-off and pick-up of users of the facility with a minimum length of 25 feet and a minimum width of 10 feet. Such drop-off and pick-up area shall #abut# a sidewalk with a minimum width of four feet that connects to the child care facility entrance and all public sidewalks. No parking spaces shall be located within such driveway.

(5) For any #zoning lot# containing child care services, driveways and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #buildings#. For #zoning lots# containing ambulatory diagnostic or treatment health care facilities, driveways and open #accessory# off-street parking spaces may occupy no more than 66 percent of the #lot area# not covered by #buildings#.

(6) All parking areas not within a #building# shall be screened from adjoining #zoning lots# and #streets# by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

(7) Any lighting provided in off-street parking areas shall be directed away from #residences#.

25-625 - Special certification to modify the parking regulations for certain community facility uses in lower density growth management areas

LAST AMENDED
6/6/2024

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, the Chairperson of the City Planning Commission may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the parking regulations of paragraphs (b)(3), (b)(4), and (b)(5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), for any #enlargement# of a #building# containing a #use# listed in paragraphs (a) or (b) of this Section, or a change of #use# to, or an #extension# of, such #use#, provided that the applicant submits a site plan that demonstrates to the Chairperson that the location of the existing #building# on the #zoning lot# impedes compliance with the parking requirements of Sections 25-31 and 25-624, and that the Chairperson certifies to the Department of Buildings, that the #enlargement#, #extension# or change of #use# complies with such requirements to the maximum extent feasible.

(a) Ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and

(b) Child care services listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship and, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility# #use# on the #zoning lot#.

25-626 - Calculating floor area in parking facilities with lift systems, or in automated parking facilities

LAST AMENDED
12/6/2023

For enclosed #accessory# off-street parking facilities, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

25-63 - Location of Access to the Street

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the entrances and exits for all #accessory# #group parking facilities# with 10 or more spaces shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base his determination on such report.

The waiver provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no

way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

25-631 - Location and width of curb cuts in certain districts

LAST AMENDED
12/5/2024

All curb cuts on #zoning lots# with #buildings# containing #residences# shall comply with the provisions of this Section, except that, in #lower density growth management areas#, the provisions of Section 25-632 shall apply. The minimum width of a curb cut shall be eight feet, including splays. In addition, for #non-conforming# #buildings# in all districts, the provisions of Section 25-633 (Curb cut restrictions for certain buildings in R1 through R5 Districts) shall apply.

R2A

(a) In the district indicated, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.

R2X R3 R4 R5

(b) In the districts indicated, except R4B and R5B Districts, as well as for #qualifying residential sites# in R1 through R5 Districts, curb cuts shall comply with the following provisions:

(1) For #zoning lots# containing #residences# where not more than two #accessory# parking spaces are provided:

(i) for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted;

(ii) for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street# frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 18 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be 10 feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

(iii) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 18 feet, including splays, shall serve both #side lot ribbons#; and

(iv) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing both on June 30, 1989, and April 14, 2010, that are less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#; or

(2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are provided:

(i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16 feet of uninterrupted curb space along such #street#;

(ii) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to any #zoning lot# existing both on June 30, 1989 and April 14, 2010, that is less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained in front of such #zoning lot#

along the #street#;

(iii) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet; and

(iv) except for paired driveways as set forth in paragraph (b)(2)(iii) of this Section, the maximum width of a curb cut accessing less than 50 parking spaces shall be 12 feet, including splays, and the maximum width of a curb cut accessing more than 50 parking spaces shall be 22 feet, including splays. However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

R4B R5B

(c) In the districts indicated, curb cuts are permitted only on #zoning lots# with at least 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#. Any such #zoning lot# may be subdivided; however, curb cuts are permitted only for a resulting subdivided #zoning lot# that has at least 40 feet of #street# frontage. For #detached#, #semi-detached# and #zero lot line buildings#, the width and location of curb cuts shall be in accordance with paragraph (b)(1), inclusive, of this Section. For #attached# #buildings# and #building segments#, and for multiple dwellings in R5B Districts, at least 34 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing on both June 30, 1989, and April 14, 2010, that are less than 76 feet wide and where at least 34 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

For #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#, curb cuts shall be prohibited.

R6 R7 R8

(d) In the districts indicated, only one curb cut, having a maximum width of 12 feet, including splays, shall be permitted on any #street# frontage of a #zoning lot#. However, where a curb cut accesses a #group parking facility# with 50 or more spaces, the maximum width of a curb cut shall be 22 feet, including splays, or alternatively, two curb cuts shall be permitted to access such #group parking facility#, each with a maximum width of 12 feet, including splays, and spaced at least 60 feet apart. For #zoning lots# subdivided after April 14, 2010, curb cuts shall only be permitted along the #street# frontage of such subdivided #zoning lot# where at least 34 feet of uninterrupted curb space is maintained, and shall comply with the width and spacing requirements of this paragraph.

However, in R6B, R7B and R8B Districts, curb cuts shall be prohibited, except on #zoning lots# occupied by a #building# with a #street wall# at least 40 feet in width or, for #zoning lots# with multiple #building segments#, only where such curb cut is in front of a #building segment# with a #street wall# at least 40 feet in width. On such #zoning lots#, curb cuts shall be permitted only on the #street# frontage that is at least 40 feet wide.

R9 R10 R11 R12

(e) In the districts indicated, no curb cuts shall be permitted on any #wide street# frontage, and only one curb cut, having a maximum width of 22 feet, including splays, shall be permitted on any #narrow street# frontage.

(f) Modification of curb cut requirements:

R2X R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such reports.

R6 R7 R8 R9 R10 R11 R12

(2) In the districts indicated, the City Planning Commission may authorize modifications to the provisions of this Section, provided that the Commission finds that:

(i) the proposed modification does not adversely affect the character of the surrounding area; and

(ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curbside parking spaces along the #street frontage# of the #zoning lot#.

25-632 - Driveway and curb cut regulations in lower density growth management areas

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family# #detached# #residence# with at least 60 feet of frontage along one #street# and, for such #residences# on #corner lots#, with at least 60

feet of frontage along two #streets#.

(a) For #zoning lots# with less than 33 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted.

(b) For #zoning lots# with at least 33 feet of frontage along a #street#, multiple curb cuts are permitted. The maximum width of a curb cut serving a driveway 12 feet or less in width shall be 10 feet, including splays. Driveways wider than 12 feet at any point within a #front yard# shall be accessed by a single curb cut with a minimum width of 17 feet and a maximum width, including splays, of 18 feet.

(c) The center line of each curb cut shall be coincident with the center line of the driveway that it serves.

(d) All driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on adjoining #zoning lots# provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet.

(e) All #zoning lots# with #buildings# containing #residences# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

(f) The requirements of paragraphs (d) and (e) of this Section may be waived where the Commissioner of Buildings certifies that, due to the location of driveways and curb cuts on adjacent #zoning lots#, there is no way to locate the driveways and curb cuts in compliance with this requirement of this Section, and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

(g) For multiple #buildings# on a single #zoning lot#, access to all parking spaces shall be provided entirely on the same #zoning lot#.

25-633 - Curb cut restrictions for certain buildings in R1 through R5 Districts

LAST AMENDED
2/2/2011

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

(a) In the districts indicated, curb cuts are prohibited for #attached# #buildings# except where such #building# is bounded on one side by a #side yard# at least eight feet in width. For such #buildings#, a curb cut shall be permitted only along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

R1 R2 R3A R3X R4A R5A

(b) In the districts indicated, for #semi-detached# #buildings#, a curb cut shall only be permitted along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

25-634 - Curb cut regulations for community facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, any #development# or #enlargement# containing a #community facility# #use# with an unenclosed parking area shall comply with the provisions of this Section.

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

25-635 - Maximum driveway grade

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the maximum grade of a driveway shall not exceed 11 percent in any #front yard#. Driveways existing on April 30, 2008, which exceed a grade of 11 percent, may be used to access parking spaces provided for #residences# constructed after April 30, 2008.

25-64 - Surfacing

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all open off-street parking spaces shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material.

25-65 - Screening

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual garages with 10 spaces or more, that are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a

roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a)(1) of this Section.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

(b) In #lower density growth management areas#, all open parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The provisions of paragraphs (a) and (b) of this Section shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

25-66 - Parking Lot Landscaping

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as

follows:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:

(1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived, pursuant to Section 25-33, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #community facility# #uses# or curb cuts accessing #community facility# #uses# are shown on the site plan required pursuant to Section 25-623, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

25-67 - For Parking Facilities Containing Car Sharing Vehicles

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within 20 feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;

(b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and

(c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord."

25-70 - OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in residential areas within the city, and thus to promote and protect public health, safety and general welfare.

25-71 - Permitted Accessory Off-street Loading Berths

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions set forth in Sections 25-75 (Location of Access to the Street), 25-76 (Surfacing), and 25-77 (Screening).

25-72 - Required Accessory Off-street Loading Berths

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the following table for all #development# or #enlargement# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

After December 15, 1961, if the #use# of any #building or other structure# is #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the #enlarged# portion of such #building#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Loading Requirement Category	**#Use# or Use Group**
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII
LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS

Loading Requirement Category	**Districts**	
	R1 R2 R3 R4 R5 R6	**R7 R8 R9 R10**
LRC-A	n/a	
LRC-B 1	First 8,000 sq ft: None Next 17,000 sq ft: 1 Next 15,000 sq ft: 1 Next 20,000 sq ft: 1 Next 40,000 sq ft: 1 Each additional 150,000 sq ft: 1	First 25,000 sq ft: None Next 15,000 sq ft: 1 Next 60,000 sq ft: 1 Each additional 150,000 sq ft: 1
LRC-C	n/a	
LRC-D 2	First 10,000 sq ft: None Next 290,000 sq ft: 1 Each additional 300,000 sq ft: 1	
LRC E	n/a	

1 For #accessory# #commercial# #uses# in #large-scale residential developments#.

2 Requirements in this table are in addition to area utilized for ambulance parking.

25-73 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7 shall apply.

25-74 - Size of Required Berths

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR REQUIRED ACCESSORY OFF-STREET LOADING BERTHS (in feet)

	Length	Width	Vertical clearance
LRC-A	n/a	n/a	n/a

LRC-B[1]	37	12	14
LRC-C	n/a	n/a	n/a
LRC-D	37	12	12
LRC-E	n/a	n/a	n/a

1 For #accessory# #commercial# #uses# in #large-scale residential developments#

25-75 - Location of Access to the Street

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion.

The requirements for #accessory# off-street loading berths set forth in Section 25-72 (Required Accessory Off-street Loading Berths) shall not apply to any #building# as to which the Commissioner of Buildings certifies that there is no way to arrange the required berths to conform to the provisions of this Section.

The Commissioner of Buildings may refer such matters requiring certification to the Department of Transportation for report and may base his determination on such report.

25-76 - Surfacing

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

25-77 - Screening

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required open off-street loading berths shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# by either:

(a) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(b) a wall or barrier or uniformly painted fence or fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

(1) shall be maintained in good condition at all times;

(2) may be interrupted by normal entrances and exits; and

(3) shall have no #signs# hung or attached thereto other than those permitted in Section 22-32 (Permitted Non-illuminated Accessory Signs).

25-80 - BICYCLE PARKING

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of this Section, inclusive, related to bicycle parking spaces shall apply to:

(a) #developments#;

(b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;

(c) #dwelling units# created by #conversions# of non-#residential# #floor area#;

(d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;

(e) new enclosed #accessory# #group parking facilities# with 35 or more automobile parking spaces; and

(f) open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more automobile parking spaces or are greater than 6,000 square feet in area.

In addition, the provisions of Section 25-85 (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

25-81 - Required Bicycle Parking Spaces

LAST AMENDED
4/22/2009

25-811 - Enclosed bicycle parking spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL OR COMMUNITY FACILITY USES

Type of #Use#	**Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement**
FOR RESIDENTIAL USES	
#Single-family# #detached# #residences# listed under Use Group II	None required
All other types of #residences# listed under Use Group II, except #affordable independent residences for seniors#	1 per two #dwelling units#

#Affordable independent residences for seniors# listed under Use Group II	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES 1	
College or #school# student dormitories or fraternity and sorority student houses listed under Use Group III(A)	1 per 2,000 square feet of #floor area#
Colleges, universities, or seminaries listed under Use Group III(B)2 (a) Classrooms, laboratories, student centers or offices (b) Theaters, auditoriums, gymnasiums or stadiums	 1 per 5,000 square feet of #floor area# 1 per 20,000 square feet of #floor area#
Libraries, museums or non-commercial art galleries listed under Use Group III(B)	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates listed under Use Group III(A); houses of worship listed under Use Group III(B);~~,~~ rectories or parish houses listed under Use Group III(A) or III(B); all #uses# listed under Use Group I	None required
All other #uses# listed under Use Group III not otherwise listed in this table	1 per 10,000 square feet of #floor area#

1 #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group II #residential uses#

2 Up to half of required spaces may be provided as unenclosed bicycle parking spaces pursuant to the requirements of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces)

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are #accessory# to:

(a) #buildings# or #building segments# containing 10 #dwelling units# or less;

(b) colleges, universities or seminaries where the number of required bicycle parking spaces is six or less;

(c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or

(d) all other #community facility# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

25-812 - Unenclosed bicycle parking spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for open parking areas #accessory# to #community facility# #uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 25-66 (Parking Lot Landscaping), unenclosed #accessory# bicycle parking spaces shall be provided as follows:

(a) One bicycle parking space shall be provided for every 10 automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle parking space.

(b) Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

(c) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph, (c).

25-82 - Authorization for Reduction of Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces), or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

25-83 - Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 25-84 (Off-site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely-anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

For colleges, universities or seminaries, one-half of required enclosed #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of paragraph (b) of Section 25-812 (Unenclosed bicycle parking spaces).

All bicycle parking spaces which are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces which are #accessory# to a #community facility# #use# shall be made available for the storage and independent access of the bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities shall be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to community facilities with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis.

25-84 - Off-site Bicycle Parking Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# bicycle parking spaces required pursuant to Section 25-811 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that such bicycle parking spaces are located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#.

A plaque shall be placed within 30 feet of a #building# entrance, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for

both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

25-85 - Floor Area Exemption

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section, shall be excluded from the calculation of #floor area#, provided that:

(a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 25-811 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver, or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly constructed; and

(b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
#Affordable independent residences for seniors# listed under Use Group II	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES	
Philanthropic or non-profit institutions with sleeping accommodations listed under Use Group III(A)	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals, listed under Use Group III(B)	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences# and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site pursuant to Section 25-84 (Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

25-86 - Waiver or Reduction of Spaces for Subsidized Housing

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except in the Special Southern Hunters Point District, the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

(a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph;

(b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory# #group parking facility#;

(c) if permitted automobile parking spaces are provided, the required bicycle spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;

(d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and

(e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Urban Design Regulations

File generated by https://zr.planning.nyc.gov on 10/30/2026

Chapter 6 - Special Urban Design Regulations

26-00 - APPLICABILITY OF THIS CHAPTER

LAST AMENDED
12/5/2024

The regulations of this Chapter shall apply:

(a) To #sky exposure plane buildings# #developed# in R9 and R10 Districts, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District;

(b) in R3, R4 and R5 Districts, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS), except where such #zoning lots#:

(1) consist entirely of #single-family detached residences#;

(2) are accessed by #private roads# that existed on February 6, 2002; or

(3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;

(c) in #lower density growth management areas#, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS);

(d) to #developments#, #enlargements# or #conversions# in all districts, as applicable, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS); and

(e) to all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#, as set forth in Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

26-10 - SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS

LAST AMENDED
2/2/2011

For applicable #buildings# in R9 and R10 Districts, an application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation, drawn to a scale of at least one-sixteenth inch to a foot, of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #arcades#, #street wall# articulation, #street# trees, sidewalk paving and such other necessary information as may be required by the Commissioner of Buildings.

26-11 - General Purposes

LAST AMENDED
2/2/2011

The urban design guidelines are established to strengthen, at street level, the relationship of developments with existing buildings and to improve the quality of the streetscape by:

(a) maintaining the visual continuity of developments at street level; and

(b) enhancing the visual character of the neighborhood.

26-12 - General Purposes of Sections 26-13 through 26-15

LAST AMENDED
12/5/2024

In harmony with the general purposes and intent of this Resolution and the general purposes of Section 26-11, the regulations of Sections 26-13 through 26-15, inclusive, are intended to:

(a) guide the location of arcades to assure horizontal continuity of developments with existing building arcades and to maintain visual continuity at street level;

(b) require transparency and/or articulation of front walls to improve the visual quality of the street; and

(c) improve the quality of the street environment.

26-13 - Definitions

LAST AMENDED
12/5/2024

For the purposes of Sections 26-10 through 26-15, inclusive, the following definitions shall apply:

Contiguous block

A "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

A "contiguous lot" is a #zoning lot# that shares a common #side lot line# with the #zoning lot# of the #development#.

Development

In addition to the definition of #development# set forth in Section 12-10 (DEFINITIONS), "development" shall also include an #enlargement# involving an increase in #lot coverage#.

26-14 - Horizontal Continuity

LAST AMENDED
2/2/2011

Horizontal continuity regulations set forth in this Section are intended to relate #developments# with existing #buildings#, at #street# level, in order to maintain visual and functional continuity relating to the following aspects.

26-141 - Arcades

LAST AMENDED
10/17/2007

#Arcades# shall be bonused only where the #zoning lot# of a #development# occupies:

(a) the entire #street line# of a #block# and when the #arcade# extends the full length of such #street# frontage; or

(b) a portion of the #street line# of a #block# and the contiguous #zoning lot# contains an #arcade# extending the full length of the #street# frontage, and no walls are existing where the two #arcades# abut; or where the contiguous #zoning lot# is vacant. Such #arcade# shall be located at the same elevation as the existing #arcade#.

#Arcades# may be interrupted by a bonusable #open space# such as a #publicly accessible open area#.

26-142 - Street wall articulation

LAST AMENDED
2/2/2011

When any #building# wall of a #development# that is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, at least 25 percent of the total surface area of such walls between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall if less than 12 feet in height, 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. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

26-15 - Streetscape Modifications

LAST AMENDED
12/5/2024

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Chapter. Such modifications will be allowed when the Commission finds that such modifications will enhance the design quality of the #development#.

26-20 - SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS

LAST AMENDED
2/2/2011

To provide for the orderly development of #residences# that are distant from #streets#, site planning requirements are established in Sections 26-20 through 26-27, inclusive. The regulations of this Section are intended to:

(a) optimize vehicular access within and among #zoning lots# containing #private roads#;

(b) regulate the size of and distance between curb cuts to minimize undue conflict between pedestrian and vehicular movement;

(c) provide for sidewalks to facilitate social interaction and enhance pedestrian safety; and

(d) provide for tree planting along #private roads# in order to enhance the visual and environmental character of the neighborhood.

26-21 - Requirements for Private Roads

LAST AMENDED
2/2/2011

#Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops. The minimum width of a #private road# shall be 38 feet from curb to curb along its entire length or, where at least three #accessory# parking spaces are provided for every two #dwelling units# and no such spaces are located within the bed of a #private road#, the minimum width shall be 34 feet. The entrance to any #group parking facility# may be narrower than such minimum widths for a distance not to exceed 20 feet, and a #private road# may contain a landscaped median provided the paved width of such #private road# meets the minimum width required exclusive of such medians. The City Planning Commission may modify the required width of a #private road#, pursuant to Section 26-26 (Modification and Waiver Provisions).

26-22 - Requirements for Sidewalks, Street Trees and Planting

LAST AMENDED
12/5/2024

A minimum four-foot-wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting strips. However, no sidewalk shall be required along that side of a #private road# that does not have a #building# wall facing it.

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb.

The #street# tree and planting requirements of Section 23-61, inclusive, shall apply.

26-23 - Yards

LAST AMENDED
12/5/2024

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), inclusive, shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a #building# wall facing it.

26-24 - Requirements for Curbs and Curb Cuts

LAST AMENDED
12/5/2024

Curbs shall be provided along each side of the entire length of a #private road#.

A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#.

26-25 - Parking Location and Curb Cuts Accessing Driveways

LAST AMENDED
12/5/2024

For the purposes of this Section, a #private road# shall be considered to be a #street#, and the applicable parking location and curb cut provisions of Section 25-62, inclusive, and Section 25-63, inclusive, shall be applied accordingly.

26-26 - Modification and Waiver Provisions

LAST AMENDED
2/2/2011

(a) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:

(1) such modifications or waivers will enhance the design quality of the #zoning lot#;

(2) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and

(3) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet.

(b) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #zoning lots# within the #Special South Richmond Development District#, that:

(1) contain #designated open space# and a portion of the #waterfront esplanade#, where such #zoning lots#:

(i) have been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or

(ii) are conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or

(2) are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or

(3) have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in accordance with Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.

In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #zoning lots# will be #developed# pursuant to a good site plan, and that adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping will be provided.

26-27 - Waiver of Bulk Regulations Within Unimproved Streets

LAST AMENDED
2/2/2011

In R3, R4 and R5 Districts, and in C1 and C2 Districts mapped within R3, R4 and R5 Districts, and in C3 Districts, the City Planning Commission may authorize the waiver of #bulk# regulations for:

(a) #zoning lots# with #private roads# that access at least 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law; and

(b) #zoning lots# with #private roads# that access fewer than 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #zoning lot# has received an authorization pursuant to paragraph (a) of Section 26-26;

The Commission may authorize the waiver of #bulk# regulations affected by such #streets# where #buildings# would be #non-complying# absent such waiver, provided the Board of Standards and Appeals has prescribed conditions pursuant to Section 35 of the General City Law which require the #buildings# or portions thereof to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such waivers shall only be as necessary to address #non-compliance# resulting from the location of the #buildings# within and outside the unimproved #streets#.

The Commission shall find that the #private roads# are adequate to serve present and future transportation needs and that, through the grant of such waivers, the #development# complies to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped, and that the #private road# system results in a good site plan.

26-30 - SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

LAST AMENDED
2/2/2011

For all #zoning lots# with #buildings# accessed by #private roads# in #lower density growth management areas#, the provisions of Sections 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superseded in accordance with the provisions of this Section.

26-31 - Entrances, Parking Location and Curb Cuts

LAST AMENDED
12/5/2024

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

(a) are perpendicular to the roadbed;

(b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed or within 20 feet of being opposite to one another; and

(c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and eight feet wide, within which a tree of at least three-inch caliper is planted.

26-32 - Lighting, Signage and Crosswalks

LAST AMENDED
12/5/2024

All #private roads# shall provide street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

26-33 - Screening

LAST AMENDED
12/5/2024

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips shall be densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

26-34 - Modification and Waiver Provisions

LAST AMENDED
12/5/2024

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through 26-33, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

(a) such modifications result in a site plan that provides sufficient open areas for the residents;

(b) any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan; and

(c) such modifications will not impair the essential character of the surrounding area.

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

26-40 - STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS

LAST AMENDED
4/30/2008

26-41 - Street Tree Planting

LAST AMENDED
12/6/2023

In accordance with applicability requirements of underlying district regulations, one #street# tree, pre-existing or newly planted, shall be provided for every 25 feet of #street# frontage of the #zoning lot#. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree.

(a) Design criteria

#Street# trees shall be planted along the entire length of along the curb of the #street# adjacent to the #zoning lot#, within:

(1) tree beds or connected tree beds designed in compliance with standards set forth by the Department of Parks and Recreation; or

(2) rain gardens designed in compliance with standards set forth by the Department of Environmental Protection.

For #zoning lots# with over 100 feet of #street# frontage, wherever two required #street# tree beds will be separated by less than 25 feet, such tree beds shall be combined and designed as a single continuous tree bed.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

(b) Alternate compliance

Where such tree planting would be infeasible adjacent to the #zoning lot#, such trees may be provided in an alternate manner, or waived, using any combination of provisions, as appropriate, set forth in this paragraph (b).

(1) Rain gardens

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, such required #street# tree may be substituted for a rain garden designed in compliance with standards set forth by the Department of Environmental Protection.

(2) Planters

Where the Department of Parks and Recreation or Department of Transportation determines that below-grade infrastructure causes one or more tree planting location to be infeasible, such tree may be provided in permanent planters designed in compliance with standards set forth by the Department of Transportation.

(3) Off-site locations

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, one or more #street# trees may be planted in an alternative off-site location, to be selected by the Department of Parks and Recreation, except that if the Department of Parks and Recreation determines that no alternative location is available, or if no alternative location is provided within 30 days of an application for a Department of Parks and Recreation permit, such off-site tree shall be waived. Off-site trees shall be planted at alternative locations within:

(i) an existing empty #street# tree pit or planting strip; or

(ii) an unpaved area owned by the City of New York.

All such alternative locations shall be within the Community District or one-half mile of such #zoning lot#.

(4) Payment option

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, in lieu of planting an off-site tree in an available alternative location, or in the event that planting adjacent to the #zoning lot# cannot be completed due to the season, funds equivalent to the cost of planting such tree, as established by rule of the Department of Parks and Recreation, may be deposited in an account of the City of New York. Such funds shall be dedicated to the planting of #street# trees by the City at an alternative location or, in the case of an off-season deposit, in front of the #zoning lot# at the next appropriate planting season.

26-42 - Planting Strips

LAST AMENDED
4/30/2012

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement# or #converted building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover, except as provided in Section 26-421. Such planting strip shall be located adjacent to, and extend along, the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required.

26-421 - Modifications of planting strip requirements

LAST AMENDED
4/30/2012

Driveways are permitted to traverse planting strips. Planting strips may be interrupted by utilities and paved areas required for bus stops.

On #zoning lots# containing #schools#, permeable pavers or permeable pavement may be substituted for grass or ground cover, provided that, beneath such permeable pavers or pavement, there is structural soil or aggregate containing at least 25 percent pore space, or other kind of engineered system that absorbs stormwater, as acceptable to the Department of Transportation. Any area improved with permeable pavers or pavement pursuant to this paragraph shall be no less than three feet in width except where necessary for compliance with the Americans with Disabilities Act.

26-50 - SPECIAL SCREENING AND ENCLOSURE PROVISIONS

LAST AMENDED
12/5/2024

26-51 - Special at-grade Screening and Enclosure Regulations

LAST AMENDED
12/5/2024

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment shall be subject to the following provisions when not located on a #building# rooftop or within a #completely

enclosed building#, whether or not such equipment is located within a required #open space#, #yard#, or #court#:

(a) all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line# and, where located between a #street wall# or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#;

(c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(d) where any equipment is located in a #front yard#, or is located between the #street wall, or prolongation thereof, and a #street line#, the entire width of such portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(e) where #energy infrastructure equipment# is located within 15 feet of a #zoning lot line#, the equipment shall be fully screened from adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by:

(1) a wall or barrier or uniformly painted fence at least as tall as the equipment it is screening, but need not exceed 15 feet in height. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open; and

(2) a strip at least four feet wide and densely planted with vegetation that, at the time of planting are at least half as tall in height as the screen required by paragraph (1), and are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

(f) However, no screening shall be required for:

(1) equipment with a depth limited to 18 inches from an exterior wall;

(2) solar energy systems; and

(3) wind energy systems.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no signs hung or attached thereto.

26-52 - Special Rooftop Screening and Enclosure Regulations

LAST AMENDED
12/5/2024

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located on roofs, other than solar energy systems, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is penetrating a maximum height limit or a #sky exposure plane#.

However, no screening shall be required for:

(a) equipment with a depth limited to 18 inches from an exterior wall;

(b) solar energy systems;

(c) wind energy systems; and

(d) #accessory# mechanical equipment installed on the rooftop of a #building# existing on December 5, 2024, where the height of the equipment does not exceed the height of the rooftop parapet, or a height of six feet as measured from the roof level.

All such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Additional Regulations and Administration in Residence Districts

File generated by https://zr.planning.nyc.gov on 10/30/2026

Chapter 7 - Additional Regulations and Administration in Residence Districts

27-00 - APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/5/2024

27-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The regulations of this Chapter shall apply:

(a) to the provision of affordable housing, as set forth in 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING); and

(b) to anti-harassment areas, as set forth in 27-20 (ANTI-HARASSMENT).

27-10 - ADMINISTRATION OF AFFORDABLE HOUSING

LAST AMENDED
12/5/2024

27-11 - Definitions

LAST AMENDED
12/5/2024

For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

27-111 - General definitions

LAST AMENDED
12/5/2024

The following definitions shall apply throughout Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive:

Affordable floor area

(a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in an #MIH site# or #UAP site#, other than any #super's unit#, are #affordable housing units#, all of the #residential# #floor area# or #community facility# #floor area# for a #supportive housing project#, in such #UAP site# or #MIH site# is "affordable floor area."

(b) Where one or more of the #dwelling units# or #rooming units# in an #MIH site# or #UAP site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #MIH site# or #UAP site# is the sum of:

(1) all of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site#; plus

(2) a figure determined by multiplying the #residential# #floor area# of the #eligible common areas# in such #MIH site# or #UAP site# by a fraction, the numerator of which is all of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site# and the denominator of which is the sum of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site# plus the #residential# #floor area# of the #dwelling units# or #rooming units# in such #MIH site# or #UAP site#, other than any #super's unit#, that are not #affordable housing units#.

Affordable housing

"Affordable housing" consists of:

(a) #affordable housing units#; and

(b) #eligible common areas#.

Affordable housing application

An "affordable housing application" is an application submitted to #HPD# that specifies how #affordable housing# will be provided on an #MIH site# or a #UAP site#, in compliance with the provisions of Section 27-00 (APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS), inclusive.

Affordable housing fund

With respect to the requirements of paragraph (a)(3)(v) of Section 27-131, the "affordable housing fund" is a fund administered by #HPD#, all contributions to which shall be used for development, acquisition, rehabilitation, or preservation of affordable housing, or other affordable housing purposes as set forth in the #guidelines#. Each contribution into such fund shall be reserved for use within the borough in which the #MIH development# making such contribution is located and, for a minimum of 10 years, shall be reserved for use in the same Community District in which the #MIH development# making such contribution is located. #HPD# shall issue a public report on the use of such fund no less frequently than annually.

Further provisions for the use of such funds may be set forth in the #guidelines#.

Affordable housing regulatory agreement

An "affordable housing regulatory agreement" is a legally binding agreement between the owner of a #building# and a Federal, State, or local agency or instrumentality with respect to a #development#, #enlargement#, or #conversion# from non-#residential# to #residential# #use#, which:

(a) requires all of the #dwelling units#, #rooming units#, or #supportive housing units# in such #building# to be income-restricted and occupied by an eligible household as established by such agreement for a period of no less than 30 years;

(b) for a rental #building#, restricts an amount of #floor area# that would otherwise be required for the #MIH development#, #UAP development# or #qualifying residential site# subject to affordability requirements for the life of such #building#, or, for a #homeownership# #building#, requires such building to be owned by a housing development fund corporation established pursuant to Article XI of the Private Housing Finance Law for the life of such building; and

(c) is entered into in connection with #public funding#.

HPD may impose additional requirements for #buildings# subject to an #affordable housing regulatory agreement# in the #guidelines#.

Affordable housing unit

An "affordable housing unit" is:

(a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law, or a #rooming unit#, other than a #super's unit#, that is used for either Class A or Class B occupancy as defined in the Multiple Dwelling Law, and that is or will be restricted, pursuant to an #affordable housing regulatory agreement# or #restrictive declaration#, to occupancy by:

(1) for a #UAP site#:

(i) #households# having an income less than or equal to a weighted average of 60 percent of the #income index# at #initial occupancy#:

(a) with no more than three #income bands#;

(b) no #income band# exceeding 100 percent of the #income index#; and

(c) for #UAP sites# with 10,000 square feet or more of #affordable floor area#, at least 20 percent of such #affordable floor area# at an #income band# of no more than 40 percent of the #income index#.

However, with regard to #preservation affordable housing#, a #grandfathered tenant# shall also be permitted to occupy such #affordable housing unit#; or

(ii) #households# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024; or

(2) for an #MIH site#, #qualifying households#;

(b) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 27-113, pursuant to an #affordable housing regulatory agreement# or a #restrictive declaration#, must be #dwelling units#.

Capital element

"Capital elements" are, with respect to any #UAP site#, the electrical, plumbing, heating and ventilation systems in such #UAP site#, any air conditioning system in such #UAP site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #UAP site# and any other portions of such #UAP site# specified in the #guidelines#.

Completion notice

A "completion notice" is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #MIH site# or #UAP site# is complete and stating the #affordable floor area# of such #affordable housing#.

Eligible common area

An #eligible common area# includes any #residential# #floor area# that is located within a #super's unit#, and any #residential# #floor area# in such #MIH site# or #UAP site# that is not located within any other #dwelling unit# or #rooming unit#, but shall not include any #residential# #floor area# for which a user fee is charged to residents of #affordable housing units#.

Grandfathered tenant

A "grandfathered tenant" is any #household# that:

(a) occupied an #affordable housing unit# in #preservation affordable housing# on the #restrictive declaration date#, pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and

(b) has not been certified to have an annual income below the #income band# applicable to such #affordable housing unit#; or

(c) in #homeownership preservation affordable housing#, has been certified to have an annual income below the #income band# applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

In #Mandatory Inclusionary Housing areas#, #grandfathered tenants# may include tenants of #buildings# on an #MIH site# that have been or will be demolished, as set forth in the #guidelines#.

Guidelines

The “guidelines” are the #guidelines# adopted by #HPD#, pursuant to paragraph (k) of Section 27-16 (Requirements for MIH Sites or UAP Sites).

Household

Prior to #initial occupancy# of an #affordable housing unit#, a “household” is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a #household# is, collectively, all of the persons occupying such #affordable housing unit#.

HPD

“HPD” is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

Income band

An “income band” is a percentage of the #income index# that is the maximum income for occupants of #affordable housing units# at #initial occupancy#. #Income bands# shall all be multiples of 10 percent of the #income index#, except for an #income band# at 135 percent of the #income index# provided pursuant to paragraph (a)(3)(iv) of Section 27-131.

Income index

The “income index” is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for #household# size. #HPD# shall adjust

such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

Initial occupancy

"Initial occupancy" is:

(a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or

(b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# on the #restrictive declaration date#, #initial occupancy# is the #restrictive declaration date#.

Mandatory Inclusionary Housing area

A "Mandatory Inclusionary Housing area" is a specified area in which the Mandatory Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 27-10, inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

MIH development

An “MIH development” is a #development#, #enlargement# or #conversion# that complies with the provisions of paragraphs (a)(3)(i) through (a)(3)(vi) or (a)(5) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024, or provides #affordable housing# or a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

MIH site

An “MIH site” is a #building# containing #affordable floor area# that satisfies either the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in paragraphs (a)(3)(i) through (a)(3)(vi) or (a)(5) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024, or provides #affordable housing# or a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Any temporary or final certificate of occupancy issued after December 5, 2024, for an #MIH site# shall state that such #building# or portion thereof contains #affordable housing#, and shall state that such certificate of occupancy may be amended or superseded to reflect that the #residential units# in the #building# or portion thereof that are #affordable housing units# be used other than as #affordable housing units# only in accordance with the provisions of this Zoning Resolution.

MIH zoning lot

An “MIH zoning lot” is a #zoning lot# that contains an #MIH development#.

New construction affordable housing

“New construction affordable housing” is #affordable housing# that:

(a) is located in a #building# or portion thereof that did not exist on a date which is 60 months prior to the #restrictive declaration date#;

(b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #restrictive declaration date#; and

(c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

Permit notice

For #UAP developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for such #UAP development#. Such #permit notice# shall state the amount of #affordable floor area# provided on a #UAP site#.

For #MIH developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for any #development#, #enlargement# or #conversion# subject to the special #floor area# requirements of paragraph (a) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024, or provides #affordable housing# a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Such #permit notice# shall state the amount of #affordable floor area# provided on an #MIH site# or the amount of #floor area# for which a contribution to the #affordable housing fund# has been made.

Preservation affordable housing

"Preservation affordable housing" is #affordable housing# that:

(a) is a #UAP site# that existed and was legally permitted to be occupied on the #restrictive declaration date#, except as permitted in the #guidelines#; and

(b) complies with the provisions of paragraph (e) of Section 27-161 (Additional requirements for rental affordable housing) or paragraph (c) of Section 27-162 (Additional requirements for homeownership affordable housing), as applicable.

Public funding

"Public funding" is any grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits, except as may be otherwise provided in the #guidelines#. #Public funding# shall not include the receipt of rent subsidies pursuant to any rental assistance program administered by any Federal, State, or local agency or instrumentality or any as-of-right exemption or abatement of real property taxes, except as may be otherwise provided in the #guidelines#.

Qualifying household

A "qualifying household" is a #household# that satisfies:

(a) the applicable #income band# requirements of paragraphs (a)(3)(i) through (a)(3)(iv) of Section 27-131 (Mandatory Inclusionary Housing);

(b) income requirements as specified in an #affordable housing regulatory agreement# executed after December 5, 2024; or

(c) the applicable #income band# requirements as provided by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Regulatory period

With respect to any #UAP site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #UAP site# provides #affordable housing# for a #UAP development#, is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

With respect to any #MIH site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #MIH site# satisfies the requirements of the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in Section 27-131 (Mandatory Inclusionary Housing) for an #MIH development# or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements), is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

Restrictive declaration

A “restrictive declaration” is a restrictive declaration approved by #HPD#, or is any other document as provided in the #guidelines#, that requires compliance with all applicable provisions of an #affordable

housing application#, Section 27-00, inclusive, other applicable provisions of this Resolution, and the #guidelines#.

Restrictive declaration date

The "restrictive declaration date" is, with respect to any #affordable housing#, the date of execution of the applicable #restrictive declaration#. If a #restrictive declaration# is amended at any time, the #restrictive declaration date# is the original date of execution of such #restrictive declaration#, without regard to the date of any amendment.

Super's unit

A "super's unit" is, in any #MIH site# or #UAP site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

UAP development

A "UAP development" ("Universal Affordability Preference development") is a #development# or #enlargement# outside of a #Mandatory Inclusionary Housing area# that provides #affordable housing# or a #supportive housing project# that satisfies the requirements of this Chapter.

The #residential# #floor area ratio# in a #UAP development# may exceed that for standard #residences# set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) only by the amount of #affordable housing# provided, either on the #UAP zoning lot# or, for #UAP developments# within a #UAP Offsite Option Area#, on a #UAP site# pursuant to paragraph (a) of Section 27-16 (Requirements for MIH Sites or UAP Sites).

However, #UAP developments# within a #UAP Offsite Option Area# may exceed the #floor area ratios# for standard #residences# set forth in Section 23-22 by utilizing #affordable housing# provided

on a #generating site#, as such term was defined prior to December 5, 2024, at the rate set forth in Section 23-154, as such Section existed prior to December 5, 2024, provided that such #generating site# has vested pursuant to the provisions of Section 27-132.

UAP Offsite Option Area

A "UAP offsite option area" ("Universal Affordability Preference offsite option area") is a former Inclusionary Housing Designated Area or R10 District outside of a former Inclusionary Housing Designated Area within which the limited UAP offsite option is applicable, pursuant to the regulations set forth for such areas in Section 27-00, inclusive. The locations of former Inclusionary Housing Designated Areas are identified in APPENDIX F of this Resolution.

UAP site

A "UAP site" ("Universal Affordability Preference site") is a #building# that contains #affordable housing# or a #supportive housing project# for a #UAP development#

Any temporary or final certificate of occupancy issued after December 5, 2024, for a #UAP site# shall state that such #building# or portion thereof contains #affordable housing#, and shall state that such certificate of occupancy may be amended or superseded to reflect that the #residential units# in the #building# or portion thereof that are #affordable housing units# be used other than as #affordable housing units# only in accordance with the provisions of this Zoning Resolution.

UAP zoning lot

A "UAP zoning lot" ("Universal Affordability Preference zoning lot") is a #zoning lot# that contains a #UAP development# and utilizes the #floor area# regulations of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) or the height and setback regulations of Section 23-432 (Height and setback requirements) applicable to #qualifying affordable housing#.

27-112 - Definitions applying to rental affordable housing

LAST AMENDED
12/5/2024

The following definitions shall apply to rental #affordable housing#:

Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 27-161 (Additional requirements for rental affordable housing).

Maximum monthly rent

The "maximum monthly rent" for an #affordable housing unit# is a rent that is affordable to an occupant in the #income band# applicable to such #affordable housing unit#, as set forth in the #guidelines# or #restrictive declaration#.

Monthly rent

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 27-161 (Additional requirements for rental affordable housing), to a tenant in an #affordable housing unit#.

Rent stabilization

“Rent stabilization” is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, #rent stabilization# shall be defined as set forth in the #guidelines#.

Rent-up

“Rent-up” is the first rental of vacant #affordable housing units# on or after the #restrictive declaration date#, except that, where one or more #affordable housing units# in #preservation affordable housing# were occupied by #grandfathered tenants# on the #restrictive declaration date#, #rent-up# shall have the same meaning as #restrictive declaration date#.

Rent-up date

The “rent-up date” is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# were occupied by #grandfathered tenants# on the #restrictive declaration date#, the #rent-up date# is the #restrictive declaration date#.

Supportive housing project

A #supportive housing project# is a #building# or a portion thereof that is a non-profit institution with sleeping accommodations, as specified in Section 22-13 (Use Group III – Community Facilities), inclusive, restricted to use as #affordable housing# for persons with special needs pursuant to a regulatory agreement with a Federal, State, or local agency or instrumentality.

Supportive housing unit

A “supportive housing unit” is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

27-113 - Definitions applying to homeownership affordable housing

LAST AMENDED
12/5/2024

Eligible buyer

An “eligible buyer” is a #household# that qualifies to buy a specific #homeownership# #affordable housing unit#. Such a #household# shall, except as otherwise provided in the #guidelines#:

(a) be, at the time of application for an initial sale or resale of an #affordable housing unit#, a #household# that satisfies the #income band# applicable to such unit; and

(b) meet such additional eligibility requirements as may be specified in the #guidelines#.

Homeowner

A “homeowner” is a person or persons who:

(a) owns a condominium #homeownership# #affordable housing unit# and occupies such condominium #homeownership# #affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#; or

(b) owns shares in a #cooperative corporation#, holds a proprietary lease for a #homeownership# #affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership# #affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

Homeownership

"Homeownership" is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a cooperative corporation pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized subletter pursuant to the #guidelines#.

27-12 - General Provisions

LAST AMENDED
12/5/2024

MIH and UAP are established to promote the creation and preservation of affordable housing for residents with varied incomes citywide and to enhance neighborhood economic diversity and thus to promote the general welfare. Requirements for affordable housing are set forth in Section 27-00, inclusive.

Wherever the provisions of Section 27-00, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

27-13 - Applicability

LAST AMENDED

27-131 - Mandatory Inclusionary Housing

LAST AMENDED
12/5/2024

Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

(a) For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

(1) #Affordable housing# requirement

Except where permitted by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (a)(4) of this Section, no #residential# #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall be permitted unless #affordable housing#, as defined in Section 27-111 (General definitions) is provided or a contribution is made to the #affordable housing fund#, as defined in Section 27-111, pursuant to the provisions set forth in paragraphs (a)(3)(i) through (a)(3)(v) and paragraph (a)(5) of this Section, inclusive.

(2) Maximum #floor area ratio#

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (a)(4) of this Section, the maximum #floor area ratio# for the applicable district outside of #Mandatory

Inclusionary Housing areas# shall apply.

(3) Options for compliance with affordable housing requirement

Options for compliance with the #affordable housing# requirement of paragraph (a)(1) of this Section are set forth in the following paragraphs (a)(3)(i) through (a)(3)(v). These options shall be applicable within #Mandatory Inclusionary Housing areas# as indicated in APPENDIX F of this Resolution. Option 4 shall only be made applicable in combination with Option 1, Option 2, or Option 3. Regardless of whether every option specified in this paragraph (a)(3), inclusive, is included in a land use application for applicability to a proposed #Mandatory Inclusionary Housing area# or as a term or condition of a special permit pursuant to this Resolution, all affordability options available under the provisions of this paragraph (a)(3), inclusive, shall be part of the subject matter of each such application throughout the land use review process. Option 4 shall not be applicable within the #Manhattan Core#. A #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall comply with either Option 1, Option 2, Option 3, Option 4, or the Affordable Housing Fund Option, as applicable, or shall be subject to an #affordable housing regulatory agreement#.

When a #building# containing #residences# is #enlarged#, the following shall be considered part of the #enlargement# for the purposes of this paragraph (a)(3), inclusive: #residential# #floor area# that is reconstructed, or #residential# #floor area# that is located within a #dwelling unit# where the layout has been changed.

(i) Option 1

For #MIH developments# utilizing Option 1, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 25 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 60 percent of the #income index#, and there shall be no more than three #income bands#. At least 10 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 40 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#.

(ii) Option 2

For #MIH developments# utilizing Option 2, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 80 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#.

(iii) Option 3

For #MIH developments# utilizing Option 3, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 20 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 40 percent of the #income index#, and there shall be no more than three

#income bands#. No #income band# shall exceed 130 percent of the #income index#. No #public funding# shall be utilized for such #MIH development# except where #HPD# determines that such #public funding# is necessary to support a significant amount of affordable housing that is in addition to the #affordable floor area# satisfying the requirements of this Section.

(iv) Option 4

For #MIH developments# utilizing Option 4, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 115 percent of the #income index#, and there shall be no more than four #income bands#. No #income band# shall exceed 135 percent of the #income index#. At least five percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 70 percent of the #income index# and, in addition, at least five percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 90 percent of the #income index#. Such #MIH development# may not utilize #public funding#.

Option 4 shall expire within a #Mandatory Inclusionary Housing area# 10 years after the effective date of the amendment establishing or renewing such option in a #Mandatory Inclusionary Housing area#, as indicated in APPENDIX F of this Resolution. However, Option 4 shall apply to an #MIH development# that has filed an #affordable housing application# for such option prior to expiration of such option, provided that the #MIH development# complies with all provisions

of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), inclusive. For the purposes of applying the provisions of Section 11-33, the effective date of applicable amendment shall be six months after the date of the expiration of the Option 4 in such #Mandatory Inclusionary Housing area#.

Option 4 shall not be permitted to be utilized for any #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# within the #Manhattan Core#.

(v) Affordable Housing Fund option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that increases the number of #dwelling units# by no more than 25, and increases #residential# #floor area# on the #zoning lot# by less than 25,000 square feet, may satisfy the requirements of this Section by making a contribution to the #affordable housing fund#. The amount of such contribution shall approximate, using the best available data, the cost of providing the #affordable floor area# in the same Community District as the #MIH development#. A schedule setting forth the contribution amount for each affected Community District shall be established by #HPD# and shall be updated on an annual basis, as set forth in the #guidelines#.

(vi) Affordable Housing Regulatory Agreement option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is restricted pursuant to an #affordable housing regulatory agreement# may satisfy the requirements of this this Section.

(4) Exceptions

The requirements of this Section shall not apply to:

(i) a single #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# of not more than 10 #dwelling units# and not more than 12,500 square feet of #residential# #floor area# on a #zoning lot# that existed on the date of establishment of the applicable #Mandatory Inclusionary Housing area#;

(ii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# containing no #residences# other than #affordable independent residences for seniors#; or

(iii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is granted a full waiver of the requirements set forth in paragraph (a)(3), inclusive, of this Section by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

(5) Additional requirements where #affordable housing# is provided off-site

When #affordable floor area# is provided on an #MIH site# that is not an #MIH zoning lot# pursuant to paragraph (a) of Section 27-16 (Requirements for MIH Sites or UAP Sites), the amount of #affordable floor area# required pursuant to paragraphs (a)(3)(i) through (a)(3)(iv) of this Section shall be increased by an amount equal to five percent of the #residential# #floor area# within such #MIH development#, multiplied by the percentage of the #affordable floor area# that is provided on an #MIH site# that is not an #MIH zoning lot#. Such additional #affordable floor area# shall be provided

for #qualifying households# at income levels that comply with the average #income bands# specified in paragraphs (a)(3)(i) through (a)(3)(iv) of this Section, as applicable to the #MIH development#.

27-132 - Affordable housing plans approved prior to December 5, 2024

LAST AMENDED
12/5/2024

All terms in this Section shall be as defined by Section 23-911 prior to December 5, 2024.

Any #generating site# that, as of December 5, 2024, is subject to a #regulatory agreement#, shall continue to be subject to the Inclusionary Housing Program as set forth in Sections 23-154 and 23-90, as such Sections existed prior to December 5, 2024.

Any #generating site# for which (i) on or before December 5, 2024, an application for #new construction affordable housing# has been filed with the Department of Buildings, (ii) on or before December 5, 2025, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #new construction affordable housing# with the applicable rules existing prior to December 5, 2024, and (iii) on or before December 5, 2026, a #regulatory agreement# has been executed and recorded against such #generating site#, shall continue to be subject to the Inclusionary Housing Program as set forth in Sections 23-154 and 23-90, as such Sections existed prior to December 5, 2024.

Any #generating site# for which (i) on or before December 5, 2024, an application for #preservation affordable housing# has been filed with #HPD#, and (ii) on or before December 5, 2025, a #regulatory agreement# for #preservation affordable housing# has been executed and recorded against such #generating site#, shall continue to be subject to the Inclusionary Housing Program as set forth in

Sections 23-154 and 23-90, as such Sections existed prior to December 5, 2024.

Properties being #developed# pursuant to a special permit for a #large-scale general development# or a #large-scale residential development# pursuant to Article VII, Chapter 4 that has been certified by the City Planning Commission on or before December 5, 2024, and #generating sites# that generate #floor area compensation# for a #large-scale general development# meeting the criteria of this paragraph, may continue to be subject to the provisions of the Inclusionary Housing Program in effect prior to December 5, 2024.

Parcels declared, prior to December 5, 2024, as properties to be developed as a single parcel pursuant to Section 62-362 prior to December 5, 2024 may continue to be subject to the provisions of the Inclusionary Housing Program set forth in Sections 62-352 and 62-354 in effect prior to December 5, 2024.

27-133 - Mandatory Inclusionary Housing areas

LAST AMENDED
12/5/2024

The Mandatory Inclusionary Housing Program shall apply in #Mandatory Inclusionary Housing areas#.

The Mandatory Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Mandatory Inclusionary Housing areas# within the special purpose district.

Additionally, the Mandatory Inclusionary Housing Program shall apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-06 (Additional Considerations for Special Permit Use and Bulk Modifications), in special purpose districts as set forth

in Section 27-134 (Special permit approval in special purpose districts) and in waterfront areas as set forth in Section 62-831 (General provisions).

#Mandatory Inclusionary Housing areas#, with the applicable income mix options for each #Mandatory Inclusionary Housing area#, are listed in APPENDIX F of this Resolution.

27-134 - Special permit approval in special purpose districts

LAST AMENDED
12/5/2024

Where a special purpose district includes a provision to grant modification of #use# or #bulk# by special permit of the City Planning Commission, and an application for such special permit would allow a significant increase in permitted #residential# #floor area# where the special #floor area# requirements in #Mandatory Inclusionary Housing areas# are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, may apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 27-12 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, or where the area affected by the special permit is eligible to receive transferred development rights pursuant to the Hudson River Park Act, as amended, the Commission may modify the requirements of Section 27-131 (Mandatory Inclusionary Housing).

27-14 - Methods of Providing Affordable Housing

(a) For #UAP developments#, #affordable housing# shall be either #new construction affordable housing#, #preservation affordable housing# or a #conversion# from non-#residential# to #residential use#. For #MIH developments#, #affordable housing# shall be either #new construction affordable housing# or a #conversion# from non-#residential# to #residential use#. #Conversions# shall comply with the requirements of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, applicable to #new construction affordable housing#.

(b) When determining whether #affordable housing# is #new construction affordable housing# or #preservation affordable housing#, or when making a determination as to which #building# constitutes a #UAP site#, #HPD# may separately consider each #building# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.

(c) The amount of #affordable floor area# in any #MIH site# or #UAP site# shall be determined based upon plans for such #MIH site# or #UAP site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#. However, for #UAP sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.

(d) The amount of qualifying #floor area# for any #income band# in an #MIH site# or #UAP site# shall be determined by the same method as the calculation of #affordable floor area#.

(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

(f) An #MIH site# that is part of an #MIH zoning lot#, or a #UAP site# that is part of a #UAP zoning lot#, in which at least two-thirds of the #dwelling units# are #affordable housing units# shall be either a #building# that:

(1) shares a common #street# entrance with another #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#; or

(2) is independent, from grade at the #street wall line# to the sky, of any other #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#, and such #building# shall have its primary entrance on a #street# frontage that has primary entrances for other #residential buildings#.

(3) #HPD# may waive the requirements of this paragraph (f) if it determines that the #buildings# on the #zoning lot# are otherwise located in a manner that does not stigmatize occupants of #affordable housing units#.

(g) #HPD# shall have the right, in its sole discretion, to deny any #affordable housing application# proposing #preservation affordable housing#, and shall have the right, in its sole discretion, to deny any #affordable housing application# that includes #homeownership affordable housing#, #qualifying senior housing#, or a #supportive housing project#, and instead require that such #MIH site# or #UAP site# be developed with rental #affordable housing#. Pursuant to paragraph (k) of Section 27-16 (Requirements for MIH Sites or UAP Sites), #HPD# may adopt #guidelines# for the implementation of this paragraph (g).

27-15 - MIH Zoning Lots and UAP Zoning Lots

LAST AMENDED
12/5/2024

27-151 - Additional requirements for MIH developments and UAP developments

LAST AMENDED
12/5/2024

(a) #MIH development# or #UAP development# building permits#

(1) HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #restrictive declaration date#. The Department of Buildings may thereafter issue building permits to an #MIH development# or a #UAP development# based on the #affordable housing# or, in the case of an #MIH development#, contribution to the #affordable housing fund# described in such #permit notice#.

(2) If #HPD# does not receive confirmation that the #restrictive declaration# has been recorded within 45 days after the later of the #restrictive declaration date# or the date upon which #HPD# authorizes the recording of the #restrictive declaration#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #restrictive declaration# has been recorded or any applicable alternate procedure has been completed. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked,

the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #MIH development# or #UAP development#.

(b) #MIH development# or #UAP development# certificates of occupancy

(1) The Department of Buildings shall not issue a permanent certificate of occupancy for any #MIH development# or #UAP development# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that satisfies the requirements of this Chapter. However, where any #story# of an #MIH development# or #UAP development# contains one or more #affordable housing units#, the Department of Buildings may issue a temporary certificate of occupancy for such #story# if such temporary certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary certificate of occupancy for the standard #residential floor area# in a #UAP development# or the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

(2) #HPD# shall not issue a #completion notice# with respect to any portion of any #MIH site# or #UAP site# unless:

(i) the Department of Buildings has issued temporary certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or

(ii) where a #UAP site# contains #affordable housing# that had a valid certificate of occupancy on the #restrictive declaration date# and no new temporary or

permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #restrictive declaration# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #restrictive declaration#.

(c) #UAP developments# and #MIH developments# that are restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

27-16 - Requirements for MIH Sites or UAP Sites

LAST AMENDED
12/5/2024

#Affordable housing# in an #MIH site# or #UAP site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#, except that #affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall only be required to comply with paragraphs (a) and (j) of this Section.

(a) Location of #MIH site# or #UAP site# and #MIH zoning lot# or #UAP zoning lot#

Where an #MIH site# or #UAP site# is not located within the #MIH zoning lot# or the #UAP zoning lot#, as applicable:

(1) the #MIH site# or #UAP site# and the #MIH zoning lot# or #UAP development#, as applicable, shall be located within the same Community District; or

(2) the #MIH site# or #UAP site# and the #MIH zoning lot# or #UAP zoning lot#, as applicable, shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

Outside of #UAP offsite option areas#, a #UAP site# must be located within the #UAP zoning lot#.

(b) Distribution of #affordable housing units#

In #new construction affordable housing#, where one or more of the #dwelling units# or #rooming units# in an #MIH site# or #UAP site#, other than any #super's unit#, are not #affordable housing units#:

(1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #MIH site# or #UAP site#, or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and

(2) not more than two-thirds of the #dwelling units# and #rooming units# on any #story# of such #MIH site# or #UAP site# shall be #affordable housing units#, unless not less than two-thirds of the #dwelling units# and #rooming units# on each #residential story# of such #MIH site# or #UAP site# are #affordable housing units#. #HPD# may waive such requirement for any #new construction affordable housing# that is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#.

Where one or more of the #dwelling units# or #rooming units#, other than any #super's unit#, are not #affordable housing units#, the #affordable housing units# shall share a common primary entrance with the other #dwelling units# or #rooming units#. However, if an #MIH site# or #UAP site# contains both #homeownership# and rental housing and no #affordable housing units# are #homeownership# housing, the distribution requirements above shall only apply to #residential stories# containing rental housing. In addition, the distribution requirements above shall not apply if all #affordable housing units# are rental #affordable housing# and all other #dwelling units# are #homeownership# housing, and shall not apply to any #affordable housing units# that are also #supportive housing units# or #affordable independent residences for seniors#.

In addition, #HPD# may waive these requirements for #affordable floor area# created in an #MIH site# or #UAP site# through #enlargement#, as specified in the #guidelines#.

#HPD# may disapprove any #building# configuration that would frustrate the intent and purpose of this Section by segregating #affordable housing units# or stigmatizing residents of such #affordable housing units#.

(c) Bedroom mix of #affordable housing units#

(1) In #new construction affordable housing#, where one or more of the #dwelling units# in an #MIH site# or #UAP site#, other than any #super's unit#, are not #affordable housing units#, either:

(i) the #dwelling units# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units#, other than any #super's unit#, that are not #affordable housing units#; or

(ii) not less than 50 percent of the #dwelling units# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# that are #affordable housing units# shall contain one or more bedrooms.

However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors#. #HPD# may also waive such bedroom mix requirements for any #new construction affordable housing# that is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #affordable floor area# created in an #MIH site# or #UAP site# through #enlargement#, as specified in the #guidelines#.

(2) Where all of the #dwelling units# in an #MIH site# or #UAP site#, other than any #super's unit#, in #new construction affordable housing# are #affordable housing units#, the bedroom mix shall be as set forth in the #guidelines#.

(3) #Supportive housing units# shall contain such configuration as #HPD# shall require.

(4) For purposes of this paragraph (c), fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of #affordable housing units#

(1) In #new construction affordable housing#, the average size of #affordable housing units# of a particular bedroom count shall be not less than the average size of #dwelling units# that are not #affordable housing units# with the same number of bedrooms, or

the minimum size specified below for a #dwelling unit# of a particular bedroom count, whichever is less:

(i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#;

(ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#;

(iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or

(iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, these unit size requirements shall not apply to #affordable independent residences for seniors#.

#HPD# may specify the method of measuring #floor area# within #affordable housing units# in the #guidelines#, compliant with Department of Buildings practice; and

(2) Where all of the #dwelling units# in an #MIH site# or #UAP site#, other than any #super's unit#, in #new construction affordable housing# are #affordable housing units#, such #affordable housing units# shall comply with the size requirements as set forth in the #guidelines#.

(3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Records

For a period of time specified in the #guidelines#, the owner of the #affordable housing units# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#, and shall make such records available for inspection and audit by #HPD# upon request.

(f) #Restrictive declaration#

(1) The #restrictive declaration# shall require compliance with and shall incorporate by reference the #affordable housing application# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.

(2) The #restrictive declaration# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# such documentation shall include, but shall not be limited to, plans meeting the requirements of paragraph (c) of Section 27-14 (Methods of Providing Affordable Housing).

(3) The #restrictive declaration# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #MIH site# or #UAP site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing application# for the entire #regulatory period#.

(4) Where applicable in accordance with paragraph (b) (Monthly rent) of Section 27-161 (Additional requirements for rental affordable housing), the #restrictive declaration# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing standards

Upon the date that #HPD# issues the #completion notice#, the #MIH site# or #UAP site# shall be free of violations of record issued by any City or State agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may otherwise be provided in the #guidelines#.

(h) Insurance

The #affordable housing# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#.

(i) Duration of obligations

The obligation to provide and maintain a specified amount of #affordable housing# on an #MIH site# or #UAP site# shall run with the #zoning lot# containing such #MIH site# or #UAP site# for not less than the #regulatory period#.

(j) One #MIH site# or #UAP site# may satisfy requirements for multiple #MIH zoning lots# or #UAP zoning lots#, as applicable

Any #MIH site# or #UAP site# may contain #affordable housing# that satisfies the requirements of this Chapter, for more than one #MIH development# or #UAP development#, as applicable, provided that no #affordable floor area# shall be counted more than once in satisfying the requirements of such #MIH developments# or #UAP developments#, or for the purposes of utilizing #floor area# provisions applicable to #qualifying affordable housing# in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts).

(k) #Guidelines#

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of Section 27-00, inclusive.

27-161 - Additional requirements for rental affordable housing

LAST AMENDED
12/5/2024

The additional requirements of this Section shall apply to rental #affordable housing# for the entire #regulatory period#, except that rental #affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

(a) Tenant selection

(1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #households# that satisfy the #income bands# applicable to such unit.

(2) A tenant may, with the prior approval of #HPD#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #restrictive declaration#.

(3) A #household# may rent an #affordable housing unit# that is restricted to occupancy by #households# of higher #income bands#, provided that the #household# is able to utilize

rent subsidies pursuant to a rental assistance program administered by any Federal, State, or local agency or instrumentality to afford the applicable #monthly rent#.

(4) #Affordable housing units# shall be marketed and leased in accordance with the #guidelines#.

(b) Monthly rent

(1) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy.

However, any #affordable housing unit# of #preservation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #restrictive declaration date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #restrictive declaration date# and shall thereafter be subject to #rent stabilization# as provided herein.

The #restrictive declaration# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #restrictive declaration# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #restrictive declaration date#.

(2) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #restrictive declaration# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #restrictive declaration date#.

However, #HPD# may adopt #guidelines# to permit the #monthly rent# to exceed the #maximum monthly rent#, provided that the #monthly rent#, less rent subsidies pursuant to a rental assistance program administered by any Federal, State, or local agency or instrumentality, does not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#.

(3) Each year after #rent-up#, in the month specified in the #restrictive declaration# or the #guidelines#, the owner of the #affordable housing units# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.

(4) For any #affordable housing unit# subject to #rent stabilization#, the applicable #restrictive declaration# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to:

(i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount;

(ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts;

(iii) the nature of the tenant; or

(iv) any other reason.

(5) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.

(6) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

(1) Each #affordable housing unit# shall be leased to and occupied by #households# of the applicable #income band# for the entire #regulatory period#, except as may be otherwise set forth in the #guidelines# with respect to internal transfers.

(2) The owner of the #affordable housing units# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #household# that qualifies at the #income band# applicable to such unit, except as may be otherwise set forth in the #guidelines# with respect to internal transfers.

(3) Each year after #rent-up#, in the month specified in the #restrictive declaration# or the #guidelines#, the owner of the #affordable housing units# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) #Affordable housing application

(1) #An #affordable housing application# shall include the building plans, state the number, bedroom mix and #income band# applicable to the #affordable housing units# to be #developed#, #converted#, or preserved, and include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 27-10, inclusive.

(2) A copy of any #affordable housing application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The additional requirements of this paragraph, (e), shall apply to rental #preservation affordable housing#:

(1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #UAP site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #households# within the applicable #income band# for the entire #regulatory period#;

(2) on the #restrictive declaration date#, the average of the #legal regulated rents# for all #affordable housing units# in the #UAP site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of 60 percent of the income index divided by 12;

(3) on the #restrictive declaration date#, #HPD# shall have determined that the condition of the #UAP site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing application# and the #restrictive declaration#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(4) on the #restrictive declaration date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #restrictive declaration date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #restrictive declaration date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #UAP site#, even though such increases may be permitted by other laws;

(6) proceeds from sales of offsite #affordable floor area# must be approved by #HPD# as set forth in the #guidelines# or #restrictive declaration#; and

(7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

27-162 - Additional requirements for homeownership affordable housing

LAST AMENDED
12/5/2024

The additional requirements of this Section shall apply to #homeownership affordable housing# for the entire #regulatory period#, except that #homeownership affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

(a) #Affordable housing application

(1) #An #affordable housing application# shall:

(i) include the building plans;

(ii) state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, #converted#, or preserved and the #income band# applicable to each #homeownership affordable housing unit#; and

(iii) include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 27-10, inclusive.

(2) A copy of any #affordable housing application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(b) #Homeownership affordable housing units# shall only be occupied by #eligible buyers#, and #HPD# shall establish the initial and resale prices based on the incomes of #households# in accordance with the #guidelines#. #Homeownership affordable housing# on an #MIH site# or #UAP site# shall comply with the additional requirements set forth in the #guidelines# for the entire #regulatory period#.

(c) Special requirements for #homeownership preservation affordable housing#

The additional requirements in this paragraph (g) shall apply to #homeownership preservation affordable housing#:

(1) on the #restrictive declaration date#, the #UAP site# shall be an existing #building# containing #residences#;

(2) on the #restrictive declaration date#, the average of the #legal regulated rents#, as such term is defined in Section 27-112 (Definitions applying to rental affordable housing), for all #homeownership affordable housing units# in the #UAP site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of 60 percent of the #income index# divided by 12;

(3) where #grandfathered tenants# continue in residence subsequent to the #restrictive declaration date#, any #affordable housing unit# that is occupied by a #grandfathered

tenant# shall be operated subject to the restrictions of Section 27-161 (Additional requirements for rental affordable housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;

(4) on the #restrictive declaration date#, #HPD# shall have determined that the condition of the #UAP site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing application# and the # restrictive declaration #, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(5) on the #restrictive declaration date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #restrictive declaration date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #restrictive declaration date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(6) proceeds from sales of offsite #affordable floor area# must be approved by #HPD# as set forth in the #guidelines# or #restrictive declaration; and

(7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

27-20 - ANTI-HARASSMENT

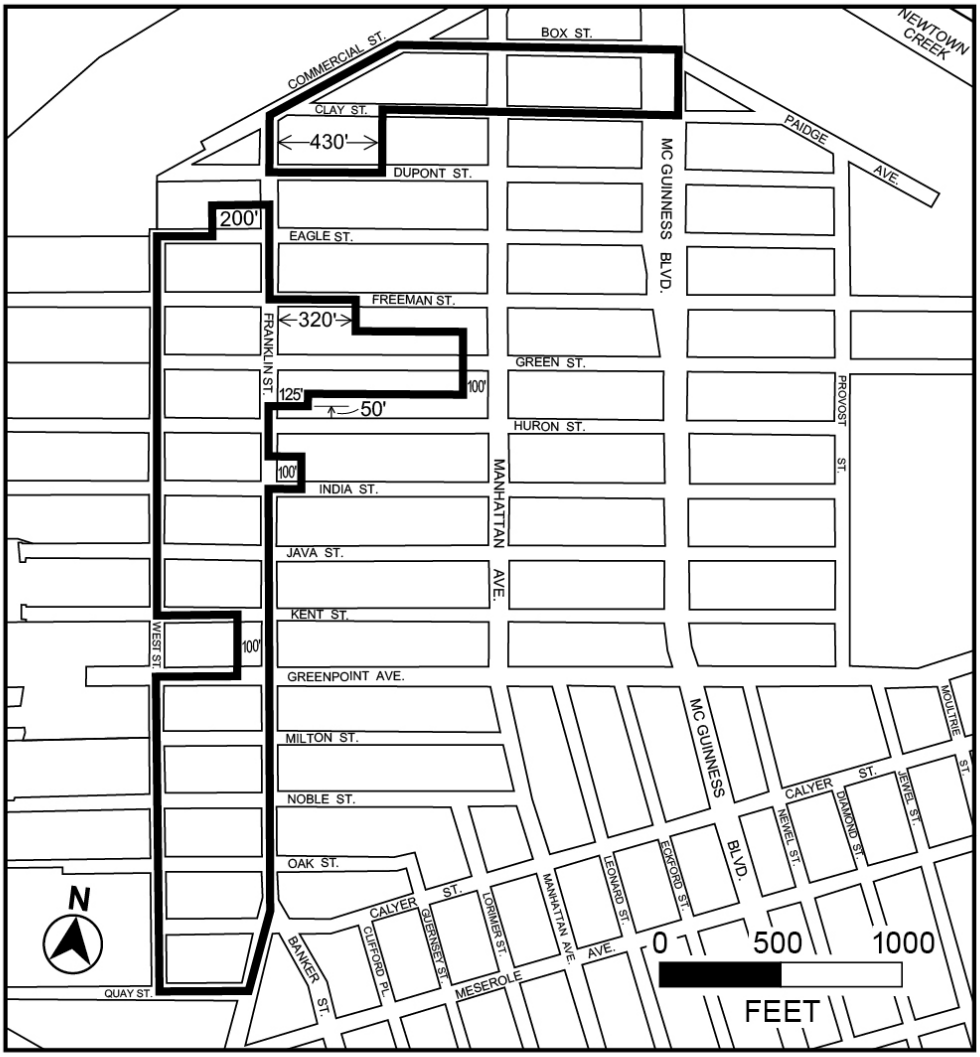
LAST AMENDED
12/5/2024

Within the Greenpoint-Williamsburg #anti-harassment areas# in Community District 1, Borough of Brooklyn, as shown in the diagrams in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in paragraph (a) of Section 93-90, shall be modified:

Anti-harassment area

"Anti-harassment area" shall mean the Greenpoint-Williamsburg #anti-harassment areas# as shown in the diagrams:



Anti-harassment area

Anti-harassment area

Greenpoint-Williamsburg Anti-Harassment Areas

Referral date

"Referral date" shall mean October 4, 2004.

In addition, paragraph (d)(3) of Section 93-90 is modified as follows:

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) or 62-361 (Special floor area regulations); or

(ii) increase the maximum height of a #building# or the height above which the gross area per #residential# #story# of a #building# is limited pursuant to the provisions of paragraphs (b)(2) and (d) of Section 62-363 (Special height and setback regulations); or

(iii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.