



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 2 - Use Regulations

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# Chapter 2 - Use Regulations

## 22-00 - GENERAL PROVISIONS

LAST AMENDED

3/26/2014

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4 and 6C, including each #use# listed separately therein, are permitted in #Residence Districts# as indicated in Sections [22-11](#) through [22-15](#).

The following chart sets forth the Use Groups permitted in the #Residence Districts#.

### USE GROUPS PERMITTED IN RESIDENCE DISTRICTS

Districts	Use Groups	Residential		Community Facilities	
		1	2	3	4
		#Single-family# #detached# #residences#	R1 R2	x	
#Single-# and #two-family# #detached# and #zero lot line# #residences#	R3A	x	x	x	x
#Single-# and #two-family# #detached# #residences#	R3X R4A R5A	x	x	x	x
#Single-# and #two-family# #detached# and #semi-detached# #residences#	R3-1	x	x	x	x
#Single-# and #two-family# #detached#, #semi-detached# and #zero lot line# #residences#	R4-1	x	x	x	x
#Single-# and #two-family# #residences# of all types	R4B	x	x	x	x

General #residences#*	R3-2	x	x	x	x
	R4-R10				

\* #Zero lot line buildings# are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B and R5D) Districts

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The #uses# listed in the various Use Groups set forth in Sections [22-11](#) through [22-15](#), are also listed in alphabetical order in the Index of Uses in APPENDIX A for the convenience of those using this Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Use Group 6C, limited to docks for ferries and water taxis, as specified in Section [22-15](#), is permitted in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

For the purposes of this Chapter, any #residence# and any #accessory# #building# #abutting# such #residence# on the same #zoning lot# shall be considered a single #building#.

## 22-10 - USES PERMITTED AS-OF-RIGHT

LAST AMENDED  
12/15/1961

## 22-11 - Use Group 1

LAST AMENDED  
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 1 consists of #single-family# #detached# #residences#.

A. #Residential uses#

#Single-family# #detached# #residence#

B. #Accessory# #uses#

## 22-12 - Use Group 2

LAST AMENDED  
3/22/2016

R3 R4 R5 R6 R7 R8 R9 R10

Use Group 2 consists of all other types of #residences#.

A. #Residential uses#

#Residences# of all kinds, including #apartment hotels# and #affordable independent residences for seniors# except that:

- (1) in R3A, R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# except that in R3A Districts #single-# or #two-family# #zero lot line buildings# are also permitted;
- (2) in R3-1 and R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# #detached# or #semi-detached# except that in R4-1 Districts #single-# or #two-family# #zero lot line buildings# are also permitted;
- (3) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

B. #Accessory# #uses#

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## 22-13 - Use Group 3

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LAST AMENDED  
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of community facilities that:

- (1) may appropriately be located in #residential# areas to serve educational needs or to provide other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent industrial or general service #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

A. #Community facilities#

Colleges or universities<sup>1</sup>, including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses<sup>1</sup>

Libraries, museums or non-commercial art galleries

#Long-term care facilities#<sup>2,3,4</sup>

Monasteries, convents or novitiates, without restrictions as to use for living purposes or location in relation to other #uses#

#Non-profit hospital staff dwellings# 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

Philanthropic or non-profit institutions with sleeping accommodations<sup>5</sup>

#Schools#

B. #Accessory# #uses#

- 1 Not permitted in R1 or R2 Districts as-of-right
- 2 In R1 and R2 Districts, permitted only by special permit by the City Planning Commission pursuant to Section [74-901](#) (Long-term care facilities)
- 3 In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, are permitted only by special permit by the City Planning Commission pursuant to Section [74-901](#) (Long-term care facilities). However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section [22-16](#) (Special Regulations for Nursing Homes)
- 4 In #high-risk flood zones#, as defined in Section [64-11](#) (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# or #enlargement# of nursing homes and nursing home portions of continuing care retirement communities, as such facilities are defined in the New York State Public Health Law, are subject to the restrictions set forth in Section [22-16](#) (Special Regulations for Nursing Homes)
- 5 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, R9 or R10 Districts, 25,000 square feet, whichever is greater

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## 22-14 - Use Group 4

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LAST AMENDED  
12/6/2023

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities<sup>1</sup>, 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. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor

Clubs<sup>2</sup>, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Community centers or settlement houses

Houses of worship, rectories or parish houses

Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face

Non-commercial recreation centers

#Non-profit hospital staff dwellings# restricted to location on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# immediately contiguous thereto

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts, the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

Proprietary hospitals and related facilities<sup>2</sup>, except animal hospitals

Seminaries

Welfare centers<sup>2</sup>

## B. Open #uses#

Agricultural #uses#, including greenhouses, nurseries, or truck gardens, provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#

Cemeteries<sup>2</sup>

Golf courses

Outdoor tennis courts or ice skating rinks<sup>2</sup>, provided that all lighting shall be directed away from nearby #residences# #Public parks# or playgrounds or private parks

Railroad or transit rights-of-way<sup>3</sup>

#### C. Special infrastructure

#Energy infrastructure equipment#, open or enclosed, provided that the total #lot area# occupied by such equipment does not exceed 10,000 square feet. Where multiple pieces of equipment are provided, the aggregate footprint of all such equipment shall not exceed 10,000 square feet. All #energy infrastructure equipment# shall be subject to the provisions of Section [26-60](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

#### D. #Accessory# #uses#

- <sup>1</sup> Not permitted in R1 or R2 Districts. In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, such #use# 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
- <sup>2</sup> Not permitted in R1 or R2 Districts as-of-right
- <sup>3</sup> Use of #railroad or transit air space# is subject to the provisions of Section [22-41](#) (Air Space Over a Railroad or Transit Right-of-way or Yard)

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## 22-15 - Use Group 6C

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LAST AMENDED  
3/26/2014

R6 R7 R8 R9 R10

In the districts indicated, when located within Community District 1 in the Borough of Brooklyn, Use Group 6C, as set forth in Section [32-15](#) (Use Group 6), shall be limited to docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, and docks for water taxis, with a vessel capacity of up to 99 passengers, provided that such docks are certified by the Chairperson of the City Planning Commission, pursuant to Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas). Vessel capacity is the U.S. Coast Guard-certified capacity of the largest vessel using a dock.

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## 22-16 - Special Regulations for Nursing Homes

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LAST AMENDED  
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, 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 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).

In addition, in Community Districts where #long-term care facilities# are allowed only by special permit pursuant to Section ~~74~~ 901 (Long-term care facilities), such special permit may not be applied to #developments# or #enlargements# of nursing homes and nursing home portions of continuing care retirement communities located in the areas subject to the provisions of this Section.

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## **22-20 - USES PERMITTED BY SPECIAL PERMIT**

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LAST AMENDED

2/2/2011

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## **22-21 - By the Board of Standards and Appeals**

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LAST AMENDED

9/9/2004

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

R3-1, R3A, R3X, R4-1, R4A, R4B,

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of #floor area#.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Camps, overnight or outdoor day [PRC-H]

R1 R2

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

R1 R2

Colleges or universities, including professional schools, but excluding business colleges or trade schools

R1 R2

College or school student dormitories or fraternity or sorority student houses

R1 R2

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential# #zoning lots#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10



Public utility or public service facilities

Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public utility stations for oil or gas metering or regulating

Telephone exchanges or other communications equipment structures

Terminal facilities at river crossings for access to electric, gas or steam lines

Water or sewage pumping stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Radio or television towers, non-#accessory#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Riding academies or stables [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Sand, gravel, or clay pits

R1 R2

Welfare centers

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## 22-22 - By the City Planning Commission

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LAST AMENDED

5/12/2021

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section [62-833](#) (Docks for ferries or water taxis in Residence Districts), except in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Fire stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Long-term care facilities#

#Long-term care facilities# in R1 and R2 Districts

#Long-term care facilities# in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more

However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section [22-16](#) (Special Regulations for Nursing Homes)

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial clubs with outdoor swimming pools less than 500 feet from any #lot line#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial outdoor swimming pool clubs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Non-profit hospital staff dwellings# located not more than 1,500 feet from the non-profit or voluntary hospital

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Police stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public transit, railroad or electric utility substations, limited in each case to a site of not less than 40,000 square feet and not more than 10 acres

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Railroad passenger stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Seaplane bases

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Sewage disposal plants

R10H

#Transient hotels#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

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## 22-30 - SIGN REGULATIONS

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LAST AMENDED  
4/8/1998

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### 22-31 - Definitions

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LAST AMENDED  
11/19/1987

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

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### 22-32 - Permitted Non-illuminated Accessory Signs

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LAST AMENDED  
4/8/1998

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, non-*illuminated* *accessory* signs are permitted as set forth in this Section, subject to the provisions of Section [22-34](#) (Additional Regulations).

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#### 22-321 - Nameplates or identification signs

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LAST AMENDED  
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (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.

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#### 22-322 - "For sale" or "for rent" signs

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LAST AMENDED

12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

"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#.

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## **22-323 - Signs for parking areas**

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LAST AMENDED

9/29/2010

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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#.

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## **22-33 - Signs on Lots Containing Certain Community Facilities**

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LAST AMENDED

4/8/1998

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### **22-331 - Permitted illuminated accessory signs for hospitals and related facilities**

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LAST AMENDED

2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for hospitals and related facilities, #illuminated# non-#flashing# #accessory# #signs# are permitted in all districts, subject to Section [22-34](#) (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#.

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### **22-332 - Flags, banners or pennants on lots containing certain community facilities**

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LAST AMENDED

4/8/1998

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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.

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## 22-34 - Additional Regulations

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LAST AMENDED

8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, any #sign# permitted under the provisions of Sections [22-32](#) (Permitted Non-illuminated Accessory Signs) and [22-331](#) (Permitted illuminated accessory signs for hospitals and related facilities) shall conform to the regulations set forth in this Section.

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## 22-341 - Projecting signs

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LAST AMENDED

8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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## 22-342 - Height of signs

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LAST AMENDED

8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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## 22-343 - Number of signs

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LAST AMENDED

8/26/1965

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Except as otherwise provided in Sections [22-32](#) (Permitted Non-illuminated Accessory Signs) or [22-331](#) (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#.

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## 22-35 - Advertising Signs on Waterways

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LAST AMENDED

4/8/1998

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.

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## **22-40 - SUPPLEMENTARY USE REGULATIONS**

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LAST AMENDED  
9/27/1962

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## **22-41 - Air Space Over a Railroad or Transit Right-of-way or Yard**

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LAST AMENDED  
2/22/1990

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### **22-411 - Definitions**

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LAST AMENDED  
2/22/1990

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

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### **22-412 - Use of railroad or transit air space**

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LAST AMENDED  
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section [74-681](#) (Development within or over a railroad or transit right-of-way or yard), or a railroad passenger station permitted by the City Planning Commission as set forth in Section [74-62](#) (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section [74-681](#) is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section [74-681](#) may be changed to another #use# listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections [11-31](#) through [11-33](#), inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the #zoning lot# definition in Section [12-10](#) (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

- (b) When the #use# of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential development#, #large-scale community facility development# or #large-scale general development# requiring one or more special permits is proposed, no use or #development# of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:
- (1) the proposed #zoning lots#, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #development# on adjoining property; and
  - (2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section [12-10](#) (DEFINITIONS).

Prior to granting any #zoning lot# authorization relating to the above mentioned right-of-way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

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## **22-42 - Detached and Semi-Detached Two-Family Residences**

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LAST AMENDED  
3/22/2016

R3-1 R3A R3X R4-1 R4A

In R3A, R3X or R4A Districts, a #detached# #two-family# #residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other, and in R3-1 or R4-1 Districts, each #semi-detached# #two-family# #residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.

The City Planning Commission may, upon application, authorize the waiver of these requirements, provided that:

- (a) the #development# is compatible with the scale and character of the surrounding area; and
- (b) in R3A, R3X or R4A Districts, the design does not give the appearance of a #semi-detached# #building#; or
- (c) in R3-1 or R4-1 Districts, the design does not give the appearance of an #attached# #building#; and each #dwelling unit# has a perimeter wall with windows facing a #side yard#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.