



CITY PLANNING COMMISSION

March 24, 2008 | Calendar No. 2

N 080078 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying regulations pertaining to yards and open space.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on September 14, 2007, to revise or introduce new regulations throughout the zoning resolution with respect to yards and open space requirements within all zoning districts.

BACKGROUND

The Department of City Planning proposes a city-wide text amendment to revise existing or introduce new regulations with respect to yards and open space. The new regulations would promote green streetscapes, address safety in front yards and increase the amount of open space and permeability on site which are goals of the Mayor's PlaNYC 2030 proposal. These new regulations would apply to new developments and existing developments that are being enlarged. Some of the proposed modifications have already been implemented in Lower Density Growth Management Areas (LDGMA). The benefits of these provisions in LDGMA are now proposed to be extended citywide to all R1 through R5 Districts.

The proposed amendments are broken into two main categories: yards and open space and making certain LDGMA regulations applicable city-wide.

Yard and Open Space Amendments

Current text requires one rear yard on a zoning lot. Rear yards are required to extend along a rear lot line. However, many zoning lots are irregularly shaped and have multiple rear lot lines.

The proposed text (Sections 23-47, 24-36, 33-26 and 43-26) will add language which will require that rear yards extend along all rear lot lines. The depth of the required rear yard will continue to be 30 feet in residence districts, and wherever residential use is provided in commercial districts, and 20 feet in commercial or manufacturing districts.

New text will require that for zoning lots with multiple rear lot lines, if a rear yard extends from a rear lot line away from a street line, and such rear lot line coincides with an adjacent lots dies lot line, then the depth of such rear yard will be 8 feet in R1 through R5 districts, and no rear yard would be required in other districts. (Sections 23-543, 24-393, 33-303, 43-313). A new BSA special permit (Section 73-69) is proposed which would allow rear yards that extend from a rear lot line away from a street line to be reduced upon meeting certain findings.

Currently, corner lot regulations only pertain to the portion of a corner lot within 100 feet of the corner. The remainder of the lot is subject to through or interior lot provisions. New text is proposed pertaining to yards required beyond 100 feet on corner lots and other lots with multiple street frontage other than through lots. Rear yards would be required to extend along side lot lines of these lots beyond 100 feet of their intersection with a street line. The depth of such rear yard would be 30 feet in residential districts and where a residential use is provided in commercial districts, and 20 feet in commercial and manufacturing districts. However, where such side lot lines coincide with an adjacent lots side lot line, then the depth of such rear yard will be 8 feet in R1 through R5 districts, and no rear yard would be required in other districts. (Sections 23-471, 24-361, 33-261, 43-261).

Interior or through zoning lots within 100 feet of a corner or along the short dimension of a block are currently allowed to waive rear yard requirements pursuant to Sections 23-541 and 23-542. These sections would be amended to require all interior zoning lots in R1 through R5 Districts to provide 30 foot rear yards, thereby increasing the amount of required yards on these lots.

The current text permits required parking in the front yard of residential developments in R1 and R2 zoning districts. (Section 23-44) The proposal would amend this section to prohibit required parking in the front yard in R1 and R2 districts, where only one parking space is required.

The proposal would increase the floor area bonus for detached garages in a rear yard within a side lot ribbon from 100 square feet to 300 square feet. (Section 23-141) Currently this bonus is not available in R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, R5B and R5D districts. This amendment would extend the bonus to all R3, R4 and R5 districts. This amendment would encourage construction of garages in the rear yards of residences thereby allowing more planting in the front yard.

Current text allows for fences, walls and steps as permitted obstructions in a yard. Zoning regulations have no limit on the height of the flight of steps or fences (The Building Code limits the height of fences to 8 feet). The Zoning Resolution currently limits such walls to 8 feet in height. The proposal would limit the height of fences and walls in a front yard to 4 feet and limit the height of the flight of steps in a front yard so that they may only access the first story or first story of a residence above a basement. (Section 23-44)

There are no current regulations limiting the amount of pavement in the front of a residence. This can result in the paving of the entire front yard. The proposal would establish a minimum percentage of planted area in the front of a residence, based on the street frontage of the zoning lot. (Section 23-451) For zoning lots with less than 20 feet of street frontage, 20% of the area in front of the residence would need to be planted. Zoning lots with 20 to 34 feet of street frontage would require 25% of the area in front of the residence to be planted, lots with 35 to 59 feet of street frontage would require 30% of the area in front of the residence to be planted and lots with 60 feet or more of street frontage would require 50% of the area in front of the residence to

be planted. On corner lots and through lots, the minimum percentages would have to be met on each street frontage. For row houses on tax lots, the minimums would have to be met in front of each row house. Planting would be defined as: “any combination of grass, groundcover, shrubs, trees or other living plant material”.

Currently a transition rule (Sections 23-51, 35-54) requires portions of developments in R6-R10 districts that are within 25 feet of a boundary of a R1-R5 district to step down in height, and provide an 8 foot open area along the common side lot line is only applicable when the zoning district boundary and the side lot line of the high density development coincide. The current text would be amended to apply the transition rule to any development in a high density district that is adjacent to a zoning lot in a low density district, no longer requiring the side lot line and district boundary line to be coincident.

In LDGMA, houses constructed behind other houses are required to be surrounded by large amounts of open space. LDGMA regulations define these “rear buildings” as ones that are wholly beyond 50 feet of a street line and wholly beyond the prolongation of the rear wall of a “front building” (Sections 23-711, 23-881). The proposal would redefine a rear building as one that has 75 percent or more of its floor area beyond 50 feet of a street line and rear wall of a front building to close a loophole that has allowed rear buildings to avert the open space requirements.

Currently there is only a maximum width of 15 feet, but no minimum width requirements for curb cuts serving paired driveways. (Section 25-631) This often leads to curb cuts that are too narrow to accommodate a paired driveway. The proposal would place a minimum width of 15 feet and maximum width 18 feet for curb cuts that access paired driveways. This allows for the safe maneuverability of vehicles to and from the residence.

Currently, no rear yard equivalents are required for through lots in R1, R2 and R3 districts.

New regulations will require rear yard equivalents for through lots that are 110 feet or more in depth in R1, R2 and R3 districts to ensure an open area in the center of blocks. (Section 23-533)

Making certain Lower Density Growth Management Area regulations applicable to all Low Density Districts (R1-R5)

Currently, depending on the zoning district, no side yard, or one up to 15 feet is required on corner lots. The proposal would mandate at least one required side yard be 20 feet in width for corner lots in R1-R5 zoning districts. (Sections 23-461, 23-89).

Zoning lots in R1-R5 districts with two or more residential buildings or building segments would have to provide a 30 foot open area, which may not be used for parking or driveways, to the rear of such buildings or building segments. (Sections 23-882, 23-89). Current regulations allow for little or no useable space behind a building if it is located on a corner lot.

The maximum slope of a driveway in a front yard would be 11% for residences in R1-R5 districts (Section 25-634). Currently this regulation applies only in LDGMA and is intended to provide safe access and egress for cars onto the zoning lot.

ENVIRONMENTAL REVIEW

This application (N 080078 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP015Y. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 17, 2007.

PUBLIC REVIEW

This application (N 080078 ZRY) was duly referred on September 17, 2007, to all community boards, borough presidents and borough boards in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Bronx

On October 18, 2007, Community Board 9 unanimously voted to approve the application.

Brooklyn

On November 14, 2007, Community Board 2 voted to approve the application by a vote of 25 in favor, 0 opposed and 0 abstaining.

On December 12, 2007, Community Board 7 asked the City Planning Commission to approve the application.

On November 19, 2007, Community Board 10 voted to approve the application by a vote of 35 in favor, 4 opposed and 1 recused.

On November 19, 2007, Community Board 14 voted to approve the application by a vote of 27 in favor, 0 opposed and 1 abstaining subject to conditions that:

- The text is modified to maintain the existing side and rear yard rules of Sections 23-541 and 23-542 within the areas of Community Board 14 designated in Section 73-622
- The prohibition of front yard parking in R1 and R2 Districts not apply to existing residences

within Historic Districts

Manhattan

On November 20, 2007, Community Board 1 voted to approve the application by a vote of 34 in favor, 1 opposed, 0 abstained, 0 recused.

On October 18, 2007, Community Board 2 voted to approve the application by a vote of 43 members in favor, 0 opposed.

At it's November 2007 meeting, Community Board 3 voted in support of the application.

On November 14, 2007, the Community Board 8 voted to approve the application by a vote of 38 in favor, 0 opposed, 0 abstentions.

Queens

On November 1, 2007, Community Board 2 voted unanimously to approve the application with the following conditions:

- The front yard planting requirement be 50% for all R1-R5 Districts
- Require curb cuts remain at 15 feet and not increased to 18 feet
- Remove the proposed floor area bonus for rear yard garages

On November 15, 2007, Community Board 3 voted to approve the application by a vote of 26 in favor, 3 opposed and 1 abstention with the following comments:

- Create a rear yard planting requirement
- All detached zones should have a provision relative to front yard parking
- The text related to lots with multiple rear lot lines should be re-evaluated as it is complicated and confusing
- Language should be created to prevent homeowners from abusing their rear and side yards

for their parking needs

On November 13, 2007, Community Board 4 unanimously voted to approve the application.

On November 14, 2007, Community Board 5 voted to approve the application by a vote of 32 in favor, 4 opposed and 0 abstentions with the following recommendations:

- Reduce the proposed front yard fence/wall height from 4 feet to 42 inches
- Apply the fence/wall height uniformly to corner lots
- Require a planting percentage of 50% for the entire lot

On October 22, 2007, Community Board 7 voted to approve the application by a vote of 22 in favor, 11 opposed with the following conditions:

- Community Facilities should not be exempt from the front yard planting requirements
- Increase the planting percentages for front yard planting
- Corner lots should also provide a 30 foot rear yard
- Create language for rear yard planting requirements
- All detached zones should have a provision relative to front yard parking
- The text related to lots with multiple rear lot lines should be re-evaluated as it is complicated and confusing
- Language should be created to prevent homeowners from abusing their rear and side yards for their parking needs

On November 19, 2007, Community Board 8 voted to approve the application vote of 31 in favor, 0 opposed, and 0 abstaining with the following recommendations:

- Require 50% of the front yard to be planted
- Corner lot fences should have a 4 foot height limit and made of transparent material
- Corner lot shrubbery should be limited to 4 feet in height

On October 9, 2007, Community Board 9 voted to approve the application by a vote of 26 in favor and 6 opposed with the recommendation that the front yard planting percentage be increased.

In a letter dated November 20, 2007, Community Board 11 stated that they support the application with the recommendation that the front yard planting percentage for lots greater than 60 feet in width should be greater.

On December 17, 2007, Community Board 13 voted to approve the application by a vote of 37 in favor, 0 opposed and 0 abstaining with the following conditions:

- Reduce the front yard fence to 3'6" and that at least 50% be open
- Increase the percentage of front yard planting to 50% for lots with 40 feet of street frontage

On October 9, 2007, Community Board 14 voted to approve the application by a vote of 27 in favor, 3 opposed and 1 abstention.

Staten Island

On December 18, 2007, Community Board 3 voted to approve the application by a vote of 25 in favor, 0 opposed and 0 abstaining.

Borough President Review

The Bronx Borough President issued a letter supporting the application on December 11, 2007.

The Brooklyn Borough President issued a letter supporting the application on November 16, 2007.

The borough president suggested that modifications be made to the transition rule which would allow high density development adjacent to low density homes to not require a side yard when the home in the low density district is built to its side lot line. The borough president suggested that lots with 30 feet or less of street frontage also be exempt from the side yard requirements. The

borough president also suggested that planting requirements apply to portions of front setback areas of buildings in high density districts.

The Manhattan Borough President issued a letter supporting the application on November 26, 2007. The borough president questioned the necessity of BSA Special Permit 73-69 to allow a modification in rear yards stating that property owners can utilize the existing variance process. He also stated that if a special permit is required it should be a City Planning Commission Special Permit.

The Staten Island Borough President issued a letter approving the application on December 18, 2007. The borough president requested modifications to the text to clarify numerous provisions of the proposal.

Borough Board Review

The Staten Island Borough Board issued a recommendation approving the application on December 17, 2007.

City Planning Commission Public Hearing

On December 5, 2007 (Calendar No. 16), the City Planning Commission scheduled December 19, 2007, for a public hearing on this application (N 080078 ZRY). The hearing was duly held on December 19, 2007 (Calendar No. 36). There were ten speakers in favor of the application and one speaker in opposition.

The Director of Land Use for the Staten Island Borough President reiterated the borough president's support and asked that language in the proposed text be clarified to avoid potential interpretation issues. He also indicated that Staten Island's three City Council members supported the application.

Two representatives of the Brooklyn based Madison Marine Homecrest Civic Association expressed

support for the application. The representatives stated that neighborhood character needs to be defined in the zoning resolution to help the board make decisions on special permit applications.

A representative of the Queens Civic Congress expressed support for the application. He suggested that rear yard garages be required to locate at least five feet from property lines and that parking should not be permitted in the front yards of existing homes in R1 and R2 districts.

Three representatives of Storm Water Infrastructure Matters (S.W.I.M.), a community organization, expressed support for the application. They suggested that the text include rear and side yards planting requirements, grading of impervious surfaces towards pervious surfaces to absorb stormwater, that parking spaces be paved with pervious materials, including a plant list for the front yard planting text, and that pervious paving materials be allowed in lieu of planting.

The Deputy Director of Land Use from the Manhattan Borough President's office expressed the borough president's support of the application and questioned the need for the new BSA Special Permit to modify rear yards, stating that property owners can utilize the existing variance process. He also stated that if such a special permit is required, the City Planning Commission should approve it.

A resident of Manhattan voiced his support for the application and asked that the proposed rear yard requirements at every rear lot line be imposed retroactively.

A representative from the Gaia Institute expressed his support of the application and suggested that homeowners be financially reimbursed for the pervious yards they provide which absorb storm water and lessen the burden on the environment.

A property owner expressed his opposition to the application stating that the rear yard amendments would be burdensome and negatively impact property values by not allowing

properties to reach their permitted floor area.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 07-075. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application for the zoning text amendment (N 080078 ZRY), as modified, is appropriate.

The Commission believes the proposed text amendment will promote better site planning and ensure that all developments are adequately served by sufficient yards and open space. The Commission also believes the proposed requirements would greatly improve the appearance of local streetscapes, increase the amount of pervious surfaces on lots and improve the safety of front yards.

The Commission believes that extending certain LDGMA regulations citywide to all R1 through R5 districts will increase open space and provide useable yard space for all homeowners within these districts.

The Commission has carefully considered the recommendations and comments of the made

during the application's public review. The Commission is therefore making the following modifications to the text that was referred on September 17, 2007.

- Clarify that for the purposes of determining the minimum percentage of the area in front of the residence to be planted, the area includes the area between all the street walls of the building and the street line, not just the street wall closest to the street line. (Section 23-451)
- Clarify that for corner lots, where front yard areas bounding different streets overlap, plantings in the overlap area count towards meeting the planting requirement of only one street frontage.(Section 23-451)
- Clarify that fence and wall height is measured from the adjoining grade and that on corner lots, a six foot high fence is only permitted in the area where a front yard overlaps with a side yard. (Section 23-44)
- Clarify which street is used to determine the rear yard depth for portions of irregular through lots with multiple rear lot lines. (Sections 23-543, 24-393, 33-303, 43-313)
- Add language to the text stating that existing driveways that exceed a slope of 11% can be used to access parking spaces required for future dwelling units. (Section 25-634)
- Add language to allow a detached garage in a rear yard to be located partly outside the side lot ribbon. This would allow a two car detached garage. (Section 23-141)
- Add language to allow two parking spaces in a rear yard garage in Lower Density Growth Management Areas. Current text only allows for one parking space. (Section 23-12)

Recommendations were made to lower the proposed height of fences and wall in front yards, and to include transparency requirements. The Commission notes that these recommendations are beyond scope and furthermore does not feel design regulations for fences and walls are appropriate.

In response to the Manhattan Borough President's comments on whether the proposed BSA

special permit to modify or waive additional rear yards on irregular lots should be a CPC special permit, the Commission believes the BSA is the appropriate agency to grant such waivers, and notes that there are other BSA special permits for rear yard modifications.

The Commission therefore believes that the proposed text amendment, as modified, would facilitate the development of buildings with adequate and appropriate yards and open space, as well as enhancing the local streetscape by providing front yard planting requirements.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article II

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-00

APPLICABILITY AND GENERAL PURPOSES

* * *

23-012

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply to all #residential developments# or #enlargements#. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-44 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area and Private road)

Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts)

Section 23-32 (Minimum Lot Area or Lot Width for Residences)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section 23-461 (Side yards for single- or two-family residences)

Section 23-462 (Side yards for all other residential buildings)

Section 23-533 (Required rear yard equivalents)

~~Section 23-541 (Within one hundred feet of corners)~~

~~Section 23-542 (Along short dimension of block)~~

Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts)

Section 23-711 (Standard minimum distance between buildings)

Section ~~23-88~~ 23-881 (Minimum Distance Between Lot Lines and Building Walls in Lower Density Growth Management Areas)

* * *

23-12

Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following shall not be considered obstructions when located in any #open space# required on a #zoning lot#, except that no portion of such #open space# which is also a required #yard# or #rear yard equivalent#, or is needed to satisfy the minimum required area or dimensions of a #court#, may contain any obstructions not permitted in such #yard#, #rear yard equivalent# or #court#:

* * *

- (e) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit# when #accessory# to a #single-family#, #two-family# or three-#family residence#, 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#. However, two such spaces for a #single family residence# may be permitted in #lower density growth management areas#;

* * *

23-141

Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts

* * *

- (3) In ~~R3-2, R3, R4 and R5 Districts, except R4A, R4B, R4-1, R5A, R5B and R5D Districts,~~ the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989, may be increased by ~~400~~ 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located wholly or partly in the #side lot ribbon# pursuant to paragraph (e) of Sections 23-12 (Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

- (4) In R3, R4A and R4-1 Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located wholly or partly in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442.

* * *

- ~~(6) In R5A Districts, the permitted #floor area# of a #single # or #two family detached residence# may be increased by up to 300 square feet for one parking space provided such space is in a garage located in the #side lot ribbon#, pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442.~~

* * *

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

* * *

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#.

* * *

Parking spaces, off-street, open, within a #front yard# that are #accessory# to a #residential building# where:

- (1) in R2X, R3, R4 and R5 Districts, no more than two parking spaces are required, provided such spaces are located in a permitted #side lot ribbon#;
- (2) in R3, R4 and R5 Districts, more than two parking spaces are required, provided

such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts) and the screening requirements of Section 25-66.

However, no such parking spaces shall be permitted in any #front yard# within a R1, R2, other than R2X, R4B, R5B or R5D District, and no such required spaces shall be permitted in any #front yard# within any R1, R2, R3, R4A or R4-1 District within a #lower density growth management area#.

* * *

Ramps for access by the handicapped;

Steps, provided that such steps access only the lowest #story# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement# and ramps for access by the handicapped;

* * *

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#.

* * *

23-451

Planting Requirement

R1 R2 R3 R4 R5

In the districts indicated, a minimum percentage of the area of the #front yard# shall be planted which shall vary by #street# frontage of the #zoning lot# as set forth in the following table. For the purposes of this Section, the #front yard# shall include the entire area between all #street walls# of the #building# and their prolongations and the #street line#. Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material. For #through lots# or #corner lots#, the planting requirement of this Section shall be applied separately to each #street# frontage. For #corner lots#, planted areas of overlapping portions of #front yards# shall only be counted towards the planting requirement of one #front

yard#. For #zoning lots# with multiple #building segments#, the planting requirement of this Section shall be applied separately to the entire area between the #street wall# of each #building segment# and the #street line#.

<u>#Street# frontage of #zoning lot#, or #street wall# width of #building segment#, as applicable</u>	<u>Minimum percentage of #front yard# to be planted</u>
<u>Less than 20 feet</u>	<u>20</u>
<u>20 to 34 feet</u>	<u>25</u>
<u>35 to 59 feet</u>	<u>30</u>
<u>60 feet or greater</u>	<u>50</u>

* * *

23-46

Minimum Required Side Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #side yards# shall be provided on any #zoning lot# as specified in this Section, except as otherwise provided in the following Sections:

Section 23-48 (Special Provisions for Existing Narrow Zoning Lots)

Section 23-49 (Special Provisions for Party or Side Lot Line Walls)

Section 23-50 (EXCEPTIONS FOR SUBDIVISION OF ZONING LOTS AFTER DEVELOPMENT)

Section 23-51 (Special Provisions Applying ~~along District Boundaries~~ Adjacent to Low Density Districts)

23-461

Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, for #single-family detached residences# or, where permitted, for #two-family detached residences#, #side yards# shall be provided as set forth in the table in this paragraph, except that on #corner lots# in #~~lower density growth management areas~~#, and on #corner lots# in R2A R1, R2, R3, R4 and R5 Districts, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARDS

Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 R2A R3-1 R3-2 R4-R10
2	10 ₂ *	2*	R2X R3X R4A R5A
1	8 ₂ *	0*	R3A R4-1 R4B R5B R5D

* An open area with a minimum width of eight feet, parallel to the #side lot line#, is required along a common #side lot line# between a new #development#, #enlargement# or alteration and a #residential building# on an adjacent #zoning lot#, except that the total width of #side yards# on a #zoning lot# need not exceed 13 feet, with ~~both~~ one #side yards# at least five feet wide.

However, where an adjacent #zoning lot# has an existing #detached residence# with #side yards# totaling at least 13 feet in width with one #side yard# at least five feet wide, or an existing #semi-detached residence# with a #side yard# at least eight feet wide, the open area between a new #development#, #enlargement# or alteration and such #residential building# on an adjacent #zoning lot# shall have a minimum width of ten feet ~~except that the total width of #side yards# on a #zoning lot# need not exceed 13 feet,~~ with both #side yards# at least five feet wide.

Only chimneys, eaves, gutters, downspouts, ~~open #accessory# off-street parking spaces,~~ steps, and ramps for access by the handicapped shall be permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area

by more than three feet. Open #accessory# off-street parking spaces shall be permitted in such open area.

R3-1 R3-2 R4 R4-1 R4B R5

- (b) In the districts indicated, for #single-# or #two-family semi-detached residences#, a #side yard# shall be provided as set forth in the table in this paragraph, except that on #corner lots# ~~in #lower density growth management areas#~~, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARD

Feet	District
8	R3-1 R3-2 R4 R5
4*	R4-1 R4B R5B R5D

- * An open area with a minimum width of eight feet, parallel to the #side lot line#, is required along a common #side lot line# between a new #development#, #enlargement# or alteration and a #residential building# on an adjacent #zoning lot#.

However, where an adjacent #zoning lot# has an existing #detached residence# with #side yards# totaling at least 13 feet in width with one #side yard# at least five feet wide, or an existing #semi-detached residence# with a #side yard# at least eight feet wide, the open area between a new #development#, #enlargement# or alteration and such #residential building# on an adjacent #zoning lot# shall have a minimum width of ten feet.

Only chimneys, eaves, gutters, downspouts, ~~open #accessory# off-street parking spaces~~, steps, and ramps for access by the handicapped shall be permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area by more than three feet. Open #accessory# off-street parking spaces shall be permitted in such open area.

23-462

Side yards for all other residential buildings

* * *

R6 R7 R8 R9 R10

- (c) 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 measure at least eight feet wide for the entire length of the #side lot line#.

* * *

23-47

Minimum Required Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, ~~one~~ 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 a #corner lot# and except as otherwise provided in Sections 23-52 (Special Provisions for Shallow Interior Lots), 23-53 (Special Provisions for Through Lots), or 23-54 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 23-471 (Beyond one hundred feet of a street line).

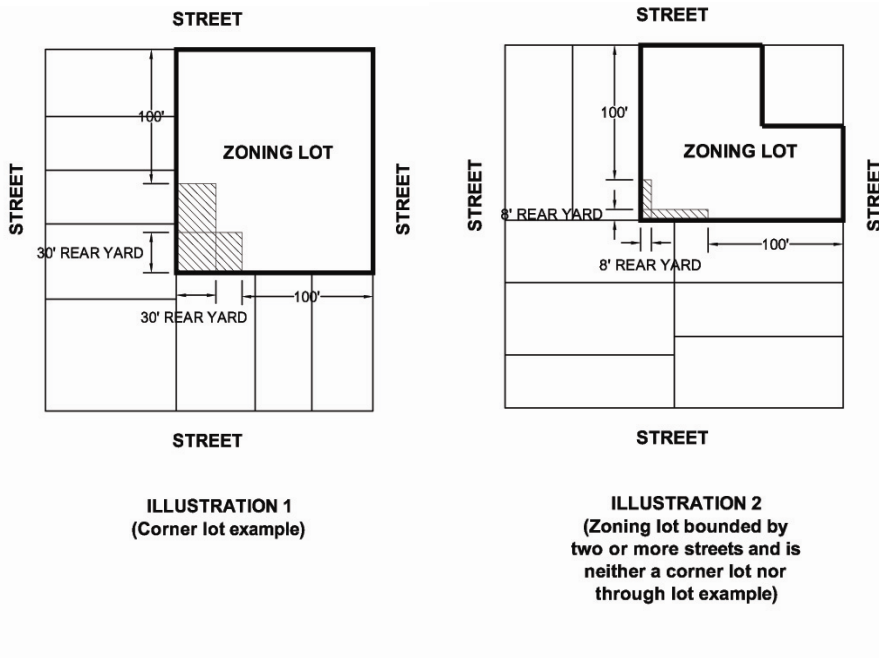
23-471

Beyond one hundred feet of a street line

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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#:

- (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# (see illustration 1);
- (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# (see illustration 2);
- (c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



* * *

23-51
Special Provisions Applying adjacent to R1 through R6B Districts along District Boundaries

R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to those portions of #developments# or #enlargements# on #zoning lots# located wholly or partially within an R6, R7, R8 R9 or R10 District that are adjacent to and within 25 feet of a #zoning lot# located wholly or partially within an R1, R2, R3, R4, R5 or R6B District.

Such portions of #development# or #enlargement# shall:

- (a) not exceed a height of 35 feet where such adjoining district is an R1, R2, R3, R4, or R5 District, and

(b) shall comply with the height and setback regulations of an R6B district where such adjoining district is an R6B District.

Furthermore, except where such adjacent lot is wholly or partially within an R6B District, a #side yard# at least eight feet wide shall be provided along the entire length of the common #side lot line#. Such #side yard# may be used for #accessory# parking.

~~if the boundary of an adjoining R1, R2, R3, R4 or R5 Districts 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. In addition, portions of #buildings developed# or #enlarged# in R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, or portions of #residential buildings developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts) when such portions are located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District.~~

* * *

23-53

Special Provisions for Through Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#, except as provided in Section 23-471 (Beyond 100 feet of a corner). In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

23-531

Excepted districts

R1 R2 R3

~~In the districts indicated, no #rear yard# regulations shall apply to any #through lots#, except as otherwise provided in Section 23-543 (For portions of through lots).~~

23-532

Excepted through lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In ~~the~~ 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#.

* * *

23-533

Required rear yard equivalents

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In ~~the~~ all districts, as indicated, ~~and in R1, R2 and R3 Districts within #lower density growth management areas#,~~ on any #through lot# that is 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, ~~linking adjoining #rear yards# or, if no such #rear yards# exist, 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; ~~or~~
- (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 that in R6, R7, R8, R9 or R10 Districts,~~ the depth of such required open area along one #street line# may be decreased, provided that:
- (1) a corresponding increase ~~of~~ in the depth of the open area along the other #street line# is made; and
- (2) any required #front yards# or 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#.

* * *

23-54

Other Special Provisions for Rear Yards

* * *

23-541

Within one hundred feet of corners

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In ~~all the districts, as indicated, except within #lower density growth management areas# and R2A, R5A and R5D Districts,~~ 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.

23-542

Along short dimension of block

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In ~~all the districts, as indicated, except within #lower density growth management areas# and R2A, R5A and R5D Districts,~~ whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

23-543

~~For portions of through lots~~

For zoning lots with multiple rear lot lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~In all districts, as indicated, along any #rear lot line# of a portion of a #through lot# which coincides with a #rear lot line# of an adjoining #zoning lot#, a #rear yard# shall be required as if such portion were an #interior lot#.~~

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# (see illustration 1);
- (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# (see illustration 3);

- (c) In R6 through R10 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 23-543 (see illustration 2).

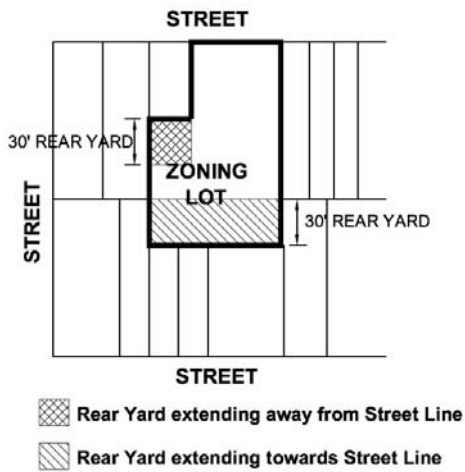


ILLUSTRATION 1

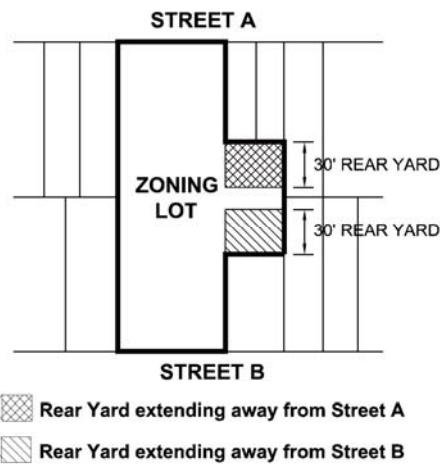


ILLUSTRATION 2

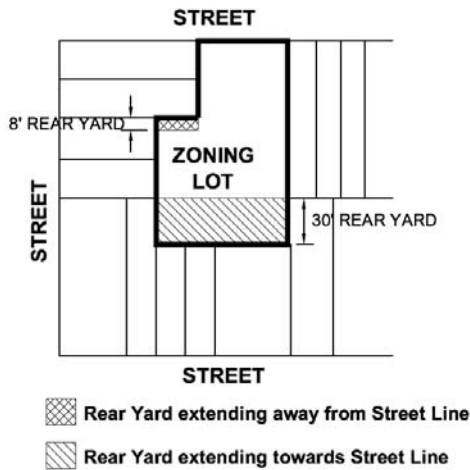


ILLUSTRATION 3

* * *

23-56

Modifications of Rear Yard Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 23-543 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

* * *

23-711

Standard minimum distance between buildings

* * *

- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located ~~wholly~~ beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #residential building# with no #residential

building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #residential building# shall be considered a ■front building,• and any #residential building# ~~located wholly~~ with at least 75 percent or more of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a ■front building• shall be considered a ■rear building•. The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#.

* * *

23-80

COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

* * *

23-88

Minimum Distance between Lot Lines and Building Walls

~~23-88~~ 23-881

Minimum distance between lot lines and building walls in lower density growth management areas

- (a) ~~On #corner lots# in #lower density growth management areas#, for #zoning lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.~~
- (b) In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this ~~paragraph (b),~~ Section shall apply to any #zoning lot# with two or more #buildings#, where at least 75 percent of the #floor area# of one #building# is located ~~wholly~~ beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this ~~paragraph~~ Section, any #residential building# with no #residential building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #residential building# shall be considered a ■front building,• and any #residential building# ~~located wholly~~ with at least 75 percent or more of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a ■front building• shall be considered a ■rear building•. An open area with a minimum width of 15 feet shall be provided between any such rear building and the #side lot line# of an adjoining #zoning lot#, and an open area with a minimum width of 30 feet shall be provided between any such rear building and the #rear lot line#

of an adjoining #zoning lot#. The permitted obstruction provisions of Section 23-44 for #side yards# shall apply where such open areas adjoin a #side lot line#, and the permitted obstruction provisions of Section 23-44 for #rear yards# shall apply where such open areas adjoin a #rear lot line#.

23-882

Minimum distance between lot lines and building walls in R1 through R5 Districts

R1 R2 R3 R4 R5

In the districts indicated, for #corner lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.

23-89

Open Area Requirements for Residences in ~~Lower Density Growth Management Areas in the Borough of Staten Island~~ R1 through R5 Districts

R1 R2 R3 R4 R5

In ~~#lower density growth management areas# in the Borough of Staten Island~~ the districts indicated, the provisions of this Section shall apply to all #zoning lots# in ~~#Residence Districts#~~ with two or more #residential buildings# or #building segments#. All such #residential buildings# or #building segments# shall provide open areas as set forth below:

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the ~~■~~rear wall shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#. Only those obstructions set forth in ~~paragraph (b)~~ of Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.
- (b) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall.

However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.

* * *

Article II
Chapter 4
Bulk Regulations for Community Facility Buildings in Residence Districts

* * *

24-36
Minimum Required Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, ~~one~~ 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 a #corner lot# and~~ 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 Sections 24-361 (Beyond one hundred feet of a street line)

24-361
Beyond one hundred feet of a street line

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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# or #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# (see illustration 1);
- (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# (see illustration 2);

- (c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

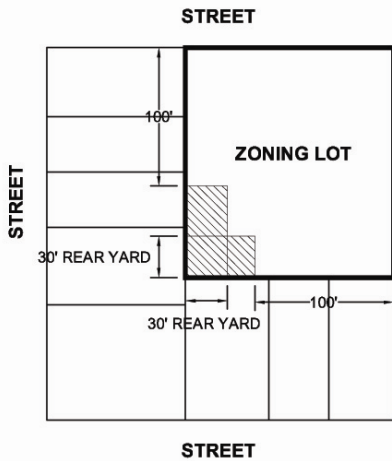


ILLUSTRATION 1
(Corner lot example)

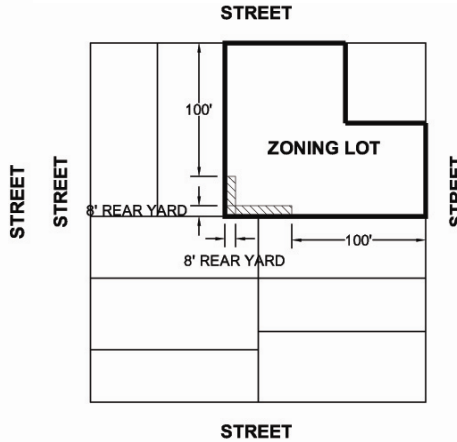


ILLUSTRATION 2
(Zoning lot bounded by two or more streets and is neither a corner lot nor through lot example)

* * *

**24-38
Special Provisions for Through Lots**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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.

* * *

**24-382
Required rear yard equivalents**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 ~~linking adjoining #rear yards# or, if no such #rear yards# exist, 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; ~~or~~
- (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 that in R6, R7, R8, R9 or R10 Districts,~~ the depth of such required open area along one #street line# may be decreased provided that:
 - (1) a corresponding increase ~~of~~ 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#.

* * *

24-391

Within one hundred feet of corners

~~R1 R2 R3 R4 R5~~ R6 R7 R8 R9 R10

In ~~all~~ the districts, as indicated, ~~except R5D Districts for #buildings# containing #residences#,~~ 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

~~R1 R2 R3 R4 R5~~ R6 R7 R8 R9 R10

In ~~all~~ the districts, as indicated, ~~except R5D Districts for #buildings# containing #residences#,~~ whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 220 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

24-393

For portions of through lots

For zoning lots with multiple rear lot lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~In all districts, as indicated, along any #rear lot line# of a portion of a #through lot# which coincides with a #rear lot line# of an adjoining #zoning lot#, a #rear yard# shall be required as if such portion were an #interior lot#.~~

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# (see illustration 1);
- (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# (see illustration 3);
- (c) In R6 through R10 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 24-393 (see illustration 2).

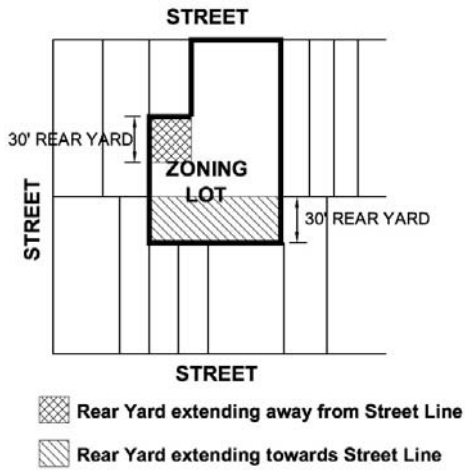


ILLUSTRATION 1

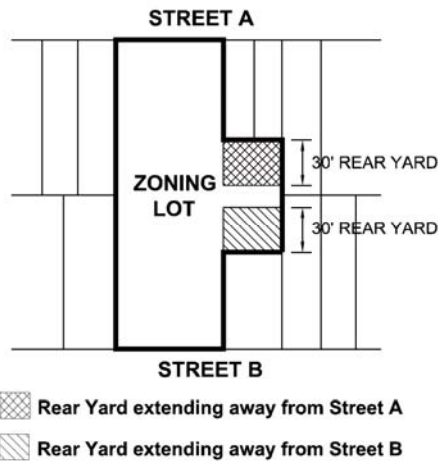


ILLUSTRATION 2

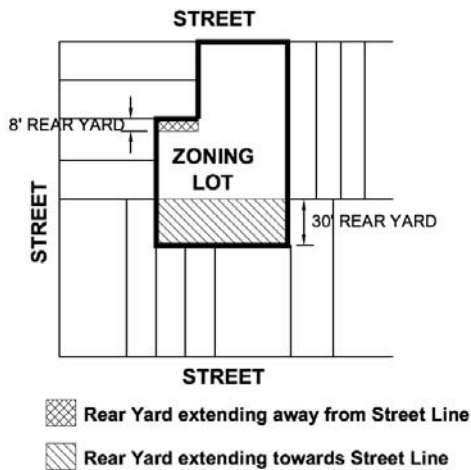


ILLUSTRATION 3

* * *

24-41

Modifications of Rear Yard Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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).

* * *

Article II
Chapter 5
Accessory Off-Street Parking and Loading Regulations

* * *

25-621
Location of parking spaces in certain districts

All #accessory# off-street parking spaces 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).

- (a) For #zoning lots# with #residential buildings# where no more than two #accessory# parking spaces are required:

* * *

R1 R2

- (4) In the districts indicated, required #accessory# off-street parking spaces shall be permitted only within a #building#, or in any open area on the #zoning lot# which is not between the #street line# and the #street wall# of the #building# or its prolongation.

* * *

25-631
Location and width of curb cuts in certain districts

All curb cuts shall comply with the provisions of this Section, except that in #lower density growth management areas#, the provisions of Section 25-632 shall apply.

* * *

- (b) For #zoning lots# with #residential buildings# where more than two #accessory# parking

spaces are required:

R2X R3 R4 R5

- (1) In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-633, curb cuts shall comply with the following provisions:
 - (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) new #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts on the same or adjoining #zoning lots developed# after June 30, 1989;
 - (iii) the maximum width of a curb cut serving a #group parking facility# shall be as set forth in the following table:

Size of Facility (in number of spaces)	Maximum Width of Curb Cuts (in feet)
up to 4	15
5 to 24	22
25 and over	30

- (iv) 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.

* * *

25-632

Driveway and curb cut regulations in lower density growth management areas

The provisions of this Section shall apply 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#.

* * *

~~(g) The maximum grade of a driveway shall not exceed 11 percent.~~

(h g) For multiple #buildings# on a single #zoning lot#, access to all parking spaces shall be provided entirely on the same #zoning lot#.

* * *

25-634

Maximum driveway grade

R1 R2 R3 R4 R5

In all districts, as indicated, the maximum grade of a driveway shall not exceed 11 percent in any #front yard#. Driveways existing on (date of enactment) which exceed a grade of 11 percent may be used to access parking spaces required for #residences# constructed after (date of enactment).

Article II

Chapter 6

Special Urban Design Guidelines - Streetscape

Special Requirements for Developments in R9 and R10 Districts, Developments with Private Roads and Street Tree Planting

26-32

Minimum Distance Between Walls and Lot Lines

* * *

(b) For the purposes of applying the provisions of Section 23-88 (Minimum Distance Between Lot Lines and Building Walls ~~in Lower Density Growth Management Areas~~), the required curb of the #private road# shall be considered to be a #street line#.

* * *

Article III

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-26

Minimum Required Rear Yards

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, ~~one a~~ a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# ~~except a #corner lot# and~~ except as otherwise provided in Sections 33-27 (Special Provisions for Shallow Interior Lots), 33-28 (Special Provisions for Through Lots) or 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 33-261 (Beyond one hundred feet of a street line).

33-261

Beyond one hundred feet of a street line

C1 C2 C3 C4 C5 C6 C7 C8

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# or #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 a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.

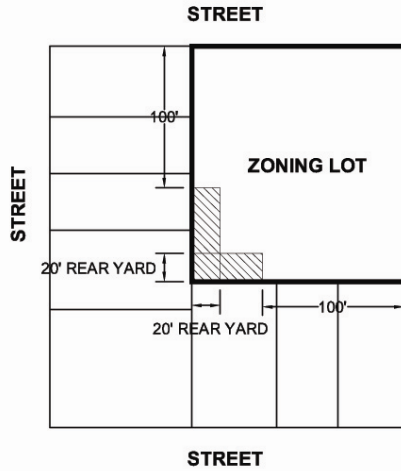


ILLUSTRATION 1
(Corner lot example)

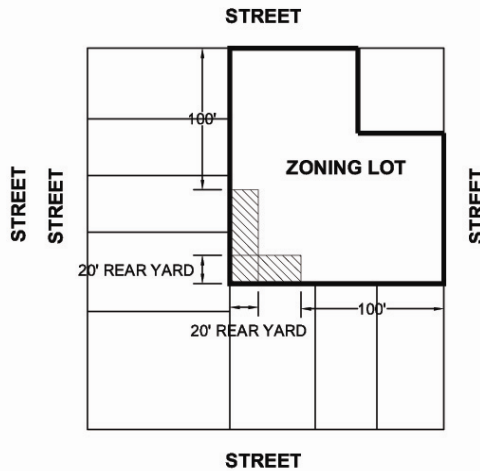


ILLUSTRATION 2
(Zoning lot bounded by two or more streets and is neither a corner lot nor through lot example)

* * *

33-28

Special Provisions for Through Lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#, ~~except that in~~ In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

33-281

Excepted districts

C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-4

In the districts indicated, no #rear yard# regulations shall apply to any #through lot#, except as otherwise provided in Section 33-303 (~~For portions of through lots~~ For zoning lots with multiple rear lot lines).

* * *

33-283

Required rear yard equivalents

C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3

In the districts 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 40 feet ~~linking adjoining #rear yards#, or if no such #rear yards# exist, then~~ midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts.

* * *

33-303

~~For portions of through lots~~

For zoning lots with multiple rear lot lines

C1 C2 C3 C4 C5 C6 C7 C8

~~In all districts, as indicated, along any #rear lot line# of a portion of a #through lot# which coincides with a #rear lot line# of an adjoining #zoning lot#, a #rear yard# shall be required as if such portion were an #interior lot#.~~

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:

- (a) a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot# (see illustration 1);
- (b) no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#;
- (c) 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 33-303 (see illustration 2).

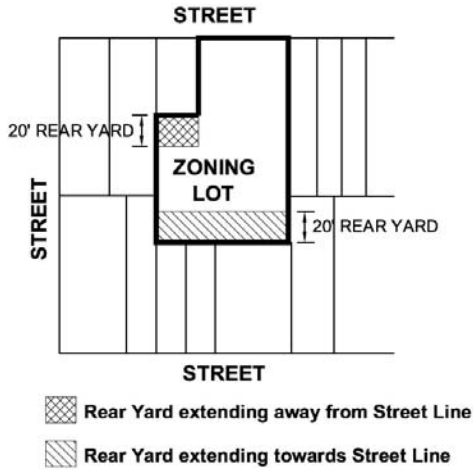


ILLUSTRATION 1

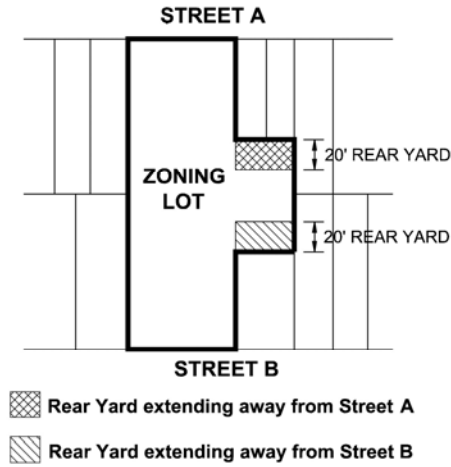


ILLUSTRATION 2

* * *

33-32

Modifications of Yard Regulations

C5-5 C6-8 C6-9

(a) In the districts indicated, ~~in specified situations, the Board of Standards and Appeals may modify~~ the regulations set forth in Sections 33-26 to 33-30, inclusive, relating to #rear yard# regulations, may be modified in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

C1 C2 C3 C4 C5 C6 C7 C8

(b) In all districts, the regulations set forth in Section 33-303 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

* * *

Article III

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-52

Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying ~~along District Boundaries~~ Adjacent to Low Density Districts), no #side yard# shall be required for any #mixed building# although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet.

However, in C3A Districts, #side yards# shall be provided for any #mixed building# in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

* * *

35-54

Special Provisions Applying adjacent to R1 through R6B Districts ~~along District Boundaries~~

~~C1 C2 C3 C4 C5 C6~~

~~In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet is required for a #mixed building# on a #zoning lot# in the #Commercial District#. In addition, if the #residential# portion of a #mixed building# is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, that portion of such #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B Districts shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).~~

35-541

Special yard provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, for #developments# or #enlargements# on #zoning lots# adjacent to #zoning lots# in R1, R2, R3, R4 or R5 Districts, a #side yard# at least eight feet wide shall be

provided along the entire length of the common #side lot line#. Such #side yard# may be used for #accessory# parking.

35-542

Special height and setback regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, where the #residential# portion of a mixed #building# is #developed# pursuant to R6, R7, R8 R9 or R10 #bulk# regulations, the provisions of this Section shall apply to those portions of such mixed #buildings# located within such districts that are adjacent to and within 25 feet of a #zoning lot# located within R1, R2, R3, R4, R5 or R6B Districts.

Such portions of #development# or #enlargement# shall:

(a) not exceed a height of 35 feet where such adjoining district is an R1, R2, R3, R4, or R5 District, and

(b) shall comply with the height and setback regulations of an R6B district where such adjoining district is an R6B District.

* * *

**Article IV
Chapter 3
Bulk Regulations**

* * *

43-26

Minimum Required Rear Yards

M1 M2 M3

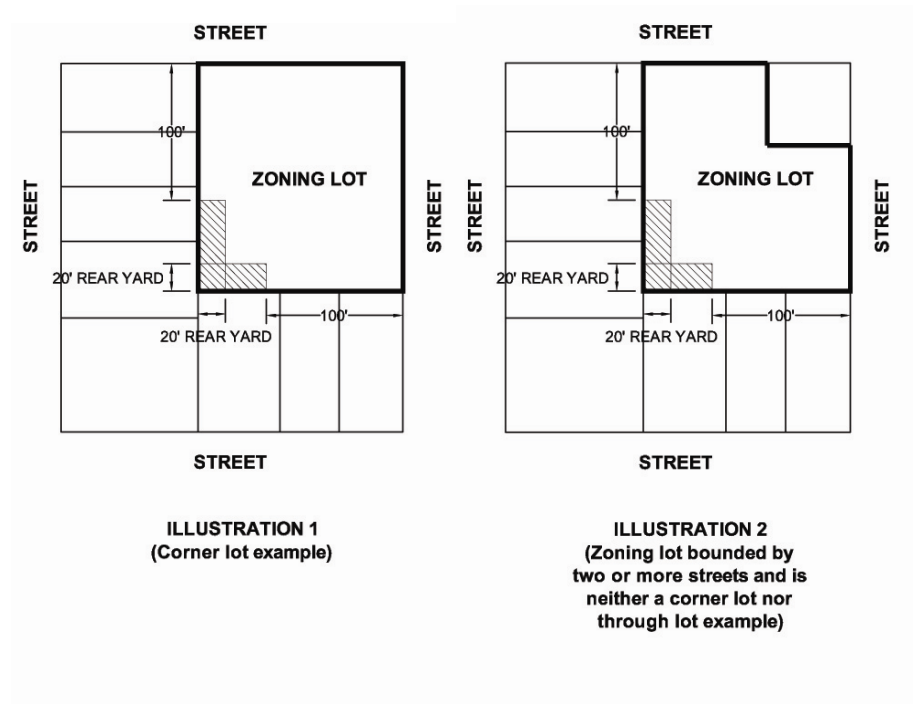
In all districts, as indicated, ~~one~~ a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# ~~except a #corner lot# and~~ except as otherwise provided in Sections 43-27 (Special Provisions for Shallow Interior Lots), 43-28 (Special Provisions for Through Lots) or 43-31 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 43-261 (Beyond one hundred feet of a street line).

43-261

Beyond one hundred feet of a street line

M1 M2 M3

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# or #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 a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



* * *

43-28

Special Provisions for Through Lots

M1 M2 M3

In all districts, as indicated, no #rear yard# regulations shall apply to a #building# on any #through lot# which extends less than 110 feet in maximum #lot depth# from #street# to #street#. However, 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, except that in the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required:

- (a) an open area with a minimum #lot depth# of 40 feet, ~~linking adjoining #rear yards#, or if no such #rear yards# exist, then an open area with a minimum depth of 40 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 the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; or
- (c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

* * *

43-313

~~For portions of through lots~~

For zoning lots with multiple rear lot lines

M1 M2 M3

~~In all districts, as indicated, along any #rear lot line# of a portion of a #through lot# which coincides with a #rear lot line# of an adjoining #zoning lot#, a #rear yard# shall be required as if such portion were an #interior lot#.~~

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:

- (a) a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot# (see illustration 1);
- (b) no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#;
- (c) 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 43-

313 (see illustration 2).

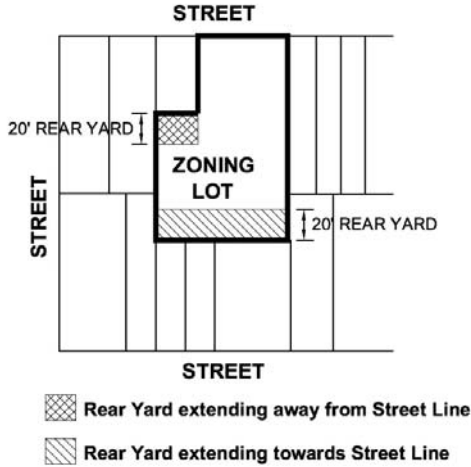


ILLUSTRATION 1

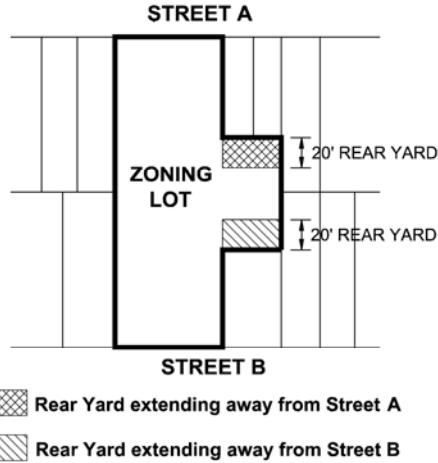


ILLUSTRATION 2

* * *

43-33

Modifications of Rear Yard Regulations

M1 M2 M3

In all districts, as indicated, in the regulations set forth in Section 43-313 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

* * *

Article VII

Chapter 3

Special Permits by the Board of Standards and Appeals

* * *

73-60

MODIFICATIONS OF BULK REGULATIONS

* * *

73-69

Rear Yard Modifications

The Board of Standards and Appeals may permit modifications to the #rear yards# required pursuant to Sections 23-543, 24-393, 33-303 or 43-313 (For zoning lots with multiple rear lot lines) for #zoning lots# existing on (the applicable date of the amendment) provided the following findings are made:

- (a) due to the irregular shape of the #zoning lot#, compliance with the #rear yard# regulations would create site planning constraints and adversely effect the layout and development of the site; and
- (b) the requested reduction in #rear yard# depth is the least amount necessary to grant relief.

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

* * *

**Article XI
Chapter 5
Special Downtown Jamaica District**

* * *

**115-225
Transition area**

~~R6 R7 R8 R9 R10~~

~~In the districts indicated, and in #Commercial Districts# where such #Residence District bulk# regulations are applicable, that portion of a #development# or #enlargement# located within 25 feet of an adjacent #zoning lot# in an R1, R2, R3, R4 or R5 District shall not exceed a maximum building height of 35 feet. In addition, an open area not higher than #curb level# shall be provided within eight feet of such adjacent #zoning lot#. Such open area may be used for #accessory# parking.~~

* * *

The above resolution (N 080078 ZRY), duly adopted by the City Planning Commission on March 24, 2008 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA DEL TORO, RICHARD W. EADDY,
NATHAN LEVANTHAL, JOHN MEROLO, Commissioners**

SHIRLEY A. McRAE, Commissioner, ABSTAINED