



CITY PLANNING COMMISSION

July 28, 2004/Calendar No. 49

N 040414 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 to the Zoning Resolution** of the City of New York to establish a lower density growth management area.

This application to amend the text of the Zoning Resolution was filed by the Department of City Planning on May 20, 2004. The proposal would affect developments and enlargements on Staten Island in most lower density residential districts, as well as for any private road developments in lower density residential districts. It is intended to address issues of inappropriate development through changes in parking, yard and open space, and other regulations affecting residential development.

BACKGROUND

Overdevelopment and inappropriate development have increasingly become one of the more significant planning issues facing Staten Island. During the period from 1990 to 2000, Staten Island was the fastest growing county in New York State. During this period, the population of the borough increased by approximately 65,000 people and the number of housing units increased by approximately 24,000 -- an increase of approximately 17 percent. This significant population and housing growth exacerbated concerns about development on Staten Island and the effects it was having on established neighborhood character, parking availability, traffic congestion, and the overall quality of life.

In response, on July 25, 2003, the Mayor announced the formation of the Staten Island Growth Management Task Force. The Task Force consists of elected officials, City agency

commissioners, and representatives of Staten Island civic and community organizations, as well as professional organizations. The Task Force was charged with examining the issues of overbuilding and development on Staten Island, and identifying short-term solutions, potential legislative changes, and strategic long-term planning that will protect and enhance the Island's quality of life.

Since 1961, there have been several significant changes to the zoning on Staten Island to address specific development issues. These included the establishment of three special districts. In 1989, comprehensive amendments to the R3, R4, and R5 zoning districts, which were mapped over much of Staten Island, were adopted. These changes included establishing building and perimeter wall heights, and regulating such items as the location of on-site parking, the floor area in a residential development, and the location and distance between curb cuts. In addition, the 1989 amendments created new lower density contextual zones to better match future development to existing neighborhood context. In 2002, amendments were also adopted to establish improved standards for private road development.

Since 1989, a number of neighborhoods in Staten Island have been rezoned with the lower density contextual zoning districts, which depending on the zoning district, prohibit attached and multi-family housing, and semi-detached housing. The most significant of these rezonings were the six downzoning applications prepared by the Borough President and adopted in 2003. These applications, covering over 1400 blocks helped preserve neighborhood character by having new residential development better match the type, scale and density of existing housing in these

areas.

Despite these changes, the Task Force found that significant issues remained, and that the very qualities that make Staten Island's neighborhoods so attractive were being diminished by inappropriate and haphazard development. The Task Force found that Staten Island is unique – due to the lack of a standard street grid, the high rate of car ownership, and its rapidly growing population. In addition, the lack of standard lot sizes and unusually large lot sizes have resulted in many developments that undermine the neighborhood character due to inappropriate housing placement and densities with inadequate yards and open space, and inadequate on-site parking. The Task Force concluded that because of the special set of conditions on Staten Island, comprehensive amendments to the underlying lower density regulations were warranted to help ensure that new development would be more appropriate and in keeping with the special qualities of Staten Island neighborhoods.

The Task Force recommended a number of changes that would result in less dense development, more required on-site parking, the demolition of fewer existing homes, and new developments – including those developed under private road regulations – that would be more compatible with the existing neighborhoods.

This zoning proposal, which is based on the recommendations of the Task Force, would fundamentally affect development in most lower density residential districts on Staten in the following ways:

(1) Through the definition and designation of the “Lower Density Growth Management Area”, special rules would apply for development and enlargement on Staten Island in R1, R2, R3, R4-A and R4-1 districts, as well as for any private road development in R1 through R5 districts.

(2) To respond to the increased car ownership on Staten Island and the limited mass transit access, on-site parking requirements would be increased, ensuring more on-street parking for visitors and guests. Related changes would also address parking location and other requirements.

(3) In conjunction with the increased parking requirements, garages would be encouraged, but locational restrictions would be imposed. In order to accommodate at-grade garages, certain bulk modifications and maximum perimeter wall heights would be modified. In addition, more steeply pitched roofs would be encouraged.

(4) New lot size, yard and open space rules would ensure adequate open areas and yards for all residential developments, and would limit the number and density of multiple buildings on single zoning lots while reducing the potential for demolition of existing buildings.

(5) New requirements would apply for developments accessed by private roads to help ensure more appropriate development at lower densities than is typically provided under current regulations. These include treating private roads as streets for purposes of certain zoning regulations, including yards, parking location, and curb cuts, and requiring private roads to meet

Department of Transportation standards for street lighting, street signage and crosswalks to enhance safety. Landscaping, screening, and other requirements would also be imposed.

A. PROPOSED ACTION

The proposed action consists of zoning text amendments to various sections of the Zoning Resolution. These amendments embody into zoning the recommendations of the Staten Island Growth Management Task Force, and are intended to protect neighborhood character, improve site design, and the overall quality of life. The proposed text amendments are:

Lower Density Growth Management Areas

A Lower Density Growth Management Area would be defined in the Zoning Resolution as an area within which special rules would apply for developments and enlargements in any R1, R2, R3, R4-1 or R4A district, and any development accessed by private roads in R1 through R5. This text amendment would designate the Borough of Staten Island as the first Lower Density Growth Management Area. (Z.R. 12-10). The Department has also proposed to designate Community District 10 (Throgs Neck and City Island) in the Bronx as part of a separate application (040480ZRX) that is currently going through the public review process.

Parking and Related Design Requirements

Current on-site parking rules require one space per dwelling unit in lower density districts.

Because of the limited mass transit service and the suburban nature of development on Staten Island, household vehicle ownership is particularly high. Vehicle ownership on Staten Island is among the highest in New York City with 1.38 vehicles per household, more than double the city-wide rate of 0.62 vehicles per household. In the more recently developed areas of Community Districts 2 and 3, the vehicles per household figure is 1.44 and 1.65 respectively, and certain census tracts are even higher. Because only one parking space is required for each housing unit, insufficient parking is often provided, resulting in a loss of on-street parking. The text amendment would increase the on-site parking requirement for residential developments. A single family residence would require two spaces. A two-family residence would require three spaces, and for all other residences parking would have to be provided for 150% of the dwelling units. (Z.R. 25-22 b). In order to ensure adequate usable rear yards, on zoning lots developed with multiple buildings, parking and driveways would not be permitted to be closer than 30 feet to the rear wall of a building. (Z.R.25-64 b 2).

Required parking spaces would be prohibited in front yards. (ZR 25-622). The text amendment would mandate that required accessory parking be located in garages or driveways along the side of a house. Because homeowners and guests would not be prohibited from parking within driveways or in front of a garage, for example, developments could accommodate substantially more parking than would be required. Required accessory parking in front yards would still be allowed in Special Natural Area and Special Hillside Preservation Districts to help preserve natural features and hillsides in side yards. (Z.R. 23-44). Required parking would not be permitted in front yards in the Special South Richmond Development District, except by

certification by the Chair of the City Planning Commission. This would encourage preservation of natural features under certain circumstances (Z.R.107-33).

Presently, the minimum lot width for a two-family detached residence is 25 feet in R3A districts and 18 feet for semi-detached residences in R3-2, R3-1, and R4-1 districts. Lots of this size could not accommodate the increased parking and locational requirements. Therefore, the text amendment would require a 33-foot minimum lot width for two-family detached and semi-detached homes to accommodate the increased on-site parking requirement. On zoning lots less than 33-feet wide, a driveway outside of the side lot ribbon would be permitted to allow for a one-family detached house to have two required spaces in a tandem garage. (Z.R. 23-32).

Presently, garages located above the cellar within detached and semi-detached buildings are included in floor area calculations. This has discouraged garage construction, leading to insufficient on-site parking. Alternatively, garages are often placed in the cellar (where they don't count as floor area), resulting in steeply sloped driveways. As a result, these garages are often unusable, and dangerous and unsightly conditions may result. The text amendment would encourage the construction of at-grade garages by exempting them from floor area calculations. Under the proposed text, up to 300 square feet for one required parking space in a garage, and up to a maximum of 500 square feet for two required spaces would be exempted from zoning floor area calculations. To eliminate steeply pitched driveways, a maximum grade would be established at 11%, allowing safe access and use of garages and driveways. (Z.R. 25-632 i). In

addition, the text amendment would increase the perimeter wall height from 21 feet to 26 feet in R3 districts, and from 25 to 26 feet in R4A and R4-1 districts. This change would further encourage garages by allowing the building to accommodate a garage at grade with two floors above, while maintaining the existing overall height limit of 35 feet. (Z.R. 23-631).

Under the current zoning, a detached garage can generate a 100 square-foot floor area bonus. This is not viewed as a sufficient incentive to encourage detached garages. Consistent with providing more opportunity for on-site parking, the proposal would allow detached garages in rear yards to generate a floor area bonus equal to the proposed floor area exemption for garages provided within residential buildings. Up to 300 square feet for one space and up to 500 square feet for two spaces would be allowed. (Z.R. 12-10).

The existing “attic rule” would be amended to encourage builders to provide homes with more traditional steep-pitched roofs, and to allow attic rooms with high ceilings. These changes would provide homeowners with more usable interior space. The current 20 percent increase in floor area for attics is currently achievable by providing a shallow-pitched roof with a rise of at least three-and-one-half inches to the foot, and the increased floor space must have ceiling heights of less than eight feet. Under the text amendment, the “attic rule” could be used only by providing a sloping roof with a rise of at least seven inches to the foot, and there would be no limitation in ceiling height. The text would encourage more steeply pitched roofs that are reflective of the traditional roof line design found on many older Staten Island dwellings, while maintaining the

current height limit of 35 feet. (Z.R. 23-141). Also, the text, as proposed, would require a two-family detached building in an R3-2 district to be designed so that one unit is located above or below the other, rather than side by side. (Z.R. 22-43).

To ensure front yards have sufficient space to accommodate both parking and landscaping, driveways would be limited to a maximum width of ten feet on zoning lots of less than 33 feet in width and 20 feet for zoning lots 33 feet and wider. All driveways would have to be spaced at least 13 feet apart. Zoning lots less than 33 feet in width could only have one curb cut, but wider zoning lots could have multiple curb cuts. The existing rule that requires all curb cuts to be spaced at least 16 feet apart would be maintained. Curb cuts would be required to have a minimum width of 17 feet and a maximum width of 18 feet where they serve a driveway with two spaces side by side. The centerline of each curb cut would be required to be coincident with the center line of the driveway that it serves to ensure safe and easy access to all parking spaces. No more than two unenclosed required parking spaces could be arranged in tandem (one behind the other).

Yards and Open Space

One of the most significant issues identified by the Task Force was inappropriate development of multiple buildings on a single zoning lot without adequate open space or yards, or single building developments with inadequate yards. This inappropriate development has occurred on large lots where new houses have been developed behind existing houses, in private road developments, and

on corner lots. Because Staten Island lacks the regular street grid that characterizes other parts of the city, many of the lots on Staten Island are deeper than the typical 100-foot deep lots found in these other areas. As a result, the existing zoning regulations fail to ensure adequate yards and open space on the large and irregular lots that are often found on Staten Island. The new zoning requirements would substantially increase the open space and yard requirements around buildings on the same zoning lot (resulting in less density), and they would provide for adequate distances from buildings on adjoining lots.

Currently, only a 20-foot separation is required between houses built one behind the other on the same zoning lot, resulting in inadequate yards and open space on the zoning lot. The text amendment would require a 45 foot separation between these buildings. (Z.R. 23-711 f). Also, under the current zoning regulations, side yard widths can be as little as five feet in an R3-2 District or zero feet in an R3A District (referred to as “lot line” buildings). The text amendment would ensure adequate side yard widths by requiring the following minimum distances for rear buildings that are at least 50 feet from the street (Z.R. 23-88): 15 feet from an adjoining side yard lot line; and 30 feet from an adjoining rear yard lot line.

Under the present text, vehicular access to buildings not fronting a public street can be shared with other zoning lots. The text amendment would require access to buildings not fronting on a street to be located on the same zoning lot. (Z.R. 25-632 j).

Currently, regulations for rear yard equivalents on through-lots apply to R4 -R10 Districts. The proposed text would extend the regulations to all Lower Density Growth Management Areas. On through-lots more than 110 feet deep, rear yard equivalents would be required to have a minimum depth of at least 60 feet deep in the center of the lot. (Z.R. 23-533).

In all Lower Density Growth Management Areas driveways, private roads and parking spaces could occupy no more than 50% of the lot area not covered by residential buildings in R1, R2, and R3 districts and not more than 66% in R4 or R5 districts. (Z.R. 25.64).

Currently, the Special South Richmond Development District allows a 20 foot rear yard under certain circumstances. The proposed text would eliminate this option and require a 30 foot rear yard. (Z.R. 107-465).

Under the current text, street tree planting requirements exist only in the special districts. To help maintain the greenscape of Staten Island the text amendment would require tree plantings every 25 feet along street frontage of new construction. (Z.R. 26-40).

Corner Lots

Corner lots warrant attention because of their design challenges, visibility, and positioning at the convergence of two streets. Under current rules, rear yards are not required for a lot or any portion

of a lot located within 100 feet of the corner. As a result, inadequate yards are allowed, and often provided, resulting in buildings that lack traditional back yards and usable open space.

The text amendment would require corner lots to provide at least one side yard with a minimum width of 20 feet, thereby providing a usable yard. (Z.R. 23-461/462). The text amendment would also require lots within 100 feet of the corner, but not sited at a corner intersection, to have a 30-foot rear yard (Z.R. 23-541). For corner lots with rowhouses or multiple buildings, the end unit would be required to have a minimum 20-foot side yard, with a minimum 30-foot rear yard for all other units adjacent to the end unit. (Z.R. 23-88).

Private Road Developments

Despite the 2002 amendments relating to private road developments, a number of problems with these regulations remain, including developments with inadequate parking, yards, open space, and buffering from adjacent residences.

The present private road regulations apply to developments with five or more dwelling units that are entirely located more than 50 feet from a public street. The text amendment would expand the applicability of the private roads regulations to include any development with more than two buildings located entirely beyond 50 feet from a public street, or one or two buildings with at least five dwelling units located entirely beyond 50 feet from a public street. (Z.R. 12-10).

Because yards and other regulations apply to the entire zoning lot, zoning lots developed with private roads result in inadequate yards and spacing for individual buildings on the zoning lot. The text amendment would require developments to meet the same yard requirements as if they were located on a public street. Buildings would be required to provide 30-foot rear yards and front yards in compliance with the underlying district regulations. The maximum length of a row of townhouses would be limited to 125 feet. (Z.R. 26-31).

The present private road regulations do not regulate street lighting, street signage and crosswalks. In order to enhance safety on private roads, the text amendment would require street lighting, street signage and crosswalks in compliance with DOT standards. (Z.R. 26-34).

The parking location and curb cut rules proposed for public streets in Lower Density Growth Management Areas would also apply to private road developments. The present private road regulations allow the on-site parking requirement to be met by locating this parking on the private roads, leaving little available parking for visitors, and resulting in less available parking overall. The text amendment would prohibit on-street parking to be counted for required parking except that this prohibition would not apply to parking spaces arranged perpendicularly to the road bed. This would result in more on-street parking for visitors. (Z.R. 26-33).

Presently a private road can be built adjacent to a neighboring zoning lot often resulting in a road that is close to an existing house. The text amendment would require an eight-foot wide planting

strip between the private road and any adjacent lot line. If a sidewalk is also required, this would provide a total of 15 feet between the private road and the lot line. (Z.R. 26-35).

Presently group parking areas can be built without a landscaped buffer resulting in unsightly parking areas. The text amendment would require a four-foot planting strip around group parking areas. (Z.R. 25-66 b).

Presently, access to a private road is permitted near a public street intersection which can result in hazardous traffic conditions. The text amendment would require the entrance to a private road be at least 50 feet from the intersection of two public streets. (Z.R. 26-33).

Under the existing regulations, houses with frontage on both a public street and a private road are required to have two front yards, one of which is an effective rear yard that may face the public street. The text amendment would require this effective rear yard to be 30 feet deep. While the proposed rules would not prescribe where the 30 foot yard must be placed, if it fronts the public street it must include an eight-foot landscaped buffer to screen the rear yard to provide minimum levels of privacy for residences facing public streets. (Z.R. 26-31).

Currently, the Special Hillside District has modified regulations for private roads that require a 30-foot roadbed and no sidewalks. These standards would be applied to the Special Natural Area District, as well, since they are consistent with the goals of the Natural Area District.

Flood Plain Regulations

In some areas of the city, the flood plain is higher than existing grade. The current zoning regulations allow the height of a building to be measured from the level of the flood plain, and allow the floor space located beneath the flood plain to be discounted from floor area. Habitable space, such as living rooms and bedrooms, can only be located above the flood plain. Space beneath the flood plain may be used for storage or garages. This results in buildings that are far taller than homes in the surrounding neighborhoods. The text amendment would maintain the overall 35-foot height limit for homes, but increase the perimeter wall height from 21 feet in R3 and R4A Districts to 26 feet and from 25 feet in R4-1 Districts to 26 feet, to allow room for garages to be built at street level. This height would accommodate a garage with two floors above it, while maintaining the existing height limit of 35 feet. These rules would be maintained under the proposal, but perimeter wall heights would be limited to the height of the flood plain plus 21 feet in R3 and R4A Districts and 25 feet in R4-1 Districts, or 26 feet above grade, whichever is greater. (Z.R. 23-631).

ENVIRONMENTAL REVIEW

This application (N 040414 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 04DCP046R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 24, 2004. The modifications described in the Consideration section of this report will not alter the conclusions of the Environmental Assessment Statement dated February 6, 2004, or the Negative Declaration issued on June 23, 2004.

PUBLIC REVIEW

On May 24, 2004, this text change application was duly referred to Community Boards 1, 2, and 3, the Staten Island Borough President and the Staten Island Borough Board for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Staten Island Community Board 1: On June 8, 2004 Community Board 1 adopted a resolution in favor of the proposed text amendment by a vote of 32 in favor and 0 opposed, with 0 abstentions.

Staten Island Community Board 2: On June 15, 2004 Community Board 2 adopted a resolution in favor of the proposed text amendment by a vote of 24 in favor and 1 opposed, with 2 abstentions.

Staten Island Community Board 3: On June 22, 2004 Community Board 3 a unanimously adopted

a resolution in favor of the proposed text amendment.

Borough Presidents' Review

The Borough President of Staten Island, issued a recommendations approving the application on June 29, 2004.

City Planning Commission Public Hearing

On June 23, 2004 (Calendar No. 10) City Planning Commission scheduled July 14, 2004, for a public hearing on this application (N 040414 ZRY). The hearing was duly held on July 14, 2004 (Calender No. 18). There were 3 speakers in favor of the application and none in opposition.

Speakers in favor included the Staten Island Borough President and representatives of the City Council Members from Districts 49 and 50.

The Staten Island Borough President said that the amendment would improve streetscapes, increase green space, and would better reflect the high rate of car ownership on Staten Island. He also stated that the amendment would result in better site design and would show a greater respect for neighborhood character. He pointed out that children in private road developments are forced to play in the streets because there are no side walks , nor adequate yard space. He said that homes are being built whose steps lead right into parking areas and this results in unsafe and unacceptable

conditions. He noted that amendment would limit growth on Staten Island, but that he did support smart growth on Staten Island. He also noted that a study of the manufacturing districts on Staten Island might result in recommendations for additional residence districts.

A representative for the City Council Member from District 50 stated that the amendment would protect the integrity and character of Staten Island. He noted residents suffer from long commutes, flooding and the razing of old homes and that the amendment would help alleviate these problems. He noted that the Task Force

A representative for the City Council Member from District 49 stated that the amendment would help protect neighborhoods on the north shore of Staten Island and urged the City Planning Commission to approve the amendment as a “necessary tool” for protecting Staten Island’s communities.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 040414ZRY) 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 04-043.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment to the Zoning Resolution, as herein modified, is appropriate.

The Commission is aware that since 1989, a number of neighborhoods in Staten Island have been rezoned with lower density contextual zoning districts. Included among these rezonings were six applications prepared by the Staten Island Borough President and adopted in late 2003. These rezonings will help preserve neighborhood character by having new residential development better match the type, scale and density of existing housing in these areas. Despite these successive zoning map changes, and other amendments to the regulations such as the 2002 amendments to private road developments, the Commission recognizes that these changes themselves do not adequately address issues of neighborhood context and overdevelopment.

The Commission finds that Staten Island is unique due to the lack of a standard street grid, the high rate of car ownership, and its rapidly growing population. In addition, the lack of standard lot sizes and unusually large lot sizes, have resulted in developments that undermine neighborhood character due largely to inappropriate housing placement and densities, as well as developments with inadequate yards, open space, and on-site parking. The Commission concludes that because of the special set of conditions on Staten Island, its designation as the first Lower Density Growth Management Area is appropriate and will ensure that new development is more appropriate and in keeping with the special qualities of the neighborhoods that comprise Staten Island.

The Commission believes that amending the underlying the lower density regulations through this text amendment -- coupled with the many contextual rezonings that have occurred -- is an appropriate response to helping ensure the future quality of life on Staten Island. The contextual rezonings primarily address housing type. These amendments address three broad categories.

The Commission notes that this is the first time since 1961 that the accessory parking regulations in lower density areas have been so significantly modified. The Commission believes this is appropriate because it recognizes not only the high car ownership on Staten Island, but also its suburban-type development and lack of good mass transit access. Related changes to accommodate this increased parking requirement, including encouraging garages and increasing the minimum lot sizes in certain zones, will help accommodate more on-site parking in an appropriate manner and

free up on-street parking for visitors.

The Commission believes the changes to yards and open space regulations will substantially improve the quality and site design aspects of development on Staten Island. It recognizes that the lower density contextual zoning were designed for standard size lots with regular street grids. These changes address a wide range of problems created by large and irregular lots, and they will help ensure that new residential development on large lots is less dense, and that it has appropriate yards and open areas on the zoning lot.

The Commission is pleased that the changes to regulations for developments accessed by private roads will, for the first time, treat them as public streets for purposes of yards and certain other regulations. The Commission notes that this will help ensure that private road developments -- like developments on public streets -- provide front and back yards, and limit the length of rowhouses where they are permitted. The Commission also notes that requiring these private roads to meet Department of Transportation standards for street lights, signage, and crosswalks will enhance both the quality and safety of these developments.

The Commission is making two modifications to the proposed text. The first would allow the Department of Parks and Recreation, rather than the Commissioner of Buildings, to determine where street tree planting is infeasible. Upon consultation by Department staff with the Department of Parks and Recreation, the Department of Buildings, the Building Industry Association of New York

and the Office of the Staten Island Borough President, the Commission believes that the Department of Parks and Recreation is best suited to make such determination, and notes all street trees must be planted in accordance with the requirements of the Department of Parks and Recreation. The modification will eliminate the need for an additional layer of review by the Commissioner of Buildings.

The second modification would eliminate the proposal that a two-family detached residence in an R3-2 District be designed so that one unit is directly above or below the other, rather than side-by-side, giving the appearance of a semi-detached residence. Upon further examination by the Department, the Office of the Staten Island Borough President and the Building Industry Association of New York, the Commission believes the design restriction may have unintended consequences and notes that R3-2 is a general residence district characterized by a mix of rowhouses, detached residences and semi-detached residences, all of which are appropriate housing types.

The Commission believes this Lower Density Growth Management text amendment will protect neighborhood character, encourage more appropriate development, and enhance the quality of life on Staten Island. It further notes that the creation of the Lower Density Growth Management Area provides an additional zoning tool to tailor the lower density regulations to similar kinds of areas, as is currently being proposed in Throgs Neck in the Bronx.

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 old, to be deleted;

Matter within # # is defined in Section12-10;

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

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ARTICLE 1
GENERAL PROVISIONS

Chapter 1
Title, Establishment of Controls, and Interpretation of Regulations

* * *

11-40

EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

* * *

11-44

Authorizations or Permits in Lower Density Growth Management Areas

The provisions of this Section 11-44 shall apply within #lower density growth management areas#.

(a) Notwithstanding the provisions of N040414ZRY and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N040414ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to (effective date of amendment):

1. Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the City Planning Commission and, where applicable, the City Council, prior to (the effective date of amendment) may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted. _____
2. Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004 may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission, and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto, and, to the extent not modified under the terms of such permit

or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:

1. #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to (effective date of amendment).

2. #Developments# within the #Special South Richmond Development District# accessed by in part by #private roads# and consisting in part of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to (effective date of amendment).

12-10

Definitions

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

* * *

- (i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:
 - (1) within #detached# or #semi-detached single-# or #two-family residences# in R2X, R3, R4 or R5 Districts, except that in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;
 - (2) within #residential buildings developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
 - (3) in excess of 100 square feet per required space in individual garages within other #residential buildings# (#attached residential buildings#, rowhouses or multiple dwellings) in R3-2, R4 or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, #floor area# shall only include floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces. However, all of the floor space within any #story# in individual garages shall be considered #floor area# where, subsequent to June 7, 1989, the level of any #yard# except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of:
 - (i) #curb level#; or

- (ii) grade existing on June 7, 1989.

* * *

However, the #floor area# of a #building# shall not include:

* * *

- (6) floor space used for #accessory# off-street parking spaces provided in any #story#:
 - (i) up to 200 square feet per required space existing on June 30, 1989 within #residential buildings# in R3, R4 or R5 Districts, except that for #detached# or #semi-detached single-# or #two-family residences# in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one required space and up to 500 square feet for two required spaces;
 - (ii) up to 100 square feet per required space in individual garages in #attached residential buildings#, rowhouses or multiple dwellings in R3, R4, or R5 Districts except that in R3-2 Districts within #lower density growth management areas#, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:
 - (1) #residential buildings developed# or #enlarged# after June 30, 1989 pursuant to the optional regulations applicable in a #predominantly built-up area#;
 - (2) #residential buildings# where, subsequent to June 7, 1989, the level of any #yard#, except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of #curb level# or grade existing on June 7, 1989.

* * *

Lower density growth management area

A “lower density growth management area” is any R1, R2, R3, R4A or R4-1 District in the

following designated areas, and any #development# accessed by #private roads# in R1 through R5 Districts within such areas:

The Borough of Staten Island

* * *

Private road

Except in #lower density growth management areas#, a private road is a right-of-way, other than a #street#, that provides vehicular access from a #street# to any #dwelling unit# within a #development# where five or more #dwelling units# are within #buildings# or #building segments# that are located wholly beyond 50 feet of a #street line# or #street setback line#.

An individual driveway serving fewer than five parking spaces shall not be considered a #private road#.

In #lower density growth management areas#, a private road is a right-of-way, other than a #street#, that provides vehicular access from a #street# to:

- (a) three or more #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line#; or
- (b) one or two #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line# that contain five or more #dwelling units#.

* * *

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 superceded or supplemented as set forth in the following Sections:

- 11-44 Authorizations or Permits in Lower Density Growth Management Areas
- 12-10 (DEFINITIONS) “floor area”; “lower density growth management area”; and ‘private road”
- 23-141 (Open space and floor area regulations in R1, R2, R3 R4 or R5 Districts)
- 23-32 (Minimum Lot Area or Lot Width for Residences)
- 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)
- 23-461 (Side yards for single-or two-family residences)
- 23-462 (Side yards for all other residential buildings)
- 23-533 (Required rear yard equivalents)
- 23-541 (Within 100 feet of corners)
- 23-542 (Along short dimension of block)
- 23-544 (For portions of through lots)
- 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts)
- 23-711 (Standard minimum distance between buildings)
- 23-88 (Minimum Distance Between Lot Lines and Building Walls in Lower Density Growth Management Areas)
- 25-22 (Requirements Where Individual parking Facilities Are Provided)

- 25-23 (Requirements Where Group parking Facilities Are Provided)
- 25-621 (Location of parking spaces in certain districts)
- 25-622 (Location of parking spaces in lower density growth management areas)
- 25-631 (Location and width of curb cuts in certain districts)
- 25-632 (Driveway and curb cut regulations in lower density growth management areas)
- 25-64 (Restrictions on Use of Open Space for Parking)
- 25-66 (Screening)
- 26-30 (SPECIAL REGULATIONS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive
- 26-40 (STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS)
- 105-702 (Applicability of lower density growth management area regulations)
- 119-05 (Applicability of Parking Location Regulations)
- 119-214 (Tier II requirements for driveways, private roads and location of parking spaces)

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

23-141
In R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

* * *

(b)

| District | Maximum #Lot Coverage# (in percent) | Minimum Required #Open Space# (in percent) | Maximum #Floor Area Ratio# |
|----------|---|--|----------------------------------|
| R3A R3X | governed by #yard# requirements | | .50* |
| R4A R4-1 | governed by #yard# requirements | | .75* |
| R2X | governed by #yard# requirements | | .85* |
| R3-1 | | | |
| R3-2** | 35 | 65 | .50* |
| R4** | 45 | 55 | .75* |
| R4B | 55 | 45 | .90 |
| R5** | 55 | 45 | 1.25 |
| R5B | 55 | 45 | 1.35 |

*—~~the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 and ½ inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between 5 and 8 feet.~~

**~~The permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989 may be increased by 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (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).~~

In addition, the following rules shall apply:

(1) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within

#lower density growth management areas#, the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 and ½ inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between 5 and 8 feet.

- (2) In R3, R4A and R4-1 Districts in #lower density growth management areas#, the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located in a portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.

- (3) In R3-2, R4 and R5 Districts, except R4A, R4B, R4-1 and R5B 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 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (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 in the #side lot ribbon# pursuant to Section 23-12 (f) (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).

* * *

23-30

LOT AREA AND LOT WIDTH REGULATIONS

* * *

23-32

Minimum Lot Area or Lot Width for Residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Existing Small Lots), no #residence# is permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

| Type of #Residence# | Minimum #Lot Area# (in sq. ft.) | Minimum #Lot Width# (in feet) | District |
|---|------------------------------------|----------------------------------|--------------------|
| #Single-family detached# | 9,500 | 100 | R1-1 |
| | 5,700 | 60 | R1-2 |
| | 3,800 | 40 | R2 |
| | 2,850 | 30 | R2X |
| #Single-# or #two-family detached# or #zero lot line# where permitted | 3,800 | 40 | R3-1 R3-2 R4-R10 |
| | 3,325 | 35 | R3X |
| | 2,850 | 30 | R4A* |
| | 2,375 | 25 | R3A*_R4B R4-1*_R5B |
| Any other permitted | 1,700 | 18 | R3-R10* |

* In #lower density growth management areas#, for #two-family detached# and #two-family zero lot line residences#, where permitted, in R3A, R4A and R4-1 Districts, and for #two-family semi-detached residences# in R3-1, R3-2 and R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

YARD REGULATIONS

* * *

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#:

* * *

~~Parking spaces, off-street, open, #accessory#, except such spaces located within a #front yard#, that are:~~

~~(1) #accessory# to any #residential use# in R4B or R5B Districts;~~

~~(2) #accessory# to a #residential building# where no more than two parking spaces are required in R1 or R2 Districts, except R2X Districts, or in R2X, R3, R4 or R5 Districts, unless such spaces are located in a permitted #side lot ribbon#;~~

~~(3) #accessory# to a #residential building# where more than two parking spaces are required in R3, R4 or R5 Districts unless such spaces or~~

~~(4) not screened from #zoning lots# situated across the #street# in the manner specified in Section 25-66 (Screening);~~

Parking spaces, off-street, open, #accessory#, within a #side # or #rear yard#;

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 R4B or R5B Districts, 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#.

Steps and ramps for access by the handicapped;

* * *

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 following table, 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 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 R3-1 R3-2 R4-R10 |
| 2 | 10 | 2* | R2X R3X R4A |
| 1 | 8 | 0* | R3A R4-1 R4B R5B |

* * *

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 following table, 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 |

* * *

23-462

Side yards for all other residential buildings

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all other #residential buildings#, #side yards# shall be provided as follows:

R3-2 R4 R5

- (a) In the districts indicated, except R4B or R5B Districts, two #side yards#, each with a minimum required width of eight feet, shall be provided. However, if a #detached residential building# has an #aggregate width of street walls# of more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of such #aggregate width of street walls#. For #residential buildings# not exceeding two #stories# and a #basement# in height, no such #side yard# need be more than 15 feet wide. However, on #corner lots# in #lower density growth management areas#, one #side yard# shall be at least 20 feet in width.

* * *

23-533

Required rear yard equivalents

R4 R5 R6 R7 R8 R9 R10

In the districts 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 the depth of the open area along the other #street line#

is made; and

- (2) any required front setback areas are maintained; or
- (c) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#.

However, in #lower density growth management areas# and in R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-54

Other Special Provisions for Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #rear yard# requirements set forth in Section 23-47 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

23-541

Within one hundred feet of corners

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, 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 districts, as indicated, except within #lower density growth management areas#, 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#.

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-631

Height and setback in R1, R2, R3, R4 and R5 Districts

* * *

R2X R3 R4 R4A R4-1

- (b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (g) and (h) of this Section.

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

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

| | |
|-----------------|---|
| 21 feet | R2X R3 R4A |
| 25 feet | R4 R4-1 |
| <u>26 feet*</u> | <u>R3 R4A R4-1</u> |
| | <u>within #lower density growth</u> <u>management areas#</u> |

* In R3, R4A and R4-1 Districts within #lower density growth management areas#, where a #base plane# is established at a #base flood elevation# higher than grade, the maximum perimeter wall height shall be 21 feet above such base flood elevation or 26 feet above grade, whichever is more.

* * *

23-70

MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT

* * *

23-711

Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the required minimum distance between a #residential building# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing building walls. Such minimum distance shall be, in feet, as indicated in the following table:

Maximum Building Height above #Base
Plane# or #Curb Level#, as Applicable (in
feet)

| | 25 | 35 | 40 | 50 | Over 50 |
|-------------------------|----|----|----|----|---------|
| Wall to Wall Condition* | 20 | 25 | 30 | 35 | 40 |
| Wall to Window | 30 | 35 | 40 | 45 | 50 |
| Window to Window | 40 | 45 | 50 | 55 | 60 |

* Wall condition shall be defined as:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

In addition, the following rules shall apply:

- (a) the minimum distances set forth in this table shall be provided at the closest point between #buildings#;
- (b) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;
- (c) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;
- (d) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the building wall from

which they project, may penetrate the minimum spacing requirements; and

- (e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.

- (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 a #building# located behind another #building# so that lines drawn perpendicular to the #street line# intersect both such #buildings#, and where the #private road# provisions do not apply. For the purposes of this paragraph, a “front building” shall be any #building# with no #building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building#, and a “rear building” shall be any other #building# on the #zoning lot#. The minimum distances set forth in the table above shall apply, except that a minimum distance of 45 feet shall be provided between any rear building and any front building.

* * *

23-88

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), shall apply to any #zoning lot# not accessed by #private roads# where a #residential building# is located wholly beyond 50 feet of a #street line# and behind another #residential building# fronting upon the same #street line# so that lines drawn perpendicular to the #street line# intersect both such #buildings#. For the purposes of this paragraph, a “front building” shall be any #building# with no #building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building#, and a “rear building” shall be any other #building# on the #zoning lot#. 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 Sections 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#.

* * *

Chapter 5

Accessory Off-Street Parking and Loading Regulations

* * *

25-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

* * *

25-22

Requirements Where Individual Parking Facilities Are Provided

(a) R1 R2 R3 R4 R5 R6 R7-1

In the districts indicated, except in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except in the case of two- or three-family #residential buildings# in a #predominantly built-up area#, two #accessory# parking spaces per #building# shall be provided.

(b) R1 R2 R3 R4A R4-1

In the districts indicated, within #lower density growth management areas#, where #group parking facilities are not provided, two #accessory# off-street parking spaces shall be provided for each #single-family residence# and three #accessory# off-street parking spaces shall be provided for each #two-family residence#. For all other #residences#, #accessory# off-street parking space shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

25-23

Requirements Where Group Parking Facilities Are Provided

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all new #residences developed# under single ownership or control where #group parking facilities# are provided, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table. Such spaces shall be kept available to the residents of the #building# or #development#, in accordance with the provisions of Section 25-41 (Purpose of Spaces and Rental to Non-Residents).

PARKING SPACES REQUIRED WHERE
GROUP PARKING FACILITIES ARE PROVIDED

| Percent of Total #Dwelling Units# | District |
|--------------------------------------|---|
| 100* | R1 R2 R3 <u>R4A R4-1</u> |
| <u>100</u> | <u>R4 R4B</u> |
| 85 | R5 |
| 70 | R6 |
| 66 | R5B |
| 60 | R7-1 |
| 50** | R6A R6B R7-2 R7A R7B R7X R8B*** <u></u> |
| 40 | R8 R9 R10 |

* In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, two #accessory# off-street parking spaces shall be provided for each #single-family residence# and three #accessory# off-street parking spaces shall be provided for each #two-family residence#. For all other #residences#, #accessory# off-street parking

space shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

** In R6 or R7 Districts for #residences developed# or #enlarged# pursuant to the Quality Housing Program, #accessory# off-street parking spaces shall be provided for at least 50 percent of the total number of #dwelling units#.

*** In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

* * *

25-60

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

* * *

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).

* * *

25-622

Location of parking spaces in lower density growth management areas

The provisions of this Section 25-622 shall apply in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#.

Required #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width.

For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

* * *

25-631

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.

* * *

25-632

Driveway, curb cut and screening 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#.

- (a) For #zoning lots# with less than 33 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted.
- (b) For #zoning lots# with at least 33 feet of frontage along a #street#, multiple curb cuts are permitted. The maximum width of a curb cut serving a driveway 12 feet or less in width shall be 10 feet, including splays. Driveways wider than 12 feet at any point within a #front yard# shall be accessed by a single curb cut with a minimum width of 17 feet and a maximum width, including splays, of 18 feet.
- (e) The center line of each curb cut shall be coincident with the centerline of the driveway that it serves;
- (f) All driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on adjoining #zoning lots# provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet.
- (g) All #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.
- (h) The requirements of paragraphs (f) and (g) of this Section may be waived where the Commissioner of Buildings certifies that, due to the location of driveways and curb cuts on adjacent #zoning lots#, there is no way to locate the driveways and curb cuts in compliance with this requirement of this Section, and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#;
- (i) The maximum grade of a driveway shall not exceed 11 percent.
- (j) For multiple #buildings# on a single #zoning lot#, access to all parking spaces shall be provided entirely on the same #zoning lot#.

25-632 25-633

Prohibition of curb cuts in certain districts

* * *

25-64

Restrictions on Use of Required Open Space for Parking

Restrictions on the use of open space for parking and driveways are set forth in this Section. For #zoning lots# in #lower density growth management areas#, the provisions of paragraph (b) shall apply.

- (a) In accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space), driveways, private streets, open #accessory# off-street parking spaces, or open #accessory# off-street loading berths may not use more of the required #open space# on any #zoning lot# than the percent set forth in the following table:

| Percent | District |
|---------|--------------------------|
| 50 | R1 R2 R3 R6 R7 R8 R9 R10 |
| 66 | R4 R5 |

- (b) In #lower density growth management areas#, the following regulations shall apply:

- (1) Driveways, #private roads# and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #residential buildings# in R1, R2 and R3 Districts, and may occupy no more than 66 percent of the #lot area# not covered by #residential buildings# in R4 and R5 Districts, and
- (2) The area within 30 feet and perpendicular to the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety shall not be occupied by driveways or off-street parking spaces, except that this provision shall not apply to any #zoning lot# occupied by only one #single# or #two-family detached# or #semi-detached residence#.

* * *

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual garages with 10 spaces or more, which are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

~~(a)~~(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

~~(b)~~(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening ~~(1)~~ shall be maintained in good condition at all times; ~~(2)~~, may be interrupted by normal entrances or exits; and ~~(3)~~ shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

(b) In #lower density growth management areas#, all open parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year round dense screen six feet high within three years. Such screening shall be maintained in good condition at all times.

* * *

Chapter 6

Special Urban Design Guidelines - Streetscape

Special Requirements for Developments in R9 and R10 Districts, and

~~Special Requirements for Developments with Private Roads, and Street Tree Planting~~

26-00

Applicability of this Chapter

The regulations of this Chapter shall apply to:

- (a) #developments# in R9 and R10 Districts, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District or to any #building developed# or #enlarged# pursuant to the Quality Housing Program;
- (b) #developments# in R3, R4 and R5 Districts accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS), except where such #developments#:
 - (1) consist entirely of #single-family detached residences#; or
 - (2) where such #developments# are accessed by #private roads# that existed on February 6, 2002; or
 - (3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;
- (c) #developments# in #lower density growth management areas# accessed by #private roads#, as set forth in Section 26-30. (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS , and
- (d) #developments# in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, as set forth in Section 26-40 (SPECIAL REQUIREMENTS FOR STREET TREE PLANTING)

* * *

26-30

SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

For all #developments# accessed by #private roads# in #lower density growth management areas#, the provisions of Section 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superceded in accordance with the provisions of this Section.

26-31

Yards

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Section 23-40, inclusive, and 23-50, inclusive, shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a building wall facing it. Furthermore, where a #building# on a #through lot# fronts upon a #street# and a #private road#, one #front yard# shall have a depth of at least 30 feet. Where such 30 foot #front yard# adjoins a #street#, such #yard# shall include a landscaped strip at least eight feet wide to screen the #yard# from such #street#, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type expected to form a year round dense screen at least six feet high within three years.

26-32

Minimum Distance Between Walls and Lot Lines

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#.

26-33

Entrances, Parking Location and Curb Cuts

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No required #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

- (a) are perpendicular to the road bed, and

- (b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed, or within 20 feet of being opposite to one another, and
- (c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and 8 feet wide, within which a tree of at least three inch caliper is planted.

All #accessory# off-street parking spaces shall comply with the parking location and curb cut regulations set forth in Section 25-632. For the purposes of applying such regulations, the #private road# shall be considered to be a #street#. In addition, the provisions of Section 25-64 (Restrictions on Use of Open Space) and Section 25-66 (Screening) shall apply.

26-34

Lighting, Signage and Crosswalks

All #private roads# shall be #developed# with street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

26-35

Screening

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips shall be densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

26-40

STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS

In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, all #developments# shall provide and maintain along the entire #street# length of the #zoning lot#, one street tree for every 25 feet of #street# frontage of the #zoning lot#. Such trees shall be of at least three-inch caliper at the time of planting and be placed at approximately equal intervals, except where the Department of Parks and Recreation determines that such tree planting would be unfeasible. All such trees shall be planted, maintained and replaced when necessary with the approval of and in accordance with the standards of the Department of Parks and Recreation.

* * *

Article X - Special Purpose Districts

* * *

Chapter 5

Special Natural Area District

* * *

105-70

SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

In order to carry out the purposes of this Chapter, all #developments# used predominantly for #residential use# shall be subject to the provisions of this Section.

* * *

105-702

Applicability of lower density growth management area regulations

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

- (a) Parking location regulations

#Accessory# parking spaces shall be permitted within a #front yard#, and

(b) Private road regulations

The provisions of paragraph (b) of Section 119-214 (Tier II requirements for driveways and private roads) shall apply to all #developments# or #enlargements# accessed by #private roads#.

* * *

Article X - Special Purpose Districts

Chapter 7

Special South Richmond Development District

* * *

107-251

Special provisions for arterials

* * *

(b) Building setback

Along portions of the #arterials#, as indicated on the District Plan, a 20 foot #building# setback shall be provided for the full length of the #front lot line# abutting such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. ~~The front #building# setback area may be used for #accessory# off-street parking or loading facilities provided the depth of the setback area is at least 35 feet.~~ Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within

such setback. Within the required front #building# setback, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such front open area. The trees shall be selected in accordance with the table set forth in APPENDIX B.

* * *

107-30
TOPOGRAPHIC AND TREE REGULATIONS

* * *

107-321
Tree preservation

* * *

Replacement trees to be planted shall be of a caliper no less than ~~six~~ three inches and be of a species listed in Appendix B and the sum of whose calipers shall be at least equivalent to that of the trees removed.

* * *

107-322
Tree requirements

* * *

(b) Sidewalk trees

All #developments# and #site alterations# in the Special District shall preserve existing trees or provide and maintain trees of three-inch caliper or more at the time of planting along the entire length of the #street# frontage of the #zoning lot#. The trees shall be located between the #front lot line# and the curb line, and ~~20~~ 25 feet on center or one tree per ~~20~~ 25 feet of frontage. ~~On private streets, trees shall be planted between the curb and a line parallel to, and~~

10 feet from, the curb, and 20 feet on center or one tree per 20 feet of frontage. These trees shall be planted in accordance with the requirements of the Department of Transportation and the Department of Parks and Recreation, except where the Department of Parks and Recreation determines that such tree planting would be infeasible.

* * *

107-33

Preservation of Natural Features

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications are necessary so as to avoid the destruction of existing topography and trees of six inch caliper or more.

* * *

107-40

SPECIAL USE, BULK AND PARKING REGULATIONS

* * *

107-421

~~Special provisions for existing detached residences~~

~~In R3X Districts, a one-#story# or two-#story detached residence#, existing prior to September 9, 1999, may be enlarged to no more than three #stories#, provided that:~~

- ~~(a) it is located on a #zoning lot# having a minimum #lot area# of 3,800 square feet and a minimum #lot width# of 40 feet;~~

~~(b) such #enlargement# does not exceed a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet; and~~

~~(c) such #enlargement# complies with all other applicable district regulations.~~

~~107-43~~

~~Height and Setback Regulations~~

~~107-431~~

~~Maximum height of perimeter walls~~

~~In R3X Districts, a #detached residence# may have a maximum perimeter wall height of 25 feet; provided that:~~

~~(a) it is located on a #zoning lot# having a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 60 feet; and~~

~~(b) the #development# complies with all other applicable district height and setback regulations.~~

~~107-432~~

~~Maximum height for buildings or structures~~

~~107-43~~

~~Maximum Height for Buildings or Structures~~

Subject to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52 or 33-43, and Section 107-431, no #building# shall exceed a height of four #stories# and no structure other than #buildings# shall exceed a height of 50 feet, unless modified by a special permit of the City Planning Commission, pursuant to Section 107-73 (Exceptions to Height Limit).

* * *

107-45

Required Open Space for Residences

Any required #open space# on a #zoning lot# which includes #designated open space# is subject to the special regulations set forth in Section 107-22 (Designated Open Space).

~~For #residential developments# which include #designated open space#, not more than 50 percent of the required #open space# not within the #designated open space# may be occupied by driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths, except that a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of Permitted Obstructions):~~

For #residential developments# which include #designated open space#, driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths may occupy not more than the area set forth below:

- (a) In R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#;
- (b) In R3A and R3X Districts, not more than 50 percent of the #lot area# not occupied by #residential buildings# and not within the #designated open space#;
- (c) In R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #residential buildings# and not within the #designated open space#

However, in all districts, a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of Permitted Obstructions).

107-46

Yard and Court Regulations

* * *

107-462

Side yards

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, the #side yards# shall relate to the height of the #building# as set forth in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:

REQUIRED SIDE YARDS

| District | Type of #Residence# | Height (in #stories#) | Number of #Side Yards# Required | Required Total Width | Required Minimum Width of any #Side Yard# |
|----------|------------------------|--------------------------|--|----------------------------|--|
|----------|------------------------|--------------------------|--|----------------------------|--|

| | | | | | |
|--------------|-----------------|-----|---|----|----|
| R2 R3-1 R3-2 | #detached# | 1-2 | 2 | 15 | 5 |
| | #detached# | 3-4 | 2 | 20 | 5 |
| | #semi-detached# | 1-2 | 1 | 9 | 9 |
| | #semi-detached# | 3-4 | 1 | 15 | 15 |
| R3A R4A | #detached# | 1-4 | 2 | 15 | 5 |
| R3X | #detached# | 1-2 | 2 | 15 | 5 |
| | #detached# | 3 | 2 | 20 | 8 |
| | #detached# | 4 | 2 | 25 | 10 |
| R4-1 | #detached# | 1-4 | 2 | 15 | 5 |
| | #semi-detached# | 1-4 | 1 | 9 | 9 |

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply.

* * *

107-60

AUTHORIZATIONS

* * *

107-62

Yard and Court Regulations

For any #development#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46 (Yard and Court Regulations) or in the location of parking, driveway, or curb cut regulations as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), Section 25-621 (Location of parking spaces in certain districts), Section 25-622 (Location of parking spaces in lower density growth management areas), and Section 25-631 (Location and width of curb cuts in certain districts) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of existing topography and individual trees of six inch caliper or more. #Rear yard#, #side yard# or #side yard# equivalent variations shall not be authorized on the periphery of a #development# unless acceptable agreements are jointly submitted for #development# of two or more adjacent #zoning lots# by the owners thereof, incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots#.

* * *

107-465

Rear yards

~~In all underlying districts, except R1 Districts, for permitted #single# or #two family residences#, the required #rear yard# shall have a depth of at least 20 feet and there shall be a 10 foot rear setback above the first #story#~~

* * *

107-467

Modifications of special yard regulations for certain zoning districts

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and the requirements of Section 107-465 (Rear yards) and 107-466 (Special yard regulations for certain zoning lots) and thereby allow #single# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

* * *

Article XI - Special Purpose Districts

Chapter 9

Special Hillside Preservation District

* * *

119-05

Applicability of Parking Location Regulations

The regulations for #developments# in #lower density growth management areas# are modified to allow required #accessory# parking spaces to be located in a #front yard#.

* * *

119-214

Tier II requirements for driveways and private roads

The provisions set forth in this Section and Section 119-213 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings developed# after December 11, 1999. The provisions for #private roads# set forth in ~~Article II, Chapter 6, Section 26-20, inclusive,~~ shall not apply. However, the provisions for #private roads# in #lower density growth management areas# of Sections 26-31 through 26-34 shall apply.

(a) Driveways

- (1) the maximum grade of a driveway shall not exceed 10 percent;
- (2) the paved width of a driveway shall not exceed 18 feet; and
- (3) the maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

- (1) the maximum grade of a #private road# shall not exceed 10 percent;
- (2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;

- (3) the paved width of a #private road# shall not exceed 30 feet;
- (4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (5) a curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (6) curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (7) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (8) along the entire length of a #private road#, trees shall be provided and maintained at the rate of one tree for every 25 feet of #private road# frontage and shall comply with the requirements set forth in Section 119-216 (Tier II tree planting requirements); and
- (9) no building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section.
- (10) For the purposes of applying the #yard# regulations of Section 26-31, the curb of the #private road# shall be considered to be the #street line#.

The City Planning Commission may by authorization or special permit, as applicable, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS), allow modifications to, or waivers of, the requirements of this Section. The approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition precedent for

any modification or waiver.

The above resolution (N 040414 ZRY), duly adopted as modified by the City Planning Commission on July 28, 2004 (Calendar No. 49), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d and 200 of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH KNUCKLES, Esq., Vice-Chair

ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E.,

ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,

JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,

KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

