



CITY PLANNING COMMISSION

July 28, 2004/Calendar No. 50

N 040202 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning and the City Council Land Use Committee pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York relating to community facilities.

This application to amend the text of the Zoning Resolution was filed jointly by the Department of City Planning and the New York City Council Land Use Committee on December 12, 2003. The proposal would primarily affect the location of health care facilities, other than hospitals, in single- and two-family districts; parking for houses of worship; and permitted rear yard obstructions for certain community facilities.

Background

Community facility zoning regulations in New York City permit a wide range of educational, health care, religious and not-for-profit institutions to locate in residence districts near the populations they serve. The city's community facility regulations are widely considered to be some of the least restrictive in the nation and they have remained largely unchanged since they were originally adopted in 1961. However, since then, the nature of many community facilities has changed.

As community facilities have grown in number and size, often serving regional populations, land use conflicts have developed and local residents, community groups and elected officials have therefore asked that zoning for community facilities in residential areas be adjusted to meet changed conditions.

Working with the City Council's Land Use Committee, the Department has identified a number of actions that can be taken to reduce land use conflicts while respecting the programmatic needs of community facility providers and taking into account the special legal considerations governing certain of these facilities. By carefully crafting new regulations that include both restrictions and expanded siting opportunities, the proposal would limit the land use impacts of some types of community facilities while continuing to allow them ample opportunities to locate in residential communities and elsewhere.

The changes are intended primarily to limit the size of certain community facilities, and parking and traffic problems, in the city's lowest density neighborhoods. Most community facilities in the city, however, are located in other types of zoning districts, which are widely mapped, and would not be affected by the proposal.

The principal ways in which the proposal would affect community facilities regulations are as follows:

- (1) Use regulations would be amended for ambulatory health care facilities and houses of worship; and a clarification would be made that college or school dormitories are limited to students;
- (2) The location of medical facilities other than hospitals and related facilities in one- and two-family districts would be further restricted;
- (3) Current rules allowing community facilities to obstruct a required rear yard would be eliminated, or limited in their applicability;
- (4) Off-street parking requirements for houses of worship and ambulatory health care facilities would be adjusted, with alternative methods provided for houses of worship to meet these new parking requirements;
- (5) Parking lots for community facilities located in R1 through R5 districts with 10 or more spaces would need to be screened with planting strips.

(6) Houses of worship would be allowed as-of-right in M1 districts. The proposal as referred also provided that, in conjunction with this change, the special provisions for adult establishments located in M1 districts would be amended to reduce the required "buffer" surrounding new houses of worship; and,

(7) Community facility floor area ratios would be doubled in C1 and C2 districts mapped within R3-2 districts.

Proposed Changes

The proposal would affect the following sections of the Zoning Resolution: 12-10, 22-13, 22-14, 22-21, 24-33, 24-51, 25-31, 25-42, 25-51, 25-53, 25-531, 25-532, 25-54, 25-541, 25-542, 25-55, 25-66, 32-01, 33-121, 33-161, 33-42, 36-21, 36-22, 36-37, 36-41, 36-44, 36-441, 36-442, 36-45, 42-00, 42-01, 42-11, 42-14, 42-32, 43-42, 44-21, 44-22, 44-31, 44-33, 44-331, 44-332, 44-34, 62-212, 73-12, 73-122, 73-125, 73-43, 73-431, 73-432, 73-44, 73-454, 73-64, 74-844, 74-921, 79-42, 81-722, 83-03, 97-111, 106-311, 108-111, 112-122, 122-10, 123-21, 123-222.

Health Care Facilities

"Ambulatory diagnostic or treatment health care facilities" would replace "medical offices," "government operated health centers or independent out-of-hospital health facilities," and "health centers" as they appear throughout the Zoning Resolution. These existing categories have become functionally similar over time and, through self classification of the proposed uses to the Department of Buildings, health care providers have been able to avoid certain zoning restrictions which apply to one category but not the other. While, as discussed below, the proposal would add restrictions on the ability of "ambulatory diagnostic or treatment health care facilities" to locate in R1 and R2 districts, the new classification would allow a broader array of health care providers, such as chiropractors and clinical social workers, in addition to medical practitioners, to locate in other residence districts. This would eliminate outdated distinctions between types of health care providers that currently exist in the Zoning Resolution in recognition of the changed nature of health care service delivery and the widespread location of such providers in residential neighborhoods. "Hospitals and related facilities" would remain listed in the Zoning Resolution without change.

The changing nature of the provision of health care has led to land use conflicts which the proposal seeks to address. Whereas in the past private physicians or dentists often practiced out of their homes in residential areas, today group practices including an array of health care providers treat large numbers of clients in what are essentially office buildings. These facilities can affect the character of the low density residential districts in which they locate. In particular, such districts are the most sensitive to the impacts stemming particularly from larger facilities that generate pedestrian and auto traffic from outside the neighborhood.

In response to these issues, the proposal provides that ambulatory health care facilities would be prohibited in R1 and R2 districts, which are characterized by single-family homes on large lots. In addition, they would be limited to 1,500 square feet as-of-right and up to 10,000 square feet by Board of Standards and Appeals special permit in all other single- and two-family residence districts (R3A, R3X, R3-1, R4A, R4B, R4-1). These lower density contextual zones have been mapped widely in recent years, principally in Staten Island and parts of Queens in order to protect their quiet character. However, under current zoning, without a limitation on floor area, houses can be acquired in one- and two-family zones and then demolished creating large lots that would accommodate relatively large medical office buildings. The proposed special permit would help

ensure that larger health care facilities are compatible with neighboring buildings.

The proposal would allow ambulatory health care facilities, where permitted, to locate on a second story provided there is separate access from the outside or directly from a portion of such facility located on the ground floor, or anywhere in a building that does not contain residences. Current regulations restrict some of the health care-related uses from locating on a second story; however, the overlapping nature of current categories allows for location on a second story in most situations, and the proposal would therefore not result in a change from current conditions. Existing regulations would continue to ensure that residential and non-residential uses are separated when they are located within the same building in other situations.

In residential areas, community facility medical offices have sometimes located in cellar spaces for which parking is not required. In commercial areas, such uses have also located on the ground floor, for which there is also no parking requirement. This can lead to traffic and parking problems in areas distant from transit. To address this, cellar space used for ambulatory health care facilities would generate a parking requirement, unless that space was to be used exclusively for storage. In commercial and manufacturing districts, the proposal would generally apply the same parking requirement to ambulatory health

care facilities as that which exists currently for professional offices located in such districts.

Houses of Worship

"Houses of worship" would replace "churches" as presently listed in the Resolution, in order to better reflect the city's diverse range of religious institutions.

Under current zoning, parking requirements for houses of worship are based on the number of fixed seats. Currently, few or no parking spaces are typically provided because houses of worship are designed and operated without fixed seats, relying instead on movable chairs. At the same time, houses of worship today function differently than in the past; often they are "regional," bringing large amounts of automobile traffic to religious services and related functions. The combination of a lack of an effective parking requirement and the changing character of many houses of worship results in local traffic congestion and illegal parking.

Under the proposal, parking requirements would be based on "persons rated capacity" of the largest room of assembly rather than the current standard, based on number of "fixed seats." Districts in which the current parking requirement is 1:10 or

1:15 fixed seats would have a parking requirement of 1:10 or 1:15 persons rated capacity (as would C1 or C2 commercial districts that overlay a residence district with such requirements). At the same time, parking requirements would be eliminated in any zoning district with a current requirement of 1 space per 20 fixed seats (including C1 and C2 districts which overlay residence districts with a 1:20 requirement), e.g., R6 districts or any C1 or C2 overlay mapped within an R6 district. These districts are generally mapped near mass transit.

Existing parking waivers would be retained for developments that generate a small number of spaces.

In order to provide houses of worship with flexible methods for the provision of required parking, other modifications for parking for houses of worship are proposed:

- (1) required parking for houses of worship located in R1 through R4 districts could be provided off-site in the same or an adjoining district within 600 feet as-of-right or within 1,000 feet by special permit. Currently this is allowed only by Board of Standards and Appeals special permit within 600 feet.

- (2) required parking in residence, commercial and manufacturing districts could be provided in facilities designed to be shared with other permitted non-residential uses, within 600 feet of the house of worship as-of-right or within 1,000 feet by special permit. Up to 25% of the spaces in such facilities could be counted towards the parking requirement of both the house of worship and the permitted non-residential use.

- (3) a new Board of Standards and Appeals special permit would be established to allow a reduction in required parking for houses of worship operated or utilized in such a manner as to reduce demand for parking.

Under the proposal, houses of worship would also be permitted as-of-right, rather than by special permit under current zoning, in M1 Districts. The proposal to allow houses of worship to locate as-of-right in M1 districts would provide additional location opportunities.

Under the proposal as referred by the Commission, regulations for adult establishments in M1 districts would be adjusted to reflect the potential for new houses of worship to locate in these areas, by prohibiting adult uses from locating within 100 feet of new

houses of worship. The current minimum buffer of 500 feet would remain for houses of worship already located in the district and for new houses of worship permitted in other districts.

Rear Yard Obstructions

Under current zoning regulations, in R3 through R10 districts, community facilities may build within a required 30 foot rear yard one story up to a maximum 23 feet in height. No such building within a required rear yard is permitted in R1 and R2 districts for any community facility use.

The current rear yard obstruction regulations have been highly controversial in low, medium and high-density residence districts alike. The permitted obstruction often blocks views, light and air, filling "the hole-in-the-donut" formed by buildings surrounding the streets on a block. However, certain community facilities have strong programmatic need for the large floor plates generated by the permitted one-story rear yard obstruction. For example, hospitals are typically quite large and need a large area on the ground level for myriad reasons including lobbies, ambulance access and emergency rooms; houses of worship may have a large sanctuary that cannot be successfully located on a small portion of a lot. Schools may have a cafeteria

or gymnasium. By contrast, for example, medical offices have little if any need to obstruct a rear yard. Therefore, the proposal distinguishes among community facilities based on their programmatic needs and the special legal considerations governing certain uses.

The proposal would extend the current prohibitions on building in a required rear yard in R1 and R2 districts to all other single and two-family districts (R3A, R3X, R3-1, R4A, R4B & R4-1). In all other residence districts, libraries, museums, not-for-profit institutions with or without sleeping accommodations, nursing homes, group homes, and ambulatory health care centers, and other community facility uses would be prohibited from building within a required rear yard at locations beyond 100 feet from any wide street. However, schools (which include day care centers), houses of worship, colleges and universities, and hospitals and related facilities would continue to be governed by current rules allowing rear yard construction in other than single- or two-family residence districts.

Maximum Floor Area Ratio for Community Facilities in C1 & C2 districts mapped within R3-2 Districts

Under current zoning regulations, the maximum permitted floor

area ratio for community facilities located in C1 and C2 districts mapped within R3-2 districts is 1.0 FAR. Typically the commercial districts serving such neighborhoods are C1 and C2 neighborhood retail and service districts. By increasing the maximum permitted floor area ratio allowed community facilities or buildings containing community facilities from 1.0 to 2.0 in C1 and C2 districts mapped within R3-2 districts, alternative locations may be made available for community facilities, including in particular ambulatory health care facilities governed by the new location and size restrictions in low-density residential districts. The proposed floor area ratio would be the same as that in C1 and C2 districts mapped within R4 and R5 districts.

The parking requirement for ambulatory health care facilities located on the second floor would be the same as that for ambulatory health care facilities located in R3-2 districts: 1:400 square feet of floor area.

Screening for Off-Street Parking Facilities

Current zoning regulations permit parking lots with 10 or more parking spaces in residence districts to be screened either by

planted material or by a wall or fence. Under the proposal, parking lots with 10 or more spaces in R1 through R5 residence districts would be screened by required planting. The proposed regulation would require screening that better reflects the character of these areas. This provision would apply to all community facilities.

ENVIRONMENTAL REVIEW

This application (N 040202 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 04DCP025Y. The lead agency is the City Planning Commission.

It was determined that the proposed action may have a significant effect on the environment and that an environmental impact statement would be required. A Positive Declaration was issued on December 12, 2003, and distributed, published and filed, and the applicant was asked to prepare or to have prepared a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on January 13, 2004, and the Final Scope of Work for the DEIS was issued on March 3,

2004.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on March 5, 2004. Pursuant to SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on June 9, 2004, in conjunction with the public hearing on the related Uniform Land Use Procedure (ULURP) item (N 040202 ZRY).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion for the FEIS was issued on July 16, 2004. The Notice of Completion for the FEIS identified the following potential significant adverse impacts. The Notice of Completion for the FEIS identified the potential for significant adverse impacts to archaeological resources and hazardous materials as a result of the proposal to allow houses of worship in M1 districts on an as-of-right basis. However, for the following reasons, it is not considered likely that many such impacts would occur.

As described in the FEIS, based on past trends, the increase in the number of houses of worship that would locate in M1 districts in the future with the proposed action is expected to be modest. While removing the need to seek discretionary approvals may make it somewhat easier for houses of worship to locate in M1 districts, it is unlikely to result in a much larger number of them seeking to locate there. A number of new facilities equal to the number of

applications received in the 1990's would result in about 1.3 new houses of worship per year in M1 districts, or 13 facilities over a ten year period.

While it is possible that the development of some of these new facilities under the proposed action may result in archaeological resources and hazardous materials impacts (discussed below), it is not expected that the number of such instances would be large. Of the eleven special permit applications for houses of worship in M1 districts reviewed by DCP over the last 12 years, none were found to result in impacts related to archaeological resources or hazardous materials. These projects are considered to be generally representative of the type of projects that would be expected to occur under the proposed action, and therefore development under the proposed action would not be expected to have any greater potential for impacts. As such, it is expected that the potential for impacts described below would be experienced at most by only a portion of the new houses of worship developed under the proposed action.

IMPACTS

Archaeological Resources

The proposed change to allow houses of worship in M1 districts on an as-of-right basis is likely to result in additional development in M1 districts, and is the only component of the proposed action that would be expected to result in an increase in new in-ground disturbance. If such development were to occur on sites that have the potential to yield archaeological remains, development may disturb some or all of the significant resources depending on a variety of factors - such as the location of the resources on the

site, the depth and location of building foundations, and the extent and location of grading activities. Since development resulting from the proposed action would be as-of-right, there would be no mechanism for the city to conduct or require a program to test for archaeological remains, or to mandate the preservation or documentation of such remains. Therefore, the proposed action has the potential to result in unavoidable adverse impacts to archaeological resources.

Hazardous Materials

The proposed change to allow the development of houses of worship in M1 districts to occur on an as-of-right basis has the potential to result in hazardous materials impacts due to the increased potential for ground disturbance in areas that might be characterized by hazardous materials contamination. If development were to occur in potentially contaminated areas, it may disturb hazardous materials on the site, resulting in a significant adverse impact. Since development resulting from the proposed action would be as-of-right, there would be no mechanism for the city to conduct or require a program to test for hazardous materials contamination, or to mandate the remediation of such materials, or to require a worker health and safety plan (HASP) for removal or treatment of such materials. Therefore, any such impact would remain unmitigated, unless private transaction or governmental laws or regulations would require the developer to undertake steps in response to hazardous conditions. Therefore, the proposed action has the potential to result in unavoidable adverse hazardous materials impacts.

The modifications to the zoning text discussed in this Report and adopted by the Commission herein will not result in any new or additional environmental impacts from those identified in the FEIS.

MITIGATION

No mitigation measures are proposed. As described in the Historic Resources and Hazardous Materials sections above, the proposed action would result in the potential for significant adverse impacts to archaeological resources and hazardous materials. However, as explained above and in the FEIS, no feasible mitigation measures have been identified, and therefore the potential for significant adverse impacts to archaeological resources and hazardous materials are disclosed as unavoidable adverse impacts resulting from the proposed action.

PUBLIC REVIEW

On March 8, 2004, this text change was duly referred to the

community boards, borough presidents, and borough boards for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Summary table:

CB	In Favor	Opposed	Conditions/Comments
X4	X		Maintain current 500 feet buffer for adult establishments from houses of worship.
X7		X	Mainly because of the proposed elimination of parking requirements for R6 and R7-1 districts.
X8	X		Regrets that the proposal omits to address critical FAR differential, some of which concerns are set forth in the 197-a Plan.
X11		X	Do not approve of medical facilities locating as-of-right in residence districts; and, Serious concerns regarding restrictions to houses of worship.
K10		X	Medical offices are not appropriate in residence districts. Relaxing location within buildings rules would encourage large medical office buildings, as would continuing to allow rear yard obstructions within 100 ft of wide streets, many of which are exclusively residential in character.

K12	X		Community facilities must be defined to prevent loopholes; faculty housing should be allowed only in commercial districts. The provisions relating to houses of worship should be deleted from the proposal because parking is not required for district residents, a large percentage who in observance of religious laws walk, and because requiring parking would be a hardship, impeding new houses of worship.
M2		X	Proposal does not address bulk. Keep the special permit for HOWs in M1. Clarify accessory uses for colleges. Address issue of whether faculty housing is a CF. Proposal does not address problems with large health care facilities.
M3	X		Proposal should address FAR differential.
M6	X		Maintain 500 ft buffer for adult establishments. Designate specific permitted hospital related facilities that would be allowed mid-block rear yard obstructions. Study: eliminating all rear yard obstructions and relocating to wide streets; eliminating FAR differential; and, identify regional Cfs and allow only in high density commercial.
M7	X		CF FAR should be limited in R7-2 districts to the difference between that for residences and CFs. Rear yard obstructions should be only by special permit and 50% should be below grade. Parking inappropriate for orthodox and conservative synagogues.
M8	X		A separate CB Resolution urges elimination of special FAR rule for CFs located in R8B districts mapped in CB#8. Also notes concern about bulk differential and rear yard obstructions for all CFs.
Q1	X		

Q2	X		Recommended maintaining current 500 ft buffer for adult establishments located in M1 districts.
Q3	X		Do not change parking requirements for facilities located in R6 and C1. Oppose provision for BSA to reduce parking for HOWs.
Q4		X	Each borough has extremely different concerns that cannot be addressed satisfactorily in a citywide text change.
Q5		X	Medical office special permit would burden some residence districts. Parking should apply to entire HOW building. Removing HOW parking requirement would overwhelm where little on-street parking available. Did not address FAR differential.
Q6		X	Increase FAR in C1 and C2 only by special permit. Ambulatory health care should be limited to 1,500 sf in R1 through R4, and up to 6,000 sf by CPC special permit. Retain 500 ft buffer for new houses of worship in M1. Parking for HOWs should be based on all spaces used simultaneously for worship.
Q7	X		Base HOW parking requirements on entire building. All CFs should maintain a 30 ft rear yard in residence districts. All accessory vehicles must park on-site. Bulk differential should be eliminated for HOWs.
Q8		X	Parking requirement onerous for Orthodox HOWs. Allowing 10K sf for medical offices and increasing FAR in C1/C2 overlays discourages housing development. Fails to address FAR differential.
Q9	X		All CFs should be by special permit in residential areas. Facility capacity should not be determined by the largest room.

Q10	X		Should add more specific requirements for defining parking demand that the BSA can use in making determinations to reduce or waive parking for HOWs. Provision should be added to allow the BSA to waive landscaping requirement for ornamental/decorative fencing or a brick wall option.
Q11	X		HOW parking should be based on total capacity of facility. No provision should allow off-site parking greater than 600 ft. Medical offices should be prohibited from all residence districts. CF bulk should be only by special permit. No as-of-right rear yard obstructions. Proposed increase in FAR in C overlays should be only by special permit.
Q12	X		Apply parking requirement for cellar space in ambulatory health care facilities notwithstanding use. Retain current 500 ft buffer for adult establishments. Parking for HOWs in R1 through R5 should be 1:10 persons rated capacity. Do not permit HOW parking to be located 1,000 ft. distant by BSA permit. Delete proposal to increase FAR in C1 and C2 overlays.
Q13		X	Proposal should abate or limit FAR and height differential for CFs. Oppose allowing 10K sf medical offices in R3 and R4, and calculating parking based on largest room instead of total facility size. Also note that parking requirement would be onerous on Orthodox Synagogues.
Q14		X	Does not meet our communities needs.
S1	X		
S2	X		

Borough President Review

The Bronx Borough President recommended approval of the application. The Borough President expressed concern about adding parking requirements for houses of worship, and suggested that the proposed Board of Standards and Appeals special permit to reduce or waive required parking for facilities whose congregations walk to worship services be replaced with a City Planning Commission Authorization. The Borough President also recommended maintaining the 500-foot minimum distance between new houses of worship and adult establishments in M1 districts, and that the current special permit for houses of worship in M1 districts be left in place. The Borough President further recommended increasing the maximum permitted floor area ratio in C1 and C2 districts mapped within R3-2 districts but expressed reservations about doing so "while residential neighborhoods within the city are experiencing out-of-scale development of community facilities."

The Staten Island Borough President recommended approval of the proposed zoning text change.

Borough Board Review

The Brooklyn Borough Board on June 1, 2004, voted 26-0-0, to approve the application, with conditions. The Board stated that requiring parking for houses of worship would present a hardship

for congregations that walk to worship services, and suggested a City Planning certification instead of the proposed Board of Standards and Appeals special permit to waive or reduce parking requirements where it could be demonstrated that the house of worship is utilized or operated in such a way as to reduce demand for off-street parking. In addition, the Brooklyn Borough Board stated that it "believes that the proposed text amendment raises the issue again that many areas of Brooklyn are not suitably zoned," and called for downzonings and remapping to contextual districts where rules for community facilities are more restrictive. The Board also called for the Department of City Planning to develop, in consultation with CB 10 and its elected officials, zoning amendments that address community facility use and bulk concerns within the Special Bay Ridge District.

The Queens Borough Board on May 17, 2004, voted 8-5-1, to approve the application, with conditions. The Borough Board listed the votes, and reasons for the votes, of the 14 Queens community boards. The Board stated: "The conditions of approval were that all of the conditions cited by the community boards and their resolutions should be reflected on the Borough Board recommendation."

The Staten Island Borough Board on June 2, 2004, voted unanimously

in support of the proposal.

CITY PLANNING PUBLIC HEARING

On May 26, 2004, (Calendar No. 15), the City Planning Commission scheduled June 9, 2004, for a public hearing on this application (N 040202 ZRY). The hearing was duly held on June 9, 2004 (Calendar No. 18). There were 14 speakers, four in favor and ten in opposition to the proposal.

A representative of the Queens Borough President, testifying in support of the proposal, stated that there are "land use impacts in lower density areas from 'regional' community facilities." The borough president's representative also expressed concern about creating parking impacts in lower density districts by eliminating parking requirements for houses of worship located in nearby R6 and R7 districts.

A representative of the Greater Whitestone Civic Association and a member of the Bowne Park Civic Association and the Queens Civic Congress, speaking in support of the proposal, noted the proliferation of community facilities in low density residential areas and problems with current zoning regulations. One speaker expressed concern that the current "fixed seats" standard for

requiring parking for houses of worship has led to traffic and parking impacts. The other speaker also noted problems with the current zoning as it relates to parking for houses of worship and medical facilities.

The City Council Member from the 50th district, Staten Island and Brooklyn, speaking in support of the proposal, cited traffic and parking problems relating to medical offices in residential areas.

Several of those speaking in opposition to the application expressed concerns that the need to obtain a special permit from the Board of Standards and Appeals in order to reduce or waive parking where the house of worship would be utilized or operated in such a way as to reduce demand for off-street parking would pose a financial burden and result in construction delays. A representative of the National Council of Young Israel suggested that it makes little sense to require parking for such facilities, when the parking lots would be "unused and empty, creating an eyesore." He also noted the cost to the house of worship of property acquisition for parking spaces and the loss of tax dollars to the city of adding to the inventory of tax-exempt property.

The representative, along with the City Council Member from the 44th district, Brooklyn, recommended waiving parking requirements where a majority of the members of the house of worship live within a reasonable radius of the facility, and a simpler administrative process to address the issue of waiver or reduction of parking

requirements for houses of worship that do not generate parking demand.

The City Council Member from the 23rd district, Queens, cited concerns about establishing overly restrictive parking requirements for houses of worship where members walk to such facilities. He also characterized the proposal as it pertains to the "cap" on ambulatory health care facilities in one- and two-family districts as a rule that encourages inappropriate development. The Council Member also testified in opposition to increasing the maximum permitted floor area ratio in C1 and C2 districts mapped within R3-2 districts.

A representative of the Queens Civic Congress, speaking in opposition to the proposal, stated that prohibiting ambulatory health care facilities from R1 and R2 districts, "while welcome, simply increases their number" in R3 and R4 districts. She also characterized the proposal to allow ambulatory health care facilities up to 10,000 square feet by special permit of the Board of Standards and Appeals as a "bulk bonus." The representative also spoke in opposition to the proposal to increase the maximum permitted floor area ratio in C1 and C2 districts mapped within R3-2 districts, stating that "introducing large community facilities would destroy the quality-of-life."

A representative of the United Neighbors Civic Association, Queens,

testified in opposition to increasing the maximum permitted floor area ratio in C1 and C2 districts mapped within R3-2 districts. The representative believes that the proposal would provide an incentive for the development of large office buildings at the expense of housing or "mom and pop stores" serving local residents.

The representative of the Greenwich Village Society for Historic Preservation and a resident of Manhattan testified of their concern about allowing houses of worship to locate as-of-right in M1 districts. They stated that the houses of worship may use all the permitted floor area for ancillary uses that may have land use impacts.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes the proposed changes to the Zoning Resolution, as modified herein, are appropriate.

Houses of Worship

The Commission believes that revising the standard for parking requirements from one based on "fixed seats" to a standard based on "persons rated capacity" is appropriate. The "fixed seats"

regulation does not function as an effective parking requirement. Typically, a house of worship provides little or no parking by simply employing folding or removable chairs, rather than fixed seats.

Reflected in the testimony received as part of the public review for this proposal, houses of worship often bring large numbers of people into low density residential areas. As a result of the "fixed seat" regulation, congregants driving automobiles vie with residents for limited on-street parking. Traffic congestion and illegal parking, such as blocking driveways, can result from many cars seeking spaces near large houses of worship located in low density areas. This phenomenon can disrupt the quality-of-life and quiet atmosphere important to maintaining the character of low density residential areas.

The Commission believes that the proposed text substitutes the "fixed seat" rule with an effective parking requirement for houses of worship. A parking requirement based on "persons rated capacity," as calculated under the Building Code for such places of public assembly, will better reflect the demand for off-street parking generated by the facility than a standard based on whether or not fixed seats are provided. The "rated capacity" parking ratios proposed for Houses of Worship are consistent with and no

more stringent than those under current zoning regulations for other similar types of community facilities, such as clubs, community centers, non-profit institutions without sleeping accommodations, and non-commercial recreation centers.

At the same time, the proposal allows houses of worship considerable flexibility in how these parking requirements can be achieved. Proposed zoning provisions to allow off-site parking, and shared parking with other facilities provide a menu of options for houses of worship to meet the parking requirement in lieu of on-site facilities. In addition, the proposal recognizes that some houses of worship may not generate significant or any parking demand, and for that purpose establishes a special permit, which would allow a reduction in or waiver of required parking for houses of worship operated or utilized in such a way as to reduce demand for parking. The proposed special permit should allow the Board of Standards and Appeals flexibility in determining demand for off-street parking on a case-by-case basis. In this regard, the Commission concurs with a request from the Board of Standards and Appeals that the language of the proposed permit to reduce or waive parking based on demonstrated demand for parking should be modified. The modification would reflect that the reduction in the number of spaces may result in a waiver of required parking and that a non-exhaustive list of factors which the Board may consider,

such as the size of the congregation, the frequency and time of worship services and other events, and the proximity of the facility to transit, should be added to the text.

Other aspects of the proposal also recognize the special status and need for flexibility for houses of worship. These include, for example, requiring parking only for the facility's largest room of assembly; eliminating parking requirements for houses of worship located in R6 and R7 districts and other zoning districts; eliminating the current special permit for locating houses of worship in M1 manufacturing districts; and, maintaining the existing as-of-right parking waiver provisions in the Resolution when the number of required spaces would be small. The Commission also notes that existing zoning regulations pertaining to variances by the Board of Standards and Appeals are unchanged by this proposal and remain available to houses of worship.

The Commission notes the testimony and recommendations of several community boards, borough boards and elected officials, religious organizations and civic associations who stated that the need to obtain a Board of Standards and Appeals special permit to reduce or waive required parking where the house of worship generates little or no parking demand may be onerous in some instances. The Commission notes the written testimony of the Queens Civic Congress

recommending a ministerial certification process to exempt houses of worship from required parking where the congregation may not drive to services as part of their religious belief and provided there are no ancillary uses. The Commission further notes the written testimony of the City Council Members from the 33rd district, Brooklyn, and the 24th district, Queens, that processing a Board of Standards and Appeals special permit can be costly and time consuming, and that a simplified administrative process would be a more appropriate mechanism for addressing the reduced parking demand generated by some houses of worship.

The Commission recognizes in this regard that some houses of worship are more local in their orientation while others are more regional. Locally oriented houses of worship have a majority of their members residing within close proximity, while regional houses of worship have memberships that reside beyond walking distances. It is the regional houses of worship that are most likely to generate parking demand because most members drive to such facilities. The Commission therefore concurs with several of those commenting that a simplified administrative process can be devised to reduce or waive the parking requirement for houses of worship, based on a determination that a significant portion of congregants reside within walking distance of the facility.

The Commission therefore adopts the recommendation made by staff of the Department that the proposed text be modified by adding a new provision to the Zoning Resolution to allow, by certification of the Chairperson of the City Planning Commission, the waiver of required off-street parking for houses of worship located in residence, commercial or manufacturing districts, when it can be demonstrated that seventy-five percent or more of the congregants of the house of worship reside within a three-quarter mile radius of the facility. In addition, the number of required parking spaces generated by the congregants living at a distance further from the facility must be, by formula, less than the number of spaces subject to the current waiver provisions for a small number of spaces (Sections 25-33, 36-23, 44-23, Waiver of Requirements for Spaces below Minimum Number). However, the certification would not apply to a house of worship that allows for use of its facility by an in-house catering business.

The Commission believes that seventy-five percent is an appropriate minimum threshold which captures a predominant percentage of the congregation and notes that use of a three-quarter mile radius is appropriate since it would typically reflect a fifteen minute walk. In addition, the Commission believes that houses of worship which allow part of their facilities to be used for the operation of catering businesses should not be eligible for the proposed

certification because the facility would be used frequently by individuals coming to social events from greater than walking distance. The Commission also believes that, in addition to the new certification, the proposed Board of Standards and Appeals special permit to reduce or waive parking requirements should remain available for situations when the requirements of the certification cannot be met, but where it can be nevertheless be demonstrated that parking demand is less than a rated capacity measure would otherwise indicate, e.g., where it is shown that congregants residing outside walking distance are likely to come to the facility by transit or van service.

In response to comments that the new special permit provision allowing parking for houses of worship to be located beyond 600 feet and up to 1,000 feet from the house of worship should be eliminated or adjusted to restrict the maximum allowed distance, the Commission believes it is appropriate to allow by special permit off-site parking up to 1000 feet away from the house of worship. The Commission believes that houses of worship should be afforded flexibility in how they provide required parking, and is mindful as well of the special legal protections afforded houses of worship. The Commission notes as well that the Board of Standards and Appeals can prescribe appropriate conditions in such special permits to address issues as needed on a case by case basis.

The Commission received recommendations from several community boards and testimony at the public hearing that parking requirements should not be eliminated in R6 and R7 districts. The Commission notes that while the results of the Department's survey showed that most new houses of worship located in these districts have not provided off-street parking, there is little indication of a parking problem specifically attributable to houses of worship located in these districts, which are often located near bus or rail transit and are therefore more transit-oriented than lower-density districts. Accordingly, it is appropriate to eliminate required parking in these and commercial districts with similar parking requirements.

The Commission believes it is appropriate to allow as-of-right houses of worship in M1 districts. The Commission notes that the current special permit, applicable to certain large commercial uses and community facilities generally, was enacted in the 1970s as an attempt to stem the flow of manufacturing jobs outside of the city. The special permit restrictions did not do so, but have created a procedural obstacle for houses of worship wishing to locate in manufacturing zones where impacts on residential areas can be minimized. The Commission notes that the Environmental Impact Statement indicates that the City Planning Commission has not

disapproved any of the 11 applications for houses of worship in manufacturing zones between 1991 and 2003 and that none of these applications had potentially significant environmental impacts. The Commission believes that the special permit is unnecessary.

With regard to concerns about the distance between new houses of worship and adult establishments, the Commission notes that the proposal as referred assumed a need for the 500 foot buffer zone between adult uses and houses of worship in M districts to be relaxed in order to address the need for adult establishments to continue to be able to locate and relocate in M1 districts. During the public review process, the Department of City Planning staff conducted additional analysis. Based on this analysis, the Commission believes that there will remain sufficient land area and potential locations for adult establishments to locate or relocate citywide, both within M1 districts and elsewhere, without modifying the 500 feet buffer rule.

Ambulatory Health Care Facilities

Under the proposal, "ambulatory diagnostic or treatment health care facilities" would replace "medical offices," "government operated health centers or independent out-of-hospital health facilities," and "health centers" as they appear throughout the Zoning

Resolution. A broad array of licensed health care providers would be allowed in residence districts, recognizing the changed nature of providing health care. "Hospitals and related facilities" would remain listed in the Zoning Resolution without change. The Commission believes that the proposal would appropriately eliminate overlapping and outdated categories for health care facilities.

The proposal would also prohibit ambulatory health care facilities from locating in R1 and R2 districts, and limit the absolute size of such facilities to 1,500 square feet as-of-right and 10,000 square feet by special permit of the Board of Standards and Appeals in R3A, R3X, R3-1, R4A, R4B and R4-1 districts. In buildings that do not contain residences, ambulatory health care facilities would be allowed to locate in any story. The Commission believes that ambulatory health care facilities should be prohibited from locating in R1 and R2 districts as these districts are limited to single-family detached homes on large lots. These districts are the city's lowest density districts and should enjoy the most protection from the land use impacts that stem from the new, larger ambulatory health care facilities typical of today's environment. In other low density residence districts, the Commission believes that added controls on the size of ambulatory health care facilities are also warranted to control their land use impacts. Residential development in R3A, R3X, R3-1, R4A, R4B and R4-1

districts is limited to one- and two-family dwellings, and the character of such districts should be protected from large office buildings. By limiting ambulatory health care facilities to 1,500 square feet as-of-right, such facilities would be roughly the size in floor space of a single-family house. Larger facilities, where appropriate, should be allowed only by special permit after review. The 10,000 square feet cap on facilities allowed by special permit will provide an appropriate limit on such facilities in these lower-density residence districts.

Testimony was received arguing that restrictions on locating ambulatory health care facilities in R1 and R2 districts as well as the limits in size of facilities in other one- and two-family districts will cause a proliferation of such facilities in other residence districts. The Commission believes that ambulatory health care facilities will find suitable locations in all residence districts in which they are permitted without resulting in a proliferation of such uses in any particular zoning district.

In response to testimony that the proposal would facilitate out-of-scale development in residence districts by allowing ambulatory health care facilities to locate above the ground floor, the Commission notes that the new provisions would not result in a change from current practices from the overlapping use

classifications in effect today. In addition, the Commission notes that bulk regulations such as floor area ratio and height and setback rules, which would remain unchanged, limit large buildings. As a consequence, in lower density residence districts, such facilities are typically two stories.

The Commission notes that there is a misunderstanding among some commenting in the public review process that the proposal to allow by special permit ambulatory health care facilities of up to 10,000 square feet increases the permitted size of such facilities. In fact, the proposal imposes a size limit in various single- and two-family districts where none exists today; under current regulations, a medical office with more than 10,000 square feet is permitted as-of-right on large enough zoning lots. It should also be noted that, in granting a special permit, the Board of Standards and Appeals would not be authorized to allow an ambulatory health care facility with a floor area ratio in excess of what is permitted under the applicable district regulations.

The Commission believes that the maximum facility size allowed under the special permit is particularly important in ensuring the public's access to ambulatory health care services in Staten Island and portions of Queens, where one- and two-family residence districts predominate and commercial zoning is limited in many

areas.

Rear Yard Obstructions

Current rear yard obstruction regulations have proven highly controversial, as permitted obstructions allowed for community facilities located in R3 through R10 districts often block the views, light and air for surrounding properties. As such, the Commission believes that it is appropriate to extend prohibitions on rear yard obstructions for community facilities located in R1 and R2 districts to all single- and two-family districts, characterized by low density residential development and open yards.

In other residence districts not limited to single- or two-family dwellings, the Commission believes it appropriate to further limit rear yard obstructions for community facilities, except for hospitals, colleges and universities, schools (which include day care centers) and houses of worship. The distinction among facility types reflects a recognition that certain community facilities have an especially strong programmatic need for the large floor plates generated by the permitted obstruction of rear yards. For example, a hospital may have the need for lobbies, ambulance access and emergency rooms that cannot be successfully

located on a small portion of a lot. By contrast, medical offices have no such programmatic needs.

In considering the written testimony submitted by the Real Estate Board of New York questioning the proposed differential treatment of libraries and museums versus schools under the revised regulations governing permitted rear yard obstructions, the Commission notes that while state law affords deferential treatment to schools of various kinds, museums and libraries are distinct from these uses. The proposal, therefore, appropriately recognizes those uses, i.e., schools and houses of worship, which have special status under state law.

The Commission believes it appropriate to continue to allow all community facilities to obstruct a required rear yard in districts allowing multiple dwellings where located within 100 feet of a wide street, in order to provide an appropriate incentive for community facilities to locate where their impacts are lessened. In considering the written testimony from the City Council Member from the 43rd district, Brooklyn, that there are many residential wide streets located in his district and that "the continuation of rear yard development will severely impact those blocks," the Commission notes that many wide streets in residence districts form the short dimension of a block, and rear yards are not generally required for

any permitted use in such locations.

Increasing FAR to 2.0 in C1 and C2 districts mapped within R3-2 districts

The proposal would increase the maximum permitted floor area ratio to 2.0 from 1.0 for community facilities located in C1 and C2 districts mapped within R3-2 districts. The Commission believes that new restrictions on the location of ambulatory health care facilities in low density residence districts may result in some community facilities, particularly ambulatory health care facilities, seeking locations in nearby commercial districts, and that by increasing the maximum permitted FAR in such locations, alternative locations would be made available. As a part of the incentive for additional locations for ambulatory health care facilities, parking requirements for second floor uses would be adjusted to make them the same as those to be required under the proposal for ambulatory health care facilities located in R3 Districts.

The Commission believes that the proposal provides an important balance to the limitations placed in locating ambulatory care facilities in low-density residence districts, and notes that such facilities serve nearby, local populations, consistent with the

purposes of C1 and C2 districts. The characterization of the proposal as a fourfold increase in density is mistaken since the current maximum permitted FAR is 1.0. In practice, application of the parking requirement to new developments would generally limit the FAR to less than the 2.0 proposed, in order to accommodate the required parking on the zoning lot.

Landscaping for Parking Lots

In R1 through R5 districts, for all community facilities with parking areas of 10 or more spaces, planting strips would be required for screening. The Commission believes that live shrubbery and natural screening is preferred to ornamental and decorative fencing and should be encouraged in low density residence districts.

Clarifications

The proposal adds language clarifying that college and school dormitories or fraternity and sorority houses are accommodations provided by the educational institution for its students. The request for clarification was made by the Department of Buildings in order to clarify that housing accommodations provided by educational institutions for non-students are not dormitories.

The Commission notes the concerns of one community board that colleges and universities have a wide variety of accessory uses and their statement that the nature of permitted accessory uses needs to be clarified. The Commission also notes the board further stated that although dormitories would be clarified as "student" accommodations under the proposal, the issue of whether faculty housing is a community facility also needs to be clarified.

The Commission notes that housing built for faculty does not qualify as a community facility, and believes that the proposed change would further clarify this by eliminating any suggestion that housing provided by an educational institution for faculty or other non-students may be classified as "dormitory." The Commission notes, however, that faculty housing may be accessory to other college or university uses.

The Commission believes that the definition of "accessory use" in Section 12-10 of the Zoning Resolution provides no less a workable definition of those uses which are permitted in conjunction with colleges and universities than it does for other primary uses, and no changes are proposed to the definition.

This important Citywide zoning initiative with the modifications described above will update the City's community facility zoning regulations in light of recent trends, by extending reasonable land use protections ,particularly in lower density residential areas, while continuing to allow community facilities ample opportunities to locate, expand and provided services to local communities.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 16, 2004, with respect to this application (N 040202 ZRY), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 underlined is new, to be added;

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

Matter within # # signs is defined in Section 12-10;

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

12-10

DEFINITIONS

Adult physical culture establishments

An "adult physical culture establishment," is any establishment, ... except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (3) hospitals, nursing homes, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4 ~~medical clinics or medical offices;~~

Residence, or residential

A "residence" is a #building# or part of a #building# containing #dwelling units# or #rooming units#, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels#

or #tourist cabins#, or #trailer camps#;

(b) #non-profit hospital staff dwellings#;

(c) student dormitories, fraternity or sorority student houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#; or

1/10/74

22-13

Use Group 3

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

A. Community facilities

*College or universities, including professional schools but

excluding business colleges or trade schools

*College or school student dormitories ~~or~~ and fraternity or sorority student houses

**Domiciliary care facilities for adults under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency.

9/13/84

22-14

Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

A. Community facilities

*** Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or

not-for-profit medical, health, and mental health care facilities in which patients are diagnosed or treated by health care professionals licensed by the New York State Department of Education or successor agency for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments,# or ophthalmic dispensing.

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

~~Churches, rectories, or parish houses~~

~~Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Article 7~~

~~of the New York State Social Services Law.~~

~~Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first #story# ceiling, except that in multiple dwellings such #uses# may be located on the second floor, if:~~

~~(a) separate access to the outside is provided; or~~

~~(b) such #use# existed on January 1, 1948~~

~~In R1 or R2 Districts, such #use# is further limited to not more than 1,500 square feet of #floor area# or #cellar# space.~~

Houses of Worship, rectories, or parish houses

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

of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face.

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

C. #Accessory uses#

*** Not permitted in R1 or R2 Districts, and, in R3A, R3X, R3-1,

R4A, R4B or R4-1 Districts, limited to a maximum of 1,500 square feet of #floor area#.

12/15/61

22-20

USES PERMITTED BY SPECIAL PERMIT

9/13/84

22-21

By the Board of Standards and Appeals

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

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

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

R1 R2

College or school student dormitories ~~or~~ and fraternity or sorority
student houses

~~R1 R2~~

~~Medical offices or group medical centers limited in each case to a
maximum of 6,000 square feet of #floor area# or #cellar# space~~

~~***~~

6/12/96

24-33

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#:

(b) In any #rear yard# or #rear yard equivalent#:

Any #building# or portion of a #building# used for #community facility uses#, ~~except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#.~~ However, such #building# shall not be a permitted obstruction in R1 or R2 Districts; the following shall not be permitted obstructions:

(1) in all #residence districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;

(2) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;

(3) in all #residence districts# not listed in paragraph (b)(2) of this Section, beyond one hundred feet of a #wide street#, any portion of a #building# used for a #community facility use# other than a #school#, house of

worship, college or university, or hospital and related facilities;

Parking spaces, off-street, #accessory# to a #community facility building# or a #building# used partly for #community facility uses#, provided that the height of an #accessory building# used for such purposes shall not exceed 14 feet above #curb level#. However, such #accessory building# shall not be a permitted obstruction in R1, or R2, R3A, R3X, R3-1, R4A, R4B, or R4-1 Districts;

7/26/01

24-51

Permitted Obstructions

In all #Residence Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate

Front Setbacks) or 24-591 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- ~~(c) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~
- ~~(d)~~(c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- ~~(e)~~ (d) Flagpoles or aerials;

(e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(f) Parapet walls, not more than four feet high;

(g) Spires or belfries;

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

Building columns having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building# are a permitted obstruction, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53, or 24-54 (Tower Regulations).

12/15/61

25-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

10/25/93

25-31

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all new #development# after December 15, 1961 for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the

rated capacity as the number of persons which may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) When, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number).
- (b) When the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

(c) For houses of worship, in accordance with the provisions of Section 25-35 (Waiver for Locally Oriented Houses of Worship).

In the event that the number of #accessory# off-street parking spaces required under the provisions of this Section exceeds the maximum number of spaces permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - District

FOR COMMUNITY FACILITY USES:

~~Medical offices or group medical centers~~

Ambulatory diagnostic or treatment health care facilities listed in

Use Group 4

Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage:

None required - R7-2 R7A R7X R8 R9 R10

1 per 400 - R1 R2 R3

1 per 500 - R4 R5

1 per 800 - R6 R7-1 R7B

~~Churches~~

Houses of Worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room

None required - R6 R7 ~~R7-2 R7A R7X~~ R8 R9 R10

1 per 10 ~~fixed seats~~ persons rated capacity - R1 R2 R3

1 per 15 ~~fixed seats~~ persons rated capacity - R4 R5

~~1 per 20 fixed seats - R6 R7-1 R7B~~

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-commercial recreation centers; or welfare centers, provided that in R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

Rated Capacity:

None required - R7-2 R7A R7X R8 R9 R10

1 per 10 persons - R1 R2 R3 R4 R5

1 per 20 persons - R6 R7-1 R7B

College student dormitories, fraternity or sorority student houses

None required - R7-2 R7A R7X R8 R9 R10

1 per 6 beds - R1 R2 R3 R4 R5

1 per 12 beds - R6 R7-1 R7B

12/15/61

25-32

**Special Provisions for a Single Zoning Lot with Uses Subject to
Different Parking Requirements**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

8/14/87

25-33

Waiver of Requirements for Spaces below Minimum Number

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 25-31 (General Provisions) or Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	R1 R2 R3 R4 R5
25	R6 R7-1 R7B
40	R7-2 R7A R7X R8 R9 R10

3/8/73

25-331

Exceptions to application of waiver provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

Agricultural #uses#, including greenhouses, nurseries or truck gardens;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts.

12/15/61

25-34

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking

Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Traffic for report and may base his determination on such report.

25-35

Waiver for Locally Oriented Houses of Worship

R1 R2 R3 R4 R5

In the districts indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

(a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;

(b) the number of spaces required pursuant to this Section is less

than the number of spaces listed in the table in Section 25-33 (Waiver of Requirements for Spaces below Minimum Number); and,

(c) such house of worship shall not include, as an accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section 25-35, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a), multiplied by the persons rated capacity of the largest room of assembly, shall be subtracted from the persons rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section, is not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person, in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the

same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory use#s shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

12/15/61

25-35

25-36

Special Provisions for Zoning Lots Divided by District Boundaries

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

12/15/61

25-40

RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES

* * *

12/15/61

25-42

Use of Spaces Accessory to Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared facilities for houses of worship).

12/15/61

25-50

RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES

12/15/61

25-51

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility uses#, to #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-Site Spaces for Residences)

Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses)

Section 25-54 (Joint And Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

12/15/61

25-53

Off-Site Spaces for Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section.

25-531

For houses of worship

R1 R2 R3 R4

In the districts indicated, all required off-street parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district provided that in such instances all such spaces shall be not

further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

25-532

For permitted non-residential uses

R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and

(b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

12/15/61

25-54

Joint And Shared Facilities

25-541

Joint facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not

less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 25-52 (Off-Site Spaces for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

25-542

Shared parking facilities for houses of worship

R1 R2 R3 R4 R5

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

(a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.

(b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.

(c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

25-55

Additional Regulations for Required Spaces When Provided Off Site

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 25-52 (Off-Site Spaces for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

12/15/61

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, 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) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a) herein.

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).

10/31/01

32-01

Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4,

C5, C6-1, C6-2 or C6-3 Districts.

- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a ~~church~~ house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a ~~church~~ house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

6/29/94

33-121

In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	#Commercial Buildings#	#Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3 <u>R3-1</u>	1.00	1.00	1.00
<u>R3A R3X</u>			
<u>R3-2</u> R4 R5	1.00	2.00	2.00
R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

* In R8B Districts, within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community

facility uses# exclusively shall not exceed 5.10.

33-16

Floor Area Bonus for Front Yards

8/27/98

33-161

In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R1, R2, R3, R4 or R5 District, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section 33-12 (Maximum Floor Area Ratio) for a #community facility building# or a #building# used partly for #commercial use# and partly for #community facility use#, may be increased to the #floor area ratio# set forth in the following table provided that:

- (a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;
- (b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or
- (c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
When mapped within R1, R2, or R3 <u>R3-1, R3A or</u> <u>R3X</u> Districts	1.60
When mapped within R4 or R5 Districts	2.40

6/12/96

33-42

Permitted Obstructions

In all #Commercial Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165.
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- ~~(c) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~
- ~~(d)~~ (c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate

width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

~~(e)~~ (d) Flagpoles or aerials;

(e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(f) Parapet walls, not more than four feet high;

12/15/61

36-20

**REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR
COMMUNITY FACILITY USES**

2/9/94

36-21

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number)~~† or .~~
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street).
- (d) For houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally Oriented Houses of Worship).

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed in
Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8
C4-4A C4-5 C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-4 C2-4 C4-4 C8-3

except 1 per 400 square feet of #floor area# when located above the
first #story# ceiling in C1-1, C1-2, C2-1 or C2-2 Districts mapped
within R3-2 Districts

Churches

Houses of Worship, applicable only to the facility's largest room
of assembly; however, rooms separated by movable partitions shall
be considered a single room

None required - C1 and C2 districts mapped within R6, R7, R8, R9 or
R10 districts ~~C1-4 C1-5~~ C1-6 C1-7 C1-8 C1-9 ~~C2-4 C2-5~~ C2-6 C2-7 C2-

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

1 per 10 ~~fixed seats~~ persons rated capacity - C1 and C2 districts
mapped within R1, R2 or R3 districts, ~~C1-1 C2-1~~ C3 C4-1

1 per 15 ~~fixed seats~~ persons rated capacity - ~~C1-2 C2-2~~ C1 and C2
districts mapped within R4 and R5 districts C4-2 C8-1

~~1 per 20 fixed seats - C1-3 C2-3 C4-2A C4-3 C8-2~~

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-commercial recreation centers; or welfare centers

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 10 persons rated capacity - C1-1 C1-2 C2-1 C2-2 C3 C4-1
C4-2 C8-1

1 per 20 persons rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2

* The parking requirements for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Parking Spaces for Uses in Parking Requirement Category B1)

** In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees

*** For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

**** Requirements are in addition to area utilized for ambulance parking

***** Requirements apply only to the #floor area# not used for storage.

College student dormitories ~~or~~ and fraternity or sorority student
houses

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

1 per 6 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2

1 per 12 beds - C1-3 C2-3 C4-2A C4-3

12/15/61

36-22

**Special Provisions for a Single Zoning Lot with Uses Subject to
Different Parking Requirements**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot#
contains two or more #uses# having different parking requirements

as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

36-23

Waiver of Requirements for Spaces below Minimum Number

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements for #accessory# off-street parking spaces shall be subject to the waiver provisions

of this Section.

8/14/87

36-231

In districts with high, medium, or low parking requirements

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

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

<u>Number of Spaces</u>	<u>Districts</u>
10	C1-1 C2-1 C3 C4-1
15	C1-2 C2-2 C4-2 C8-1
25	C1-3 C2-3 C4-2A C4-3 C7 C8-2

6/21/73

36-232

In districts with very low parking requirements

C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5
C4-6 C4-7 C5 C6 C8-3 C8-4

In all districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or Section 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to:

- (a) #commercial uses# in parking requirement category A or B, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than 40 or 100 in the case of C6-1A Districts; or
- (b) #commercial uses# in any one of parking requirement categories B1, C, D, E, or H, or a permitted #community facility use#, if the number of #accessory# off-street parking spaces required for the #uses# in each such category or for each such #community facility use# is less than 40.

12/15/61

36-233

Exceptions to application of waiver provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the waiver provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in parking requirement category F in Use Group 11 or 16.
- (b) Storage or miscellaneous #uses# in parking requirement category G in Use Group 16, or when permitted by special permit.
- (c) The following other #commercial uses# in parking requirement category H in Use Group 7 or 13, or when permitted by special permit:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in

(d) The following #community facility uses#:

Agricultural #uses#, including greenhouses, nurseries, or truck gardens

Outdoor tennis courts.

12/15/61

36-24

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access

to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

36-25

Waiver for Locally Oriented Houses of Worship

C1 C2 C3 C4 C8

In the districts indicated, the requirements set forth in Sections 36-21 (General Provisions) and 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

(a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;

(b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 36-23 (Waiver of Requirements for Spaces below Minimum Number); and,

(c) such house of worship shall not include, as an accessory

use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section 36-25, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a), multiplied by the persons rated capacity of the largest room of assembly, shall be subtracted from the persons rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section, is not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

8/14/87

36-25

36-26

Special Provisions for Zoning Lots Divided by District Boundaries

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

7/6/72

36-37

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

36-40

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

6/23/66

36-41

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 36-42 (Off-Site Spaces for Residences)

Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses)

Section 36-44 (Joint and Shared Facilities)

Section 36-45 (Additional Regulations for Required Spaces When Provided Off-Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on

the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

36-43

Off-Site Spaces for Commercial or Community Facility Uses

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to #commercial# or #community facility uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses# but within the same district or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

12/15/61

36-44

Joint And Shared Facilities

36-441

Joint Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 36-21 (General Provisions)

Section 36-22 (Special Provisions for a Single Zoning
Lot with Uses Subject to Different

Parking Requirements)

Section 36-31 (General Provisions);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 36-42 (Off-Site Spaces for Residences), Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

36-442

Shared parking facilities for houses of worship

C1 or C2 districts mapped within R1, R2, R3, R4 or R5 districts C3

C4-1 C4-2 C8-1

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

(a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.

(b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.

(c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

36-45

Additional Regulations for Required Spaces When Provided Off Site

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 36-42 (Off-Site Spaces for Residences),

Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 36-44 (Joint And Shared Facilities), the following additional regulations shall apply:

- (a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#; and
- (b) such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/95

42-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and of

tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Section 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

10/31/01

42-01

Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

(b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a ~~church~~ house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.

However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a ~~church~~ house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

12/21/89

42-03

Residential Use

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section 42-47 (Residential Uses in M1-D Districts), subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and ~~44-27~~ 44-28 (Parking Regulations for Residential Uses in M1-D Districts).

1/28/71

42-10

USES PERMITTED AS-OF-RIGHT

8/16/79

42-11

Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-14, 32-15, 32-16, 32-18, 32-21.

All health facilities listed in Use Group 4A and requiring approval under Article 28 of the Public Health Law of the State of New York, which prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, and houses of worship, are allowed as-of-right and are not subject to the special permit provision of Sections 42-32 and 74-921.

2/26/98

42-14

Use Group 17

M1 M2 M3

Use Group 17 consists primarily of #manufacturing uses# which:

...

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Statuary, mannequins, figurines, or religious ~~or church~~ art goods, excluding foundry operations

12/21/89

42-47

Residential Uses in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, new #residences# or #residential enlargements# may be permitted by authorization of the City Planning Commission provided the

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and ~~44-27~~ 44-28 (Parking Regulations for Residential Uses in M1-D Districts).

12/11/01

42-32

By the City Planning Commission

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

M1 M2 M3

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

M1

#Uses# listed in Use Group 4A Community Facilities, except houses of worship.

M1

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

6/24/76

43-121

Expansion of existing manufacturing buildings

M1 M2 M3

The parking reduction provisions of Section ~~44-26~~ 44-27 (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

2/26/67

43-42

Permitted Obstructions

In all #Manufacturing Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

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

~~(b) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~

~~(c)~~ (b) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each

#street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

~~(d)~~ (c) Flagpoles or aerials;

(d) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(e) Parapet walls, not more than four feet high;

7/26/01

43-61

Bulk Regulations for Residential Uses in M1-D Districts

The following regulations shall apply to any new #building# or #residential enlargement# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts):

(e) The maximum distance from the #street line# to the #street wall# of any new #building developed# pursuant to this Section shall be ten feet, unless modified by the Commission pursuant to Section ~~44-27~~ 44-28 (Parking Regulations for Residential Uses in M1-D Districts).

12/21/89

44-023

Applicability of regulations in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility uses#, and the regulations of Section ~~44-27~~ 44-28 (Parking Regulations for Residential Uses in M1-D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

12/15/61

44-20

**REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING,
COMMERCIAL OR COMMUNITY FACILITY USES**

10/25/93

44-21

General Provisions

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

(a) When, as the result of the application of such requirements,

a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number).

(b) When the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

(c) For houses of worship, in accordance with the provisions of Section 44-25 (Waiver for Locally Oriented Houses of Worship).

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING,
COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required, in Relation
to Specified Unit of Measurement

Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed
in Use Group 4

None required - M1-4 M1-5 M1-6

1 per 300*** sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - M1-1 M1-2 M1-3

Churches

Houses of Worship, applicable only to the facility's largest room
of assembly; however, rooms separated by movable partitions shall
be considered a single room

None required - M1-4 M1-5 M1-6

1 per 15 ~~fixed seats~~ persons rated capacity - M1-1 M1-2 M1-3

Clubs, community centers, or settlement houses; philanthropic or non-profit institutions without sleeping accommodations except ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-commercial recreation centers; or welfare centers

Rated capacity:

None required - M1-4 M1-5 M1-6

1 per 10 persons - M1-1 M1-2 M1-3

*** The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

12/15/61

44-22

**Special Provisions for a Single Zoning Lot with Uses Subject to
Different Parking Requirements**

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly), when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

44-23

Waiver of Requirements for Spaces Below Minimum Number

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

<u>Number of Spaces</u>	<u>District</u>
15	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
40	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

12/15/61

44-231

Exceptions to application of waiver provisions

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in Use Group 17B, 17D, 18A or 18C, or in parking requirement category F in Use Group 11 or 16.
- (b) Storage or miscellaneous #uses# in Use Group 17A, 17C, 17D, 18B or 18C, or in parking requirement category G in Use Group 16.
- (c) The following #commercial uses# in parking requirement category H in Use Group 7 or 13:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

12/15/61

44-24

**Waiver of Requirements for All Zoning Lots Where Access Would be
Forbidden**

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

44-25

Waiver for Locally Oriented Houses of Worship

M1

In the district indicated, the requirements set forth in Sections 44-21 (General Provisions) and 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

(a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;

(b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 44-25 (Waiver of Requirements for Spaces below Minimum Number); and,

(c) such house of worship shall not include, as an accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section 44-25, the product of the actual

percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a), multiplied by the persons rated capacity of the largest room of assembly, shall be subtracted from the persons rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section, is not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The

Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

12/15/61

44-25

44-26

Special Provisions for Zoning Lots Divided by District Boundaries

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is

divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

6/24/76

~~44-26~~

44-27

Special Provisions for Expansion of Existing Manufacturing Buildings

M1 M2 M3

In all districts, as indicated, whenever an existing manufacturing #building# is expanded pursuant to the provisions of Section 43-121 (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Regulations), provided the Commission certifies:

- (a) that because of site limitations such a reduction is necessary for the proper design and operation of the

manufacturing #building#; and

- (b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.

12/21/89

~~44-27~~

44-28

Parking Regulations for Residential Uses in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

- (a) In M1-1D Districts, for any new #residential building# authorized pursuant to Section 42-47, one #accessory# parking space shall be provided for each #dwelling unit#. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new #development#.

Access to such required #accessory# parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#. If necessary, in order to implement this requirement, the Commission may modify the ten foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts).

- (b) In M1-2D, M1-3D, M1-4D and M1-5D Districts, #accessory# parking shall not be permitted, except when authorized by the City Planning Commission.

The Commission may authorize #accessory# parking provided:

- (1) the #zoning lot# extends 40 feet or more along the #street line#;
- (2) the curb cut extends no more than 15 feet along the #street line# and provides access to a #group parking facility# of five or more #accessory# off-street parking spaces; and
- (3) the Commission determines that such curb cut will not

adversely affect the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#.

12/15/61

44-30

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

6/23/66

44-31

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 44-32 (Off-Site Spaces for All Permitted Uses)

Section 44-33 (Joint and Shared Facilities)

Section 44-34 (Additional Regulations for Required Spaces
When Provided Off-Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

44-32

Off-Site Spaces for All Permitted Uses

M1 M2 M3

In all districts, as indicated, all permitted or required off-

street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

12/15/61

44-33

Joint and Shared Facilities

44-331

Joint facilities

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning

lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning
Lot with Uses Subject to Different
Parking Requirements)

(b) all such spaces conform to the provisions of Section 44-32
(Off-Site Spaces for All Permitted Uses); and

(c) the design and layout of such joint facilities meet
standards of adequacy set forth in regulations promulgated
by the Commissioner of Buildings.

44-332

Shared facilities for houses of worship

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street
parking spaces may be provided for houses of worship in
facilities designed to be shared with other permitted non-
#residential uses#, in any district, provided that:

(a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-residential uses, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-residential uses at the same times.

(b) all such spaces are no further than 600 feet from the nearest boundary of the zoning lot containing the house of worship.

(c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

44-34

Additional Regulations for Required Spaces When Provided Off-Site

M1 M2 M3

In all districts, as indicated, when required accessory off-

street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-Site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/93

62-212

WE uses (Waterfront-Enhancing)

WE #uses# comprise a group of primarily recreational, cultural,

entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 4:

Churches

Community centers

Houses of worship

*Ice skating rinks, outdoor

Recreation centers, non-commercial

*Philanthropic or non-profit institutions — without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

7/22/71

73-10

SPECIAL PERMIT USES

12/15/61

73-12

Community Facility Uses in R1, or R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts

In R1, or R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board of Standards and Appeals may permit specified #community facility uses# in accordance with the provisions of this Section.

73-122

College or school student dormitories or and fraternity or
sorority student houses

The Board of Standards and Appeals may permit college or school
student dormitories ~~or~~ and fraternity or sorority student houses
in R1 or R2 Districts, provided that the following findings are
made: ...

5/22/63

73-125

~~Medical offices or group medical centers~~

Ambulatory diagnostic or treatment health care facilities

In ~~R1 or R2~~ R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board
of Standards and Appeals may permit ambulatory diagnostic or
treatment health care facilities listed in Use Group 4, medical
offices or group medical centers, including the practice of
dentistry or osteopathy, limited in each case to a maximum of
~~6,000~~ 10,000 square feet of #floor area# ~~and to a location below
the level of the first #story# ceiling,~~ provided that the Board
finds following findings are made:

- ~~(a) that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.~~
- ~~(b) that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number), at least one #accessory# off-street parking space is provided for each 400 square feet of #floor area#; and~~
- ~~(c) that all open #accessory# off-street parking spaces will be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.~~

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

12/15/61

73-43

**Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or
Places of Assembly**

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for Houses of Worship or Places of Assembly, in accordance with the applicable provisions of the following Sections.

73-431

Reduction of parking spaces for houses of worship

In all districts, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for houses of worship, provided:

(a) the house of worship will be operated or utilized in such a manner as to reduce demand for on-site parking;

(b) such reduction is commensurate with the reduced demand for

on-site parking.

Factors to be considered by the Board may include without limitation the size of the congregation, the frequency and time of worship services and other events, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-432

Reduction of parking spaces for places of assembly

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for ~~churches~~ or #uses# in parking requirement category D (Places of Assembly) whenever such #uses# are located in the same #building# or on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds:

- (a) that the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the ~~church~~ or place of assembly during the entire period that such ~~church~~ or

place of assembly remains in #use#; and

(b) that, in accordance with submitted schedules of the times of operation for all #uses# within the #building# or on the #zoning lot#, there will be no conflict in the #use# of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for ~~churches~~ and places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

12/15/61

73-44

Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1

In the districts indicated, the Board of Standards and Appeals

may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14, or 16 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by ambulatory diagnostic or treatment facilities listed in Use Group 4 or #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR
AMBULATORY DIAGNOSTIC OR TREATMENT FACILITIES LISTED IN USE GROUP
4 AND COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking Spaces Required

per Number of Square

<u>Feet of #Floor Area# *</u>	<u>Districts</u>
1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

* For ambulatory diagnostic or treatment facilities listed in Use Group 4, parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space #used# for storage

73-45

Modification of Off-Site Parking Provisions

73-454

For houses of worship

The Board of Standards and Appeals may modify, as applicable, the

provision of Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), 25-542 (Shared parking facilities for houses of worship), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), 36-442 (Shared parking facilities for houses of worship), 44-32 (Off-Site Spaces for All Permitted Uses), or 44-332 (Shared facilities for houses of worship) relating to the maximum permitted distance of the location of #accessory# off-street parking spaces for houses of worship, provided that in such instances all such spaces shall be not further than 1,000 feet from the nearest boundary of the #zoning lot# containing such house of worship, upon finding that:

(a) such spaces conform to all applicable regulations of the district in which they are located;

(b) the location of such spaces will not result in undue traffic congestion in the area.

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

7/22/71

73-60

MODIFICATIONS OF BULK REGULATIONS

6/27/63

73-64

Modifications for Community Facility Uses

On a #zoning lot# occupied by any of the #community facility uses# specified herein, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility uses# are:

~~Churches, rectories, parish houses, or seminaries~~

College or school student dormitories or fraternity ~~or~~ and
sorority student houses

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

Community centers

Houses of worship, rectories, parish houses, or seminaries

Libraries, museums, or non-commercial art galleries

Philanthropic or non-profit institutions with or without
sleeping accommodations, excluding ambulatory diagnostic or
treatment health care facilities listed in Use Group 4

6/12/96

74-844

Preservation of community facility uses within certain
developments containing public open areas

For any #development# on a #zoning lot# a portion of which,...

(a) that the provision of the new #community facility building# will result in the reinforcement or preservation of an existing ~~church, or other~~ house of worship, community ...

74-92

Use Group 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

74-921

Use Group 4A community facilities

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities.

As a condition of granting a special permit for such community facilities, the Commission shall find that:

7/12/84

79-42

Special Permit for Non-profit Hospital Staff Dwelling Buildings

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

(b) ~~Medical offices~~ Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 on the third floor of such #buildings# in C1 Districts, provided the following findings are made:

(1) that such ~~offices~~ facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;

2/8/90

81-722

Use Group T

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Use#

*Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Antique stores

* Catering establishments

* ~~Churches~~

Cigar stores

* * *

Hardware stores

* ~~Health centers~~

Historical exhibits

* * *

* Household appliance repair shops - not permitted in C5
Districts

* Houses of worship

Ice cream stores

* * *

Luggage stores

~~* Medical offices or group medical centers~~

* Meeting halls

10/9/69

Article VIII - Special Purpose Districts

Chapter 3

Special Limited Commercial District

2/8/90

83-03

Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the

residents of the surrounding communities and of the many visitors who are attracted to its activities.

A. Amusements

Theaters, limited to a capacity of not more than 300 seats

B. Community Facilities

Ambulatory diagnostic or treatment health care facilities
listed in Use Group 4

~~Churches, rectories, or parish houses~~

Clubs, except:

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

Colleges or universities, including professional schools

College or school student dormitories ~~or~~ and fraternity or sorority student houses

Community centers or settlement houses

~~Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Section 35 of the New York State Social Services Law~~

Houses of worship, rectories, or parish houses

Libraries, museums, or non-commercial art galleries

~~Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first #story# ceiling, except that in multiple dwellings such #uses# may be located on the second floor, if separate access to the outside is provided or such #use# existed on January 1, 1948~~

Monasteries, convents, or novitiates used only for living purposes, provided that such #use# is to be part of a group

of #buildings# accommodating ~~church~~ house of worship activities, #schools# or other ~~church~~ house of worship facilities which existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face

3/18/76

97-10

SPECIAL PROVISIONS FOR R(M) SPECIAL NORTHSIDE MIXED USE DISTRICT

3/18/76

97-111

Use Group M

A. Apparel and Textile Manufacturing Establishments

Statuary, mannequins, figurines, or religious ~~or church~~ art,
excluding foundry operations

Steel, structural products, including bars, girders, rails,
wire rope or similar products

1/9/75

Article X - Special Purpose Districts

Chapter 6

Special Coney Island Mixed Use District

1/9/75

106-311

Use Group M

Apparel or other textile products from textiles or other

materials, including hat bodies or similar products

Statuary, mannequins, figurines, or religious ~~or church~~ art,
excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods,
yarn, thread or cordage, but not dyeing

9/11/75

Article X - Special Purpose Districts

Chapter 8

Special Franklin Street Mixed Use District

9/11/75

108-111

Use Group M

A. #Manufacturing uses#

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Statuary, mannequins, figurines or religious ~~or church~~ art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

1/20/77

Article XI - Special Purpose Districts

Chapter 2

Special City Island District

3/6/86

112-121

Accessory parking and floor area requirements for eating or drinking establishments

For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly) and 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable.

3/26/92

122-10

SPECIAL USE REGULATIONS

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified as follows:

However, if a #building# on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed in Use Group 6 if they were in existence prior to July 1, 1981 as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to business, professional, ~~medical~~ or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A and/or Use Group 6B, regardless of the locational restrictions in Use Group 4.

12/10/97

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

12/10/97

123-21

Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories ~~or~~ and fraternity or sorority student houses, domiciliary care facilities for adults, nursing homes and health-related facilities, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to

the Department of Buildings that such #manufacturing# or
#commercial use#: ...

12/10/97

123-222

Uses permitted with restrictions

The following #uses# from Use Groups 16 and 17 are permitted in
#Special Mixed Use Districts# subject to the certification
requirements and locational restrictions of this Section:

From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Statuary, mannequins, figurines, or religious ~~or church~~ art
goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly,
including steel cabinets, doors, fencing, metal furniture,
or similar products

The above resolution (N 040202 ZRY), duly adopted by the City Planning Commission as modified on July 28, 2004 (Calendar No. 50), is filed with the Office of the Speaker, City Council and the Borough Presidents in accordance with the requirements of Sections 197-d and 200 of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair,

KENNETH J. KNUCKLES, ESQ., Vice-Chairman

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

ANGELA R. CALAVUZZI, R.A., RICHARD W. EADDY, JANE D. GOL,

CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,
Commissioners