



CITY PLANNING COMMISSION

August 25 / Calendar No. 10

N 040482 ZRX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 2; Article II, Chapter 5; Article II, Chapter 6; Article V, Chapter 3 and Article XI, Chapter 2, establishing Community District 10 in the Borough of the Bronx as a Lower Density Growth Management Area.

The application for an amendment to the New York City Zoning Resolution was filed by the Department of City Planning June 2, 2004, to address the issues of overdevelopment, parking and inappropriate development in predominantly lower density residential districts within the Throgs Neck area of Bronx Community District 10.

Related Actions

In addition to the amendment to the Zoning Resolution which is the subject of this report, implementation of the proposed also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. N 040479 ZMX Zoning map amendment
2. N 040480 ZRY Zoning text amendments establishing a new C3A zoning designation
3. N 040481 ZRY Zoning text amendment modifying the definition of street for the purpose of determining a waterfront zoning lot

BACKGROUND

The Lower Density Growth Management Area designation is intended to provide better site design options while balancing the need for providing adequate locations for parking and maintaining yard and open space areas. The provisions described below would apply in R2, R3, R4A and R4-1 zoning districts in Bronx Community District #10, including

those mapped within the Special City Island District. The proposed action would also modify several provisions relating to the Lower Density Growth Management regulations concerning parking, development on private roads and non-complying yards. Additionally, the Special City Island District would be modified to eliminate redundancies and discrepancies.

A full background discussion and description appears in the report on the related application for an amendment of the Zoning Map, (C 040479 ZMX).

ENVIRONMENTAL REVIEW

This application (N 040482 ZRX), in conjunction with the applications for the related actions (C 040479 ZMX), (N 040480 ZRY) and (N 040481 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 CEQR number is 04DCP0S0X. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on June 7, 2004.

PUBLIC REVIEW

On June 7, 2004 this application (N 040482 ZRX) in conjunction with the related applications, (N 040480 ZRY) and (N 040481 ZRY), was duly referred to the borough presidents and community boards, for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board 10 held a public hearing on this application on June 17, 2004, and on June 17, 2004, by a vote of 29 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Review

The Bronx Borough President held a public hearing on this application on June 29, 2004 and issued a recommendation approving the application on July 8, 2004.

City Planning Commission Public Hearing

On July 28, 2004 (Calendar No. 4), the City Planning Commission scheduled August 11, 2004 for a public hearing on this application, in conjunction with the related applications, (C 040479ZMX), (N 040480 ZRY) and (N 040481 ZRY). The hearing was duly held on August 11, 2004 (Calendar No. 9).

A full discussion and description of the hearing appears in the report on the related application for an amendment of the Zoning Map (C 040479 ZMX).

Waterfront Revitalization Program Consistency Review

This application (N 040482 ZRX), in conjunction with the applications for the related actions (C 040479 ZMX), (N 040480 ZRY) and (N 040481 ZRY), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP),), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to The New York State Waterfront Revitalization and Coastal

Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 04-044.

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

CONSIDERATION

The City Planning Commission believes that the proposed text amendment is appropriate.

A full consideration and analysis of the issue, and further reasons for approving this application, appear in the report on the related application for amendment of the Zoning Map (C 040479 ZMX).

RESOLUTION

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

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

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

Matter in underline is new, to be added;
matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section12-10;

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

* * *

ARTICLE 1 GENERAL PROVISIONS

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

* * *

11-40 EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

* * *

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

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

- (a) Notwithstanding the provisions of N040414ZRY (Lower Density Growth Management Area Text Amendments) and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N040414ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to (effective date of amendment):
1. Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the City Planning Commission and, where applicable, the City Council, prior to (the effective date of amendment) may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.
 2. Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of

City Planning for public review prior to May 24, 2004 may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission, and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto, and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(b) Notwithstanding the provisions of N040414ZRY (Lower Density Growth Management Area Text Amendments), the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:

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

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

* * *

12-10 Definitions

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of

walls separating two #buildings#. In particular, #floor area# includes:

* * *

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

* * *

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

* * *

- (6) floor space used for #accessory# off-street parking spaces provided in any #story#:
 - (i) up to 200 square feet per required space existing on June 30, 1989 within #residential buildings# in R3, R4 or R5 Districts, except that for #detached# or #semi-detached single-# or #two-family residences# in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one required space

and up to 500 square feet for two required spaces;

- (ii) up to 100 square feet per required space in individual garages in #attached residential buildings#, rowhouses or multiple dwellings in R3, R4, or R5 Districts except that in R3-2 Districts within #lower density growth management areas#, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:
 - (1) #residential buildings developed# or #enlarged# after June 30, 1989 pursuant to the optional regulations applicable in a #predominantly built-up area#;
 - (2) #residential buildings# where, subsequent to June 7, 1989, the level of any #yard#, except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of #curb level# or grade existing on June 7, 1989.

* * *

Lower density growth management area

A “lower density growth management area” is any R1, R2, R3, R4A or R4-1 District in the following designated areas, and any #development# accessed by #private roads# in R1 through R5 Districts within such areas:

The Borough of Staten Island
Community District 10 in the Borough of the Bronx

* * *

Private road

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

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

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

- (a) three or more #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line#; or

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

* * *

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

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23-00 APPLICABILITY AND GENERAL PURPOSES

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23-012 Lower Density Growth Management Areas

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

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

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

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**23-10
OPEN SPACE AND FLOOR AREA REGULATIONS**

* * *

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

R1 R2 R3 R4 R5

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

* * *

(b)

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R3A R3X	governed by #yard# requirements		.50*

R4A R4-1	governed by #yard# requirements		.75*
R2X	governed by #yard# requirements		.85*
R3-1			
R3-2**	35	65	.50*
R4**	45	55	.75*
R4B	55	45	.90
R5**	55	45	1.25
R5B	55	45	1.35

~~* the #floor area# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 and 1/2 inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between 5 and 8 feet.~~

~~** The permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989 may be increased by 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).~~

In addition, the following rules shall apply:

- (1) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 and 1/2 inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between 5 and 8 feet.
- (2) In R3, R4A and R4-1 Districts in #lower density growth management areas#, the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located in a portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (3) In R3-2, R4 and R5 Districts, except R4A, R4B, R4-1 and R5B Districts, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989 may be increased by 100 square feet if at least one enclosed #accessory# off-street

parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

(4) In R3, R4A and R4-1 Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

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**23-30
LOT AREA AND LOT WIDTH REGULATIONS**

* * *

**23-32
Minimum Lot Area or Lot Width for Residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)	District
#Single-family detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2
	2,850	30	R2X

#Single-# or #two-family detached# or #zero lot line# where permitted	3,800	40	R3-1 R3-2 R4-R10
	3,325	35	R3X
	2,850	30	R4A*
	2,375	25	R3A*_R4B R4-1*_R5B
Any other permitted	1,700	18	R3-R10*

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

**23-40
YARD REGULATIONS**

* * *

**23-44
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

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

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

* * *

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

- ~~(1) #accessory# to any #residential use# in R4B or R5B Districts;~~
- ~~(2) #accessory# to a #residential building# where no more than two parking spaces are required in R1 or R2 Districts, except R2X Districts, or in R2X, R3, R4 or R5 Districts, unless such spaces are located in a permitted #side lot ribbon#;~~
- ~~(3) #accessory# to a #residential building# where more than two parking~~

~~spaces are required in R3, R4 or R5 Districts unless such spaces or~~

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

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

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

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

(2) in R3, R4 and R5 Districts, more than two parking spaces are required, provided such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts), and the screening requirements of Section 25-66.

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

Steps and ramps for access by the handicapped;

* * *

23-461

Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

MINIMUM REQUIRED SIDE YARDS

Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)	District
2	35	15	R1-1

2	20	8	R1-2
2	13	5	R2 R3-1 R3-2 R4- R10
2	10	2*	R2X R3X R4A
1	8	0*	R3A R4-1 R4B R5B

* * *

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

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

MINIMUM REQUIRED SIDE YARD	
Feet	District
8	R3-1 R3-2 R4 R5
4*	R4-1 R4B R5B

* * *

23-462

Side yards for all other residential buildings

R3-2 R4 R5 R6 R7 R8 R9 R10

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

R3-2 R4 R5

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

* * *

23-533

Required rear yard equivalents

R4 R5 R6 R7 R8 R9 R10

In the districts indicated, and in R1, R2 and R3 Districts within #lower density growth management areas#, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

- (a) an open area with a minimum depth of 60 feet, linking adjoining #rear yards# or, if no such #rear yards# exist, an open area with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts; or
- (b) two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except that in R6, R7, R8, R9 or R10 Districts, the depth of such required open area along one #street line# may be decreased, provided that:
 - (1) a corresponding increase of the depth of the open area along the other #street line# is made; and
 - (2) any required front setback areas are maintained; or
- (c) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#.

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

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

23-54

Other Special Provisions for Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

23-541

Within one hundred feet of corners

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

23-542

Along short dimension of block

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-631

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

* * *

R2X R3 R4 R4A R4-1

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

(h) of this Section.

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

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

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

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

* * *

**23-70
MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS
ON A SINGLE ZONING LOT**

* * *

**23-711
Standard minimum distance between buildings**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

table:

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

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

* Wall condition shall be defined as:

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

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

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

In addition, the following rules shall apply:

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

requirements; and

- (e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.
- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph (f) shall apply to any #zoning lot# with two or more #buildings#, where at least one #building# is located wholly beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #residential building# with no #residential building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #residential building# shall be considered a “front building”, and any #residential building# located wholly beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building”. The minimum distances set forth in the table above shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#.

* * *

23-88

Minimum Distance between Lot Lines and Building Walls in Lower Density Growth Management Areas

- (a) On #corner lots# in #lower density growth management areas#, for #zoning lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.
- (b) In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph (b) shall apply to any #zoning lot# with two or more #buildings#, where at least one #building# is located wholly beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #residential building# with no #residential building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #residential building# shall be considered a “front building”, and any #residential building# located wholly beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building”. An open area with a minimum width of 15 feet shall be provided between any such rear building and the #side lot line# of an adjoining #zoning lot#, and an open area with a minimum width of 30 feet shall be provided between any such rear building and the #rear lot line# of an adjoining #zoning lot#. The permitted obstruction provisions of Sections 23-44 for #side yards# shall apply where such open areas adjoin a #side lot line#, and the

permitted obstruction provisions of Section 23-44 for #rear yards# shall apply where such open areas adjoin a #rear lot line#.

* * *

Chapter 5
Accessory Off-Street Parking and Loading Regulations

* * *

25-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

* * *

25-22
Requirements Where Individual Parking Facilities Are Provided

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

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

(b) R1 R2 R3 R4A R4-1

In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and for all other #residences#, #accessory# off-street parking space shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#

25-23
Requirements Where Group Parking Facilities Are Provided

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

**PARKING SPACES REQUIRED WHERE
GROUP PARKING FACILITIES ARE PROVIDED**

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

* In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and for all other #residences#, #accessory# off-street parking space shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

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

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

* * *

25-60

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

* * *

25-621

Location of parking spaces in certain districts

All #accessory# off-street parking spaces shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

* * *

25-622

Location of parking spaces in lower density growth management areas

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

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

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

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

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

* * *

25-631

Location and width of curb cuts in certain districts

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

* * *

25-632

Driveway, curb cut and screening regulations in lower density growth management areas

The provisions of this Section shall apply within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family detached residence# with at least 60 feet of frontage along one #street# and, for such residences on #corner lots#, with at least 60 feet of frontage along two #streets#.

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

25-632 25-633

Prohibition of curb cuts in certain districts

* * *

25-64

Restrictions on Use of Required Open Space for Parking

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

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

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

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

(1) Driveways, #private roads# and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #residential buildings# in R1, R2 and R3 Districts, and may occupy no more than 66 percent of the #lot area# not covered by #residential buildings# in R4 and R5 Districts, and

(2) The area within 30 feet and perpendicular to the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety shall not be occupied by driveways or off-street parking spaces, except that this provision shall not apply to any #zoning lot# occupied by only one #single# or #two-family detached# or #semi-detached residence#.

* * *

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

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

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

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

* * *

Chapter 6 Special Urban Design Guidelines - Streetscape Special Requirements for Developments in R9 and R10 Districts, and ~~Special Requirements for Developments with Private Roads, and Street Tree~~ Planting

26-00

Applicability of this Chapter

The regulations of this Chapter shall apply to:

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

* * *

26-30
SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

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

26-31
Yards

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

26-32

Minimum Distance Between Buildings, Walls and Lot Lines

- (a) Except in the Borough of Staten Island, the minimum distances set forth in Section 23-711 (Standard minimum distance between buildings) shall not apply between two #buildings# where each such #building# faces a #front yard# required pursuant to Section 26-31. In lieu thereof, such #buildings# shall be at least 13 feet apart.
- (b) For the purposes of applying the provisions of Section 23-88 (Minimum Distance Between Lot Lines and Building Walls in Lower Density Growth Management Areas), the required curb of the #private road# shall be considered to be a #street line#.

26-33

Entrances, Parking Location and Curb Cuts

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

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

- (a) are perpendicular to the road bed, and
- (b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed, or within 20 feet of being opposite to one another, and
- (c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated

one from another by a planting strip at least 18 feet deep and 8 feet wide, within which a tree of at least three inch caliper is planted.

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

26-34 **Lighting, Signage and Crosswalks**

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

26-35 **Screening**

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

26-36 **Modification and Waiver Provisions**

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through 26-35, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

- (a) Such modifications result in a site plan that provides sufficient open areas for the residents of the #development#;
- (b) Any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan, and

(c) Such modifications will not impair the essential character of the surrounding area.

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

26-40

STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS

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

* * *

ARTICLE V

NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

* * *

Chapter 4

Non-Complying Buildings

* * *

54-313

Single or two-family residences with non-complying front yards or side yards

- (a) In R4 Districts, except R4A, R4-1 and R4B Districts, and in R5 Districts other than R5B Districts, f For an existing #single# or #two-family residence# in R4 Districts, except R4A, R4-1 and R4B Districts, and R5 Districts, except R5B Districts, with a #non-complying front yard#, an #enlargement# involving a vertical extension of existing building walls facing such #non-complying front yard# is permitted, provided the following conditions are met:
- (1) the portion of the #building# which is being vertically extended complies with the height and setback regulations specified for the district in which it is located; and

- (2) the #non-complying front yard# where the building wall is being vertically extended is at least 10 feet in depth.
- (b) In all districts, fFor an existing #single# or #two-family residence# with a #non-complying side yard#, an #enlargement# involving a vertical extension of existing building walls facing such #non-complying side yard# is permitted, provide the following conditions are met:

* * *

ARTICLE X - SPECIAL PURPOSE DISTRICTS

* * *

**Chapter 5
Special Natural Area District**

* * *

**105-70
SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT**

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

* * *

**105-702
Applicability of lower density growth management area regulations**

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

- (a) Parking location regulations

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

- (b) Private road regulations

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

* * *

Article X - Special Purpose Districts

**Chapter 7
Special South Richmond Development District**

* * *

**107-251
Special provisions for arterials**

* * *

(b) Building setback

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

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such front open area. The trees shall be selected in accordance with the table set forth in APPENDIX B.

* * *

**107-30
TOPOGRAPHIC AND TREE REGULATIONS**

* * *

**107-321
Tree preservation**

* * *

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

* * *

107-322
Tree requirements

* * *

(b) Sidewalk trees

All #developments# and #site alterations# in the Special District shall preserve existing trees or provide and maintain trees of three-inch caliper or more at the time of planting along the entire length of the #street# frontage of the #zoning lot#. The trees shall be located between the #front lot line# and the curb line, and ~~20~~ 25 feet on center or one tree per ~~20~~ 25 feet of frontage. ~~On private streets, trees shall be planted between the curb and a line parallel to, and 10 feet from, the curb, and 20 feet on center or one tree per 20 feet of frontage.~~ These trees shall be planted in accordance with the requirements of the ~~Department of Transportation and the~~ Department of Parks and Recreation, except where the Department of Parks and Recreation determines that such tree planting would be unfeasible.

* * *

107-33
Preservation of Natural Features

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

* * *

107-40
SPECIAL USE, BULK AND PARKING REGULATIONS

* * *

107-421

Special provisions for existing detached residences

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

- (a) — it is located on a #zoning lot# having a minimum #lot area# of 3,800 square feet and a minimum #lot width# of 40 feet;
- (b) — such #enlargement# does not exceed a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet; and
- (c) — such #enlargement# complies with all other applicable district regulations.

107-43

Height and Setback Regulations

107-431

Maximum height of perimeter walls

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

- (a) — it is located on a #zoning lot# having a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 60 feet; and
- (b) — the #development# complies with all other applicable district height and setback regulations.

107-432

Maximum height for buildings or structures

107-43

Maximum Height for Buildings or Structures

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

* * *

107-45

Required Open Space for Residences

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

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

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

(a) In R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#;

(b) In R3A and R3X Districts, not more than 50 percent of the #lot area# not occupied by #residential buildings# and not within the #designated open space#;

(c) In R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #residential buildings# and not within the #designated open space#

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

107-46

Yard and Court Regulations

* * *

107-462

Side yards

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

REQUIRED SIDE YARDS

District	Type of #Residence#	Height (in #stories#)	Number of #Side Yards# Required	Required Total Width	Required Minimum Width of any #Side Yard#
R2 R3-1 R3-2	#detached#	1-2	2	15	5
	#detached#	3-4	2	20	5
	#semi-detached#	1-2	1	9	9
	#semi-detached#	3-4	1	15	15
R3A R4A	#detached#	1-4	2	15	5
R3X	#detached#	1-2	2	15	5
	#detached#	3	2	20	8
	#detached#	4	2	25	10
R4-1	#detached#	1-4	2	15	5
	#semi-detached#	1-4	1	9	9

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

* * *

**107-60
AUTHORIZATIONS**

* * *

**107-62
Yard and Court Regulations**

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

incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.

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

* * *

107-465

Rear yards

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

* * *

107-467

Modifications of special yard regulations for certain zoning districts

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

* * *

Article XI - Special Purpose Districts

* * *

Chapter 2

Special City Island District

* * *

112-101

Special open space, and lot coverage ~~and floor area ratio~~ regulations

~~In R3A Districts, and in C1 and C2 Districts mapped within R3A Districts, and in C3 Districts, the provisions of Section 23-141 (In R1, R2, R3, R4 and R5 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for a #residential use# shall be~~

0.5. Such ~~#floor area ratio#~~ may be increased by up to 20 percent provided that any such increase in ~~#floor area#~~ is located under a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance. In addition, the permitted ~~#floor area#~~ of a ~~#single # or #two family detached# or #semi-detached residence developed#~~ after September 30, 2003 may be increased by 100 square feet if at least one enclosed ~~#accessory#~~ off-street parking space is provided in a garage located in the ~~#side lot ribbon#~~ pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (f), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

In C3 Districts, for a ~~#residential use#~~, the maximum ~~#lot coverage#~~ shall be 65 percent and the minimum required ~~#open space#~~ shall be 35 percent.

* * *

112-105

Authorization for multiple buildings on a single zoning lot

On ~~#zoning lots#~~ of 25,000 square feet or more, the City Planning Commission may authorize modifications to the provisions of Section 23-711 (Standard minimum distance between buildings), provided:

- (a) — such modifications reduce the required distance between a building wall containing a ~~#legally required window#~~ and any other building wall to not less than 20 feet;
- (b) — such modifications reduce the required distance between two building walls, neither of which contains a ~~#legally required window#~~, to not less than 13 feet; and
- (c) — at least 50 percent of the ~~#zoning lot#~~ not covered by ~~#buildings#~~ has a minimum dimension of 12 feet and is not used for driveways, ~~#private streets#~~ or parking spaces.

The Commission shall find that such modifications enhance the quality of the ~~#open spaces#~~ on the ~~#zoning lot#~~ and results in an improved site plan. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

Chapter 9 Special Hillside Preservation District

* * *

119-05

Applicability of Parking Location Regulations

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

* * *

119-214

Tier II requirements for driveways and private roads

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

(a) Driveways

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

(b) #Private roads#

- (1) the maximum grade of a #private road# shall not exceed 10 percent;
- (2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;
- (3) the paved width of a #private road# shall not exceed 30 feet;
- (4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;

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

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

The above resolution (N 040482 ZRX) as revised, duly adopted, by the City Planning Commission on August 25, 2004 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E.,
ANGELA R. CAVALUZZI, R.A., **RICHARD W. EADDY**,
CHRISTOPHER KUI, **KAREN A. PHILLIPS**, **DOLLY WILLIAMS**,
Commissioners