Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

78-35 - Special Bonus Provisions

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78-35 - Special Bonus Provisions

LAST AMENDED
3/8/1973

78-351 - Common open space and good site plan

LAST AMENDED
2/2/2011

The provisions of this Section shall not apply to any #zoning lot# subdivided to under four acres after January 1, 1972, nor to any #large-scale residential development# for which authorization has been granted by the City Planning Commission prior to July 31, 1972.

In R3-2 or R4 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the requirements of Section 78-34 (Special Permit Provisions for Certain Large-scale Developments), the permitted #residential# #floor area ratio#, required #open space ratio# and density regulations for the #large-scale residential development# as a whole may be modified as set forth in this Section. At least 25 percent of the total required #open space# is to be provided in common areas meeting the requirements of Section 78-52 (Common Open Space). No portion of such common #open space# is to be used for driveways or off-street parking. The findings required in paragraph (e) of Section 78-313 (Findings) are to be satisfied.

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#

R3-2	.60	125.0
R4	1.00	66.5

The maximum number of #dwelling units# shall equal the total #residential# #floor area# permitted divided by the applicable factor in Section 23-50 (DENSITY REGULATIONS).

In R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, at least 25 percent of the total required #open space# is to be provided in common areas that meet the requirements of Section 78-52. No portion of such common #open space# is to be used for driveways or off-street parking. All findings required in paragraph (c) of Section 78-313 are to be satisfied.

78-352 - Bonus for community facility space

LAST AMENDED
2/2/2011

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-scale Developments), the permitted #residential# #floor area ratio#, required #open space ratio#, and required #floor area# per #dwelling unit# for the #large-scale residential development# as a whole may be modified as set forth in this Section, provided floor space for #community facility# #use# and/or a program for improvement and maintenance for parks not included in the City capital budget is provided as required in paragraph (b) of this Section.

(a) Permitted #Floor Area Ratio# and Required #Open Space Ratio#:

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3-2	.70	102.0
R4	1.15	54.7
R5	1.45	37.7

The maximum number of #dwelling units# shall equal the total #residential# #floor area# permitted divided by the applicable factor in Section 23-50 (DENSITY REGULATIONS).

(b) There shall be at least 15 square feet of #community facility# floor space for each #dwelling unit# within the #large-scale residential development# and/or a substantial park area located adjacent to or within a reasonable distance from the #large-scale residential development#. Such space shall be used for #schools# where the need is certified by the Board of Education and where the Board agrees to lease such space at no cost. Otherwise such space shall be allocated for one or more #uses# as specified in this Section where the need for such space has been certified by the City Planning Commission and a City Department agrees to lease such space at no cost. If such certification and agreement are not obtained in either case, the Commission shall approve any private #community facility# proposed to be rented or maintained by the developer, or the homeowners' association or other entity owning the

common elements of the #large-scale residential development#. In no case shall the size of an individual #use# be less than the amount set forth in this Section.

#Community Facility#	Size (in square feet)
Day care center	3,000
Ambulatory care center	10,000
Library	7,500
Senior citizen center	3,750
Community center	2,000
Indoor recreation center	2,000

In the case of a program for improvement and/or maintenance for parks which is eligible for a bonus pursuant to this Section, comparable improvements and maintenance costs for an equivalent amount of the required #community facility# space shall be incurred.

(c) In no event shall the total #floor area# for any #development# constructed pursuant to the Provisions Section exceed the maximum #floor area ratio# for #community facility# #uses# permitted by the applicable district regulations.

78-353 - Bonus for enclosed parking

LAST AMENDED
12/6/2023

In R4 or R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-scale Developments), the permitted #residential# #floor area ratio# may be increased over the amount earned by other provisions of Section 78-35 (Special Bonus Provisions) and the required #open space ratio# for the #large-scale residential development# as a whole correspondingly decreased as set forth in this Section provided that at least two-thirds of the required off-street parking is enclosed.

District	Increase in #Floor Area Ratio#	Decrease in #Open Space Ratio#
R4	.25	14.5
R5	.25	10.0

For any #large-scale residential developments# comprising #buildings# of not more than four #stories# receiving a bonus under this Section, the Commission may modify where appropriate the requirements of Section 23-734 (Permitted obstructions in open space).