



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **23-16 - Special Floor Area and Lot Coverage Provisions for Certain Areas**

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LAST AMENDED

10/7/2021

The #floor area ratio# provisions of Sections [23-14](#) (Open Space and Floor Area Regulations in R1 Through R5 Districts) and [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall be modified for certain areas, as follows:

(a) For standard tower and tower-on-a-base #buildings# in R9 and R10 Districts

- (1) In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section [23-651](#), the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.
- (2) In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section [23-65](#) (Tower Regulations), inclusive, any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section [12-10](#) (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section [12-10](#), shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:
  - (i) occupies the predominant portion of a #story#;
  - (ii) is located above the #base plane# or #curb level#, as applicable, and below the highest #story# containing #residential# #floor area#; and
  - (iii) exceeds an aggregate height of 25 feet within any given 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 25 feet, and rounding to the nearest whole integer.

(b) For R10 Districts in Community District 7 in the Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0. No #floor area# bonuses shall be permitted except as granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements).

(c) For R8 Districts in Community District 9 in the Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section [23-153](#) (For Quality Housing buildings).

(d) Optional provisions for certain R5 and R6 Districts in Community District 12 in the Borough of Brooklyn

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street

and Fort Hamilton Parkway in Community District 12, in the Borough of Brooklyn, special optional provisions are established for #zoning lots# containing #buildings# used exclusively as #single-#, #two-# or three-#family# #residences#, as set forth in this Section. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

(1) #Floor area#, #lot coverage#, #open space#, density and #height factor# regulations

Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to #floor area ratio#, #open space#, density and #height factor# are hereby made inapplicable. In lieu thereof, the maximum #floor area ratio# for a #corner lot# shall not exceed 1.65 and the #floor area ratio# for an #interior# or #through lot# shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of #floor area# in Section [12-10](#), the lowest #story# shall be included in the definition of #floor area#, and floor space used for #accessory# off-street parking spaces shall be included in the definition of #floor area# unless such spaces are located in a #cellar#. The #lot coverage# for a #corner lot# shall not exceed 55 percent and the #lot coverage# for an #interior# or #through lot# shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

(2) #Building# height

No #building# shall exceed a height of 35 feet above #curb level#, or three #stories#, whichever is less. Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable, except that the provisions of Section [23-62](#) (Permitted Obstructions) shall apply.

(3) #Front yards#

In R5 Districts, the following #front yard# regulations are applicable. A #front yard# shall be provided with a depth of not less than five feet provided that, for #corner lots#, one #front yard# with a depth of not less than 10 feet is required. If the depth of the #front yard# exceeds 10 feet, such #front yard# shall have a depth of not less than 18 feet. In R6 Districts, a #front yard# is not required.

(4) #Side yards#

In R5 Districts, the following #side yard# regulations shall apply:

- (i) Where an existing #building# on an adjacent #zoning lot# is located on the common #side lot line#, no #side yard# is required. However, if an open area extending along such common #side lot line# is provided, it shall be at least eight feet wide.
- (ii) Where an existing #building# on an adjacent #zoning lot# is located less than eight feet from, but not on, the common #side lot line#, a #side yard# at least four feet wide is required. However, in no case shall the distance between a new or #enlarged# #building# and an existing #building# across a common #side lot line# on an adjacent #zoning lot# be less than eight feet.
- (iii) Where an adjacent #zoning lot# is vacant or where an existing #building# on an adjacent #zoning lot# is located more than eight feet from the common #side lot line#, a #side yard# at least four feet wide is required.
- (iv) In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet or more in depth, an eight foot #side yard# or an #outer court#, as set forth in paragraph (d)(6) of this Section, is required.

(v) Notwithstanding the provisions of paragraphs (d)(1) and (d)(3) of this Section, #detached# #single-#, #two-# and three-#family# #residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached# #single-#, #two-# and three-#family# #residences# on #corner lots# shall provide one #side yard# of 20 feet.

(5) #Rear yards#

#Single-# or #two-family# #residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to 10 feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

(6) #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section [23-84](#) are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent #zoning lot#, there may be a joint #outer court# with a minimum width of 10 feet across such common #side lot line#. The requirements of Section [23-86](#) (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) are hereby made inapplicable.

(7) Off-street parking in R5 and R6 Districts

No #accessory# off-street parking is required in R5 and R6 Districts.