



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **107-40 - SPECIAL USE, BULK AND PARKING REGULATIONS**

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## 107-40 - SPECIAL USE, BULK AND PARKING REGULATIONS

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LAST AMENDED  
9/11/1975

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### 107-41 - Type of Residence

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LAST AMENDED  
12/5/1990

#Semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section [107-74](#) (Modification of Permitted Use Regulations). Such #residences# shall comply with the minimum #lot area# and #lot width# requirements as set forth in the table in Section [107-42](#).

#Zero lot line buildings# are not permitted in the #Special South Richmond Development District#.

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### 107-411 - Affordable independent residences for seniors in Area SH

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LAST AMENDED  
11/15/2006

In Area SH, as shown on the District Plan (Map 4 in Appendix A), any #development# or #enlargement# comprised of #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter;  
and
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section [23-142](#) (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section [23-144](#) (Affordable independent residences for seniors) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section [107-672](#) (In Area SH).

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### 107-412 - Special bulk regulations for certain community facility uses in lower density growth management areas

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LAST AMENDED  
1/18/2011

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density

growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section [22-14](#) (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or
- (b) child care services as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

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## 107-42 - Minimum Lot Area and Lot Width for Residences

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LAST AMENDED

2/2/2011

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by #building# height. Where two or more #buildings# that are #single-# or #two-family# #detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section [12-10](#) (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

However, one #single-family# #detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 8, 2005, and on the date of application for a building permit.

In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached residences# in R3-1 and R3-2 Districts.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100

R1-2	#detached#	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2	3,800	40
		3-4	3,800	45
R3-1 R3-2	#semi-detached#	1-2	2,375 <sup>3</sup>	24 <sup>3</sup>
		3-4	3,800	40
R3-2	#detached#	1-2	3,800	40
		#attached#	3-4	4,275
	1-2	1,700	18	
	1-2	2,375 <sup>1</sup>	24 <sup>1</sup>	
	3-4	2,280	24	
	3-4	3,800 <sup>1</sup>	40 <sup>1</sup>	
R3A	#detached#	1-3	3,325	35
R3X <sup>2</sup>	#detached#	1-2	3,800	40
		3	4,750	50
		4	5,700	60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached#	1-3	2,375 <sup>3</sup>	24 <sup>3</sup>
	#detached#	1-3	3,325	35

<sup>1</sup> For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

<sup>2</sup> In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter, all #residences# shall have a minimum

#lot area# of 5,700 square feet and a minimum #lot width# of 50 feet. However, the minimum #lot area# and minimum #lot width# set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections [107-08](#) (Future Subdivision) and [107-121](#) (Public schools) have been filed prior to March 1, 2003.

- 3 For #two-family# #semi-detached# #residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family# #semi-detached# #residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

BY SPECIAL PERMIT (PURSUANT TO SECTION [107-74](#))

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R2	#semi-detached#	1-4	3,800	30
	#attached#	1-4	3,800	22
R3-1	#attached#	1-2	1,700	20
		2-3	2,280	24

## 107-421 - Minimum lot area and lot width for zoning lots containing certain community facility uses

LAST AMENDED

1/18/2011

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts, the provisions of this Section shall apply to #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section [22-14](#) (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
- (b) child care service as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), except where:
  - (1) such #zoning lot# contains #buildings# used for houses of worship; or
  - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be

applied as set forth in the definition of #lot width# in Section [12-10](#), provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

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## **107-43 - Maximum Height for Buildings or Structures**

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LAST AMENDED

9/28/2004

Subject to the requirements for maximum height of walls and required setbacks in Sections [23-63](#), [24-52](#) or [33-43](#), no #building# shall exceed a height of four #stories# and no structures 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 Regulations).

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## **107-44 - Maximum Floor Area Ratio for Community Facility Uses**

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LAST AMENDED

10/17/2007

The provisions of Sections [24-13](#) (Floor Area Bonus for Deep Front and Wide Side Yards) and [33-15](#) (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

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## **107-45 - Required Open Space for Residences**

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LAST AMENDED

2/2/2011

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 #buildings# containing #residences# on #zoning lots# that 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 for the following districts:

- (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#; or
- (b) in R3A, R3X, R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #buildings# containing #residences# 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).

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## **107-46 - Yard and Court Regulations**

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LAST AMENDED

6/29/1989

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## 107-461 - Front yards

LAST AMENDED  
2/2/2011

In all #Residence Districts#, the #front yard# requirements of the underlying districts shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a lesser depth as permitted by the underlying district regulations.

## 107-462 - Side yards

LAST AMENDED  
11/15/2006

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	#detached#	1-2	2	15	5
R3-2	#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 Area LL, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, two #side yards# with a total width of at

least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet. However, the minimum #side yard# widths set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections [107-08](#) (Future Subdivision) and [107-121](#) (Public schools) have been filed prior to March 1, 2003

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

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## **107-463 - Side yard regulations for other residential buildings**

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LAST AMENDED

2/2/2011

For all #residential buildings# other than #single-# or #two-family# #detached# or #semi-detached# #residences#, the provisions of Section [23-462](#) (Side yards for all other residential buildings) shall apply, except that no #side yard# shall have a width less than 10 feet.

Furthermore, for #attached# #residences# that #abut# an #attached# #building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story# #residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story# #residences#.

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## **107-464 - Side yards for permitted non-residential use**

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LAST AMENDED

2/2/2011

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section [24-35](#) (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section [23-464](#) (Side yards for buildings used for permitted non-residential uses) shall apply to such other non-#residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections [23-464](#) or [24-35](#) than by the provisions of this Section, such requirement of greater width shall apply.

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## **107-465 - Modifications of special yard regulations for certain zoning lots**

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LAST AMENDED

8/12/2004

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and thereby allow #single-# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

- (a) When a #building# is located on the #side lot line#, the entire required #side yard# equivalent shall be provided along the other #side lot line# of the same #zoning lot#. On the adjacent #zoning lot# there shall be a #side yard# of at least 10 feet, #abutting# the #building# wall which is located on the #side lot line#.
- (b) When a #single-# or #two-family residence# is located on the #rear lot line#, the #zoning lots# #abutting# the entire #rear lot line# shall provide a #rear yard# of at least 40 feet. If the #building# on either #zoning lot# has a height greater than two #stories#, then such #building# shall have a 10-foot rear setback above the height of the second #story#.



- (c) When #single-# or #two-family residences# share a party wall along the #rear lot line#, if at any level either #building# is set back from the #rear lot line#, each #building# shall have a setback at the same height and such rear setback shall be at least 20 feet in depth.

The Commission shall also find that:

- (1) such modifications of #side# or #rear yards# or equivalents blend harmoniously with the entire development;
- (2) there is no adverse effect with regard to adequate light and air to the #residences#;
- (3) such modification results in the maximum preservation of trees;
- (4) there is an agreement which provides access for maintenance of the #building# wall located on the #lot line#; and
- (5) a condition to the grant of any certification shall be that the requirements of Section [107-92](#) (Recordation) have been satisfied.

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## **107-466 - Court regulations**

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LAST AMENDED

2/2/2011

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family# #detached# #residences#.

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## **107-467 - Modifications of yard and court regulations**

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LAST AMENDED

2/2/2011

The #yard# and #court# regulations as set forth in Section [107-46](#) may be modified by authorization of the City Planning Commission in accordance with the provisions of Section [107-62](#) (Yard, Court and Parking Regulations).

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## **107-47 - Special Parking Regulations**

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LAST AMENDED

9/11/1975

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**107-471 - For the purposes of this Chapter, the waiver provision set forth in Section 36-231 shall not apply to any #development# in the Special District.**

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LAST AMENDED

9/11/1975

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## **107-472 - Maximum size of group parking facility**

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LAST AMENDED  
9/11/1975

For the purposes of this Chapter, no #accessory# #group parking facility# for non-#residential uses# shall contain more than 30 off-street parking spaces except as set forth in Section [107-68](#).

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## **107-48 - Special Landscaping and Buffering Provisions**

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LAST AMENDED  
9/11/1975

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## **107-481 - Planting provisions along Residence District boundaries**

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LAST AMENDED  
2/2/2011

For any #commercial# or #manufacturing# #development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be in the open area required by the provisions of Sections [33-29](#) and [43-30](#) (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and complying with the provisions applicable to screening for parking areas as set forth in Section [107-483](#) (Planting and screening for open parking areas).

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## **107-482 - Landscaped buffer for manufacturing development adjacent to residences**

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LAST AMENDED  
2/2/2011

Where an existing #residential use# is located adjacent to a proposed #manufacturing# or #commercial# #development#, the developer shall plant along that part of the #side# or #rear lot line# adjacent to a #residential use#, a row of evergreen shrubs 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, or trees selected from Appendix B and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

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## **107-483 - Planting and screening for open parking areas**

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LAST AMENDED  
6/10/2009

(a) Tree planting requirements

One tree, of three inch caliper or more, pre-existing or newly planted, shall be provided for each four parking spaces. Such trees may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section [37-922](#) (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section [37-922](#) (Interior landscaping) shall be superseded by the number of trees required pursuant to this Section.

(b) Screening requirements

The parking area shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of three feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

(c) Planting Waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (1) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (2) underground municipal infrastructure; or
- (3) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residential Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of Section [107-322](#), paragraph (a). Furthermore, for #developments# in #Commercial# or #Manufacturing Districts# which provide trees in accordance with the provisions of this Section, the requirements of Section [107-322](#), paragraph (a), shall not apply.

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## 107-49 - Special Regulations for Area M

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LAST AMENDED

8/17/1995

In Area M, as shown on the District Plan (Map 4 in Appendix A) the regulations of the underlying districts and the Special District are supplemented or modified in accordance with the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of the underlying districts and the Special District remain in effect.

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## 107-491 - Special use regulations for residential uses

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LAST AMENDED

8/17/1995

- (a) #Residential uses# existing prior to August 17, 1995 shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.
- (b) #Residential# #extensions# shall be subject to all of the R3X District regulations and the applicable Special District regulations except that an existing #detached# #building# may contain non-#residential uses# in addition to not more than two #dwelling units#.

- (c) Non-residential uses shall be located below the lowest story occupied in whole or in part by residential uses.
  - (d) Floor area in a building originally designed as one or more dwelling units that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for residential use.
  - (e) Residential enlargements not to exceed 500 square feet shall be permitted subject to all of the R3X District regulations and the applicable Special District regulations, provided that there is no increase in the number of dwelling units and that there is no disturbance of the soil.
  - (f) Residential developments, and residential enlargements where there is a disturbance of the soil, shall be subject to the provisions of Section [107-69](#) (Residential Uses in Area M).
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## **107-492 - Special bulk regulations**

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LAST AMENDED  
8/17/1995

The maximum floor area ratio for two or more uses on a zoning lot shall be determined by the use that is permitted the greatest floor area ratio in Area M (Map 4 in Appendix A), provided that the floor area occupied by each use does not exceed the amount permitted by the floor area ratio for that use in Area M.