



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 9 - Special Little Italy District (LI)

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## Chapter 9 - Special Little Italy District (LI)

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### 109-00 - GENERAL PURPOSES

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LAST AMENDED  
2/3/1977

The "Special Little Italy District" established in this Resolution is designed to promote and protect public health, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and strengthen the historical and cultural character of the community;
- (b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;
- (c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
- (d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;
- (e) to provide amenities, such as public open space, and street trees, to improve the physical environment;
- (f) to discourage the demolition of noteworthy buildings which are significant to the character of the area; and
- (g) to promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the foregoing purposes.

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### 109-01 - Definitions

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LAST AMENDED  
6/6/2024

For the purposes of this Chapter, matter in italics is defined in Section [12-10](#) (DEFINITIONS), Section [32-301](#) (Definitions), or Section [109-01](#) (Definitions).

Open recreation space

"Open recreation space" is that part of a *#zoning lot#*, including *#courts#*, *#yards#* and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections [109-14](#), [109-34](#) and [109-42](#).

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### 109-02 - General Provisions

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LAST AMENDED  
10/7/2021

In harmony with the general purposes and intent of this Resolution and the general purposes of the *#Special Little Italy District#* and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the *#Special Little Italy District#* are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections [23-15](#), [23-20](#) and [33-13](#) are made inapplicable.

For *#transit-adjacent sites#* or *#qualifying transit improvement sites#*, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

The use of the public *#streets#* and sidewalks for the maintenance of *#sidewalk cafes#*, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.

Within the Special District, in accordance with a comprehensive survey of its structures, *#buildings#* of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such *#buildings#* are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such *#buildings#* shall not be demolished or have their external architectural features altered except as set forth in Section [109-52](#) (Special Permit Provisions). No demolition permit or alteration permit for alterations

which may affect the exterior of such #buildings# shall be issued by the Department of Buildings for any such #building# except as permitted by the City Planning Commission pursuant to Section [109-52](#) (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

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## **109-03 - District Map**

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LAST AMENDED  
2/3/1977

The District Map for the #Special Little Italy District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Little Italy District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

- Area A    PRESERVATION AREA (Section [109-10](#))
- Area A1    MULBERRY STREET REGIONAL SPINE (Section [109-20](#))
- Area B    HOUSTON STREET CORRIDOR (Section [109-30](#))
- Area C    BOWERY, CANAL, KENMARE STREET CORRIDOR (Section [109-40](#))

The District Map in Appendix A of this Chapter is hereby incorporated as an integral part of the #Special Little Italy District#.

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## **109-04 - Zoning Lots Located in More Than One Area**

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LAST AMENDED  
2/3/1977

Whenever a #zoning lot# is divided by the boundaries of an area as created by Section [109-03](#) (District Map) and as indicated on the District Map in Appendix A, the #zoning lot# shall be subject to the regulations of the area in which the greater portion of its frontage lies except that, in the case of any #zoning lot# having 15 feet or more frontage within Area A1 (Mulberry Street Regional Spine), the regulations of Area A1 shall apply to such #zoning lot#.

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## **109-10 - PRESERVATION AREA (Area A)**

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LAST AMENDED  
2/2/2011

The provisions of this Section [109-10](#), inclusive, shall apply within Area A (Preservation Area) as shown on the District Map in Appendix A.

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## **109-11 - Special Use Regulations**

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LAST AMENDED  
2/3/1977

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### **109-111 - Special regulations for existing commercial or manufacturing uses**

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LAST AMENDED  
2/3/1977

The continuation, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area A shall be governed by the underlying district #use# regulations.

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### **109-112 - Special use regulations for developments**

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LAST AMENDED  
6/6/2024

For any #building# or portion of a #building# #developed# or #enlarged# within Area A, #uses# listed in the underlying district regulations are permitted except for the following #uses#:

From Use Group IV

All #uses# listed under Use Group IV(B)

From Use Group VI

#Uses# under Use Group VI that are subject to a size limitation of 10,000 square feet of #floor area# per establishment in C2 Districts, as set forth in Section [32-16](#) (Use Group VI – Retail and Services), inclusive, shall not be permitted a size beyond such threshold

From Use Group IX

All #uses# listed under Use Group IX(C).

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## 109-113 - Streetscape Provisions

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LAST AMENDED

6/6/2024

The underlying #ground floor level# streetscape provisions shall apply. However, along #Tier B street frontages# where the alternate #ground floor level# provisions are able to be applied, in accordance with Section [32-322](#), the following transparency requirements shall be applied in addition to the provisions of such Section:

#Ground floor level# #street walls# shall be glazed with transparent materials, which may include #show windows#, transom windows, or glazed portions of doors. Such transparent materials shall occupy at least 25 percent of the surface area of such #ground floor level# #street wall#, up to a height of 12 feet above #curb level#, or the height of the ground floor ceiling, whichever is higher. Transparent areas may include storefronts subject to Section [109-50](#) (SPECIAL REVIEW PROVISIONS), inclusive. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet.

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## 109-12 - Bulk Regulations

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LAST AMENDED

2/3/1977

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## 109-121 - Floor area regulations

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LAST AMENDED

2/2/2011

Within Area A, the maximum #floor area ratio# for a #zoning lot# shall not exceed the following:

Lot Type	Maximum Permitted #Floor Area Ratio#
#Corner lots#	4.8
#Interior# or #through lots#	4.1

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## 109-122 - Lot coverage, through lot and rear yard regulations

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LAST AMENDED

3/22/2016

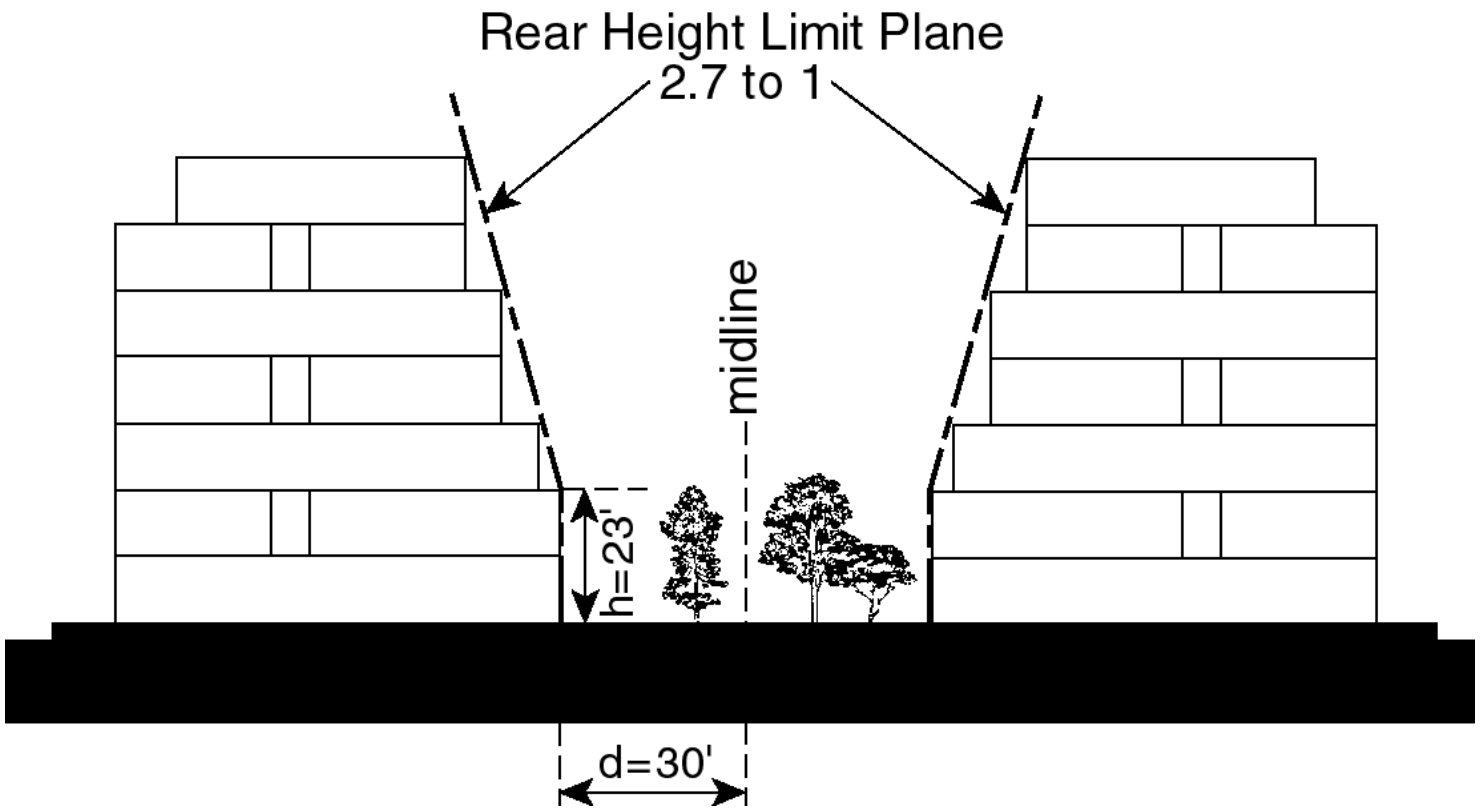
Within Area A, the maximum #lot coverage# for a #zoning lot# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
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#Corner lot#	100
#Interior lot#	60
#Through lot#, except as provided below	60

However, when a #through lot# is #developed# with more than one #building#, the maximum #lot coverage# on such #through lot# may be increased from 60 percent to 70 percent, provided that no portion of any #building# on such #zoning lot# penetrates the "Rear Height Limit Plane," as set forth in this Section. The Rear Height Limit Plane shall begin at a point 23 feet above #curb level# and shall be located 30 feet away from, and on both sides of, the line equidistant from the two #street lines#. The slope of the Rear Height Limit Plane shall be 2.7 feet vertical to 1 foot horizontal.

All #buildings# #developed# after February 3, 1977, shall have a #rear yard# with a depth of not less than 30 feet.



REAR HEIGHT LIMIT PLANE

**109-123 - Floor area per room regulations**

LAST AMENDED  
7/26/2001

For the purposes of this Chapter, the density requirements of Sections [23-22](#), [23-24](#) or [35-40](#) shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.

**109-124 - Height and setback regulations**

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LAST AMENDED  
12/6/2023

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The maximum height of any #building or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning Commission pursuant to Section 109-514.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section [33-42](#).

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### 109-13 - Special Front Wall Regulations

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LAST AMENDED

6/6/2024

The front #building# wall of any #building# shall extend along the full length of its #front lot line# not occupied by existing #buildings# to remain and shall rise without setback up to a height of six #stories# or 65 feet, or the height of the #building#, whichever is less. Above that height, the front #building# wall shall set back at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#. The exterior #building# materials of the front wall shall be predominantly of masonry.

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### 109-14 - Open Recreation Space and Landscaping Regulations

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LAST AMENDED

2/3/1977

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#### 109-141 - Open recreation space regulations

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LAST AMENDED

2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable landscaped #open recreation space# accessible to the occupants of such #development# or #enlargement#. Such #open recreation space# may be accessible to the public.

Such #open recreation space# shall be located at the ground level and/or the roof level. However, if such #open recreation space# is located both at the ground level and at the roof level, not less than 40 percent may be located at either location. Such #open recreation space# shall be landscaped and properly maintained in accordance with the provisions of Section 109-142.

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#### 109-142 - Landscaping regulations

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LAST AMENDED

2/2/2011

The required #open recreation space#, as provided in Section [109-141](#), on a #zoning lot# containing a #development# or #enlargement# shall be landscaped and maintained in the following manner.

Ground level #open recreation space# shall:

- (a) have a minimum dimension of 20 feet for a #development# and 10 feet for an #enlargement#, measured perpendicular to its perimeter;
- (b) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (c) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to the following standards:
  - (1) seating shall have a minimum depth of 16 inches; seating with backs at least 12 inches high shall have a minimum depth of 14 inches; seating 30 inches or more in depth shall count double provided there is access to both sides;
  - (2) seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements;
  - (3) the tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (c)(1) and (c)(2) of this Section;

- (4) movable seating or chairs may be credited as 30 inches of linear seating per chair; and
- (5) steps do not count toward the seating requirements;
- (d) have paved areas paved with unit pavers, such as bricks or quarry tiles, or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have a non-skid surface;
- (e) be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25 percent of the #open recreation space# area;
- (f) be planted with one tree of not less than three and one-half inch caliper for every 1,000 square feet or portion thereof of required #open recreation space#. Such trees shall be planted in at least 100 cubic feet of soil of at least 3 feet, 6 inches in depth;
- (g) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# frontage upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly into the #open recreation space#; and
- (h) be maintained by the #building# owner who shall be responsible for the maintenance of the #open recreation space# including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#, pursuant to Section [109-14](#) (Open Recreation Space and Landscaping Regulations).

#Open recreation space# at roof level shall:

- (1) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# fronting upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly onto the #open recreation space#;
- (2) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to seating standards set forth for ground level #open recreation space#; and
- (3) be landscaped with shrubs, vines, flowers, ground cover and/or plants in planters over a minimum of 25 percent of the #open recreation space# area.

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## 109-15 - Regulations for Rehabilitation or Conversion of Existing Buildings

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LAST AMENDED  
2/2/2011

When #residential buildings# or #residential# portions of #mixed buildings# are rehabilitated, the density regulations of the underlying districts shall not apply. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# within the rehabilitated #residential building# or #residential# portion of a #mixed building#.

Furthermore, when a non-#residential building#, or portion thereof, is #converted# for #residential use#, the density regulations of the underlying districts shall not apply to that portion of the #building# containing #dwelling units#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# provided within the #converted# #building# or portion thereof.

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## 109-16 - Parking Regulations

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LAST AMENDED  
5/8/2013

No #accessory# off-street parking is permitted for any #development# or #enlargement# in Area A, except as set forth herein.

The City Planning Commission may allow #accessory# off-street parking facilities for any #development# or #enlargement# on a #zoning lot# pursuant to the applicable authorization or special permit in Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core).

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## 109-17 - Mandatory Street Trees

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LAST AMENDED  
4/30/2008

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups involving at least

50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building# pursuant to the applicable articles of the Building Code of the City of New York, within Area A, shall provide trees in accordance with Section [26-41](#) (Street Tree Planting).

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## **109-20 - MULBERRY STREET REGIONAL SPINE (AREA A1)**

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LAST AMENDED  
2/3/1977

The provisions set forth in Sections [109-10](#) through [109-16](#) (Preservation Area--Area A) are applicable within Area A1 (Mulberry Street Regional Spine) as shown on the District Plan (Appendix A), except as modified herein.

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## **109-21 - Use Regulations**

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LAST AMENDED  
6/6/2024

The provisions of Section [109-11](#) (Special Use Regulations) shall apply, except that all #uses# under Use Group VI that are subject to a size limitation of 10,000 square feet of #floor area# per establishment, shall be further limited to a maximum size of 5,000 square feet of #floor area# per establishment.

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## **109-211 - Streetscape Regulations**

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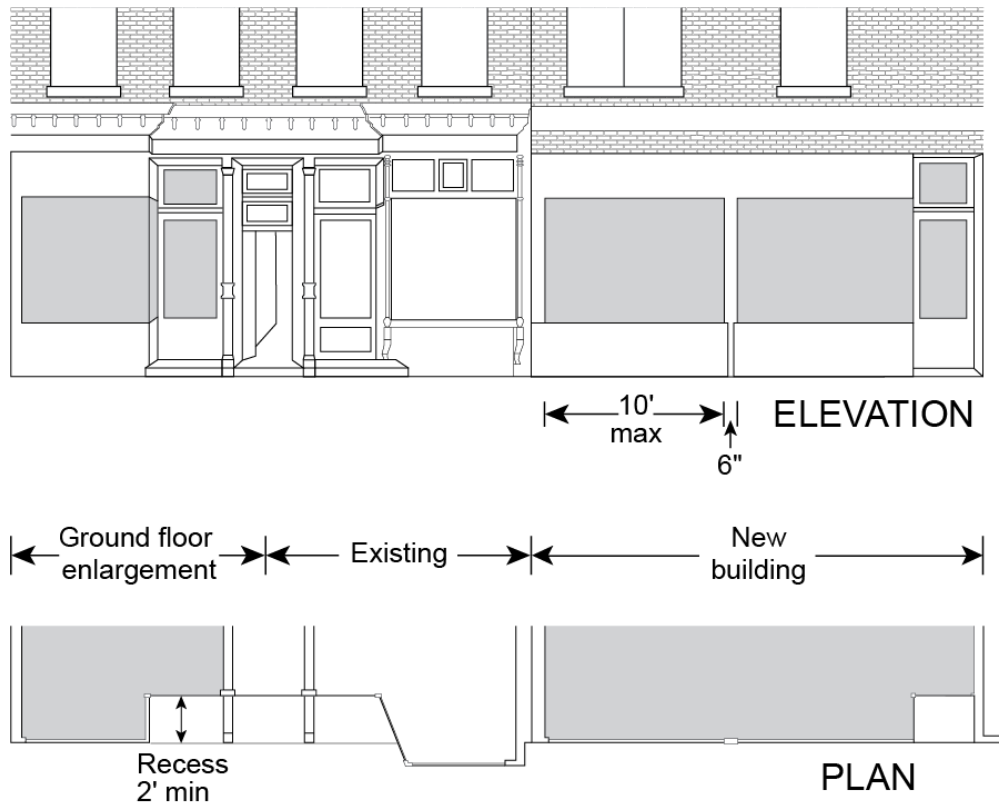
LAST AMENDED  
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section [32-30](#) (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated in Area A1 (Mulberry Street Regional Spine) as shown on the District Map in Appendix A of this Chapter shall be considered #Tier C street frontages#.

In addition to the glazing requirements for #Tier C street frontages#, the following shall apply:

- (a) the maximum horizontal width of a transparent area shall not exceed 10 feet in width, and shall be separated by a mullion of no less than six inches in width; and
- (b) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.





Storefront Illustration

### 109-212 - Sign Regulations

LAST AMENDED  
6/6/2024

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

- (a) #signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;
- (b) all permitted #signs# which project from the front #building# wall shall be located not less than 10 feet above #curb level#; and
- (c) #signs# may not cover columns, cornices or sills.

### 109-22 - Bulk Regulations

LAST AMENDED  
2/3/1977

### 109-221 - Floor area regulations

LAST AMENDED  
2/2/2011

Within Area A1, the maximum #floor area ratio# on a #zoning lot# shall not exceed the following:

	#Floor Area Ratio#	
#Use#	#Corner Lot#	#Through Lot# or #Interior Lot#

#Commercial#	5.1	4.5
#Community facility# or #residential#	4.1	3.5

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building#, or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

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### 109-222 - Lot coverage regulations

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LAST AMENDED  
2/3/1977

The requirements set forth in Section [109-122](#) shall not apply to the ground floor portion of a #building#, provided that such portion contains only #commercial# #uses#, and provided that such portion is no more than 23 feet above #curb level#.

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### 109-30 - HOUSTON STREET CORRIDOR (Area B)

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LAST AMENDED  
2/3/1977

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

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### 109-31 - Special Use Regulations

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LAST AMENDED  
2/3/1977

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### 109-311 - Special regulations for existing commercial or manufacturing uses

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LAST AMENDED  
2/3/1977

The continuation, #enlargement#, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area B, shall be governed by the underlying district regulations.

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### 109-312 - Special use regulations for new development

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LAST AMENDED  
6/6/2024

For any #building# or portion of a #building# #developed# or #enlarged# within Area B, #uses# listed in the underlying district regulations are permitted, except for the following #uses#:

From Use Group IV(B)

All #uses#

From Use Group IX

Vehicle storage #uses#.

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### 109-313 - Streetscape provisions

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LAST AMENDED  
6/6/2024

The underlying #ground floor level# streetscape provisions shall apply. However, along #Tier B street frontages# where the alternate #ground floor level#

provisions are able to be applied, in accordance with Section [32-322](#), the following transparency requirements shall be applied in addition to the provisions of such Section:

#Ground floor level# #street walls# shall be glazed with transparent materials, which may include #show windows#, transom windows, or glazed portions of doors. Such transparent materials shall occupy at least 25 percent of the surface area of such #ground floor level# #street wall#, up to a height of 12 feet above #curb level#, or the height of the ground floor ceiling, whichever is higher. Transparent areas may include storefronts subject to Section [109-50](#). Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet.

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## 109-32 - Bulk Regulations

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LAST AMENDED  
2/2/2011

The #bulk# regulations of the underlying district shall apply to the Houston Street Corridor (Area B), except as set forth in this Section.

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## 109-321 - Floor area regulation

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LAST AMENDED  
10/7/2021

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

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## 109-322 - Lot coverage regulations

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LAST AMENDED  
3/22/2016

For any #zoning lot# within Area B, the maximum #lot coverage# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	100
#Interior# or #through lot#	70

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## 109-323 - Height and setback regulations

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LAST AMENDED  
12/6/2023

The #street wall# of any #building# for the first two #stories# or 23 feet, whichever is greater, shall be located on the #street line# and extend the entire length of the #street line# of the #zoning lot# not occupied by existing #buildings# to remain. However, at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines parallel to, and 10 feet from each #street line#. No #street wall# shall be required along a #street line# bounding any portion of a #zoning lot# which is less than 25 feet in depth measured from the #street line# of a #wide street#.

For #street walls# above the level of the second #story# or 23 feet, whichever is greater, at least 50 percent of the aggregate length of the #street walls# shall be located on the #street line#. The remainder of the aggregate length of the mandatory #street walls# at each #story# may be recessed from the #street

line# to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25 percent of the aggregate length of the #street walls# at each #story#.

The mandatory minimum height above #curb level# of a required #street wall# without setback shall be 60 feet on a #wide street# and 23 feet on a #narrow street#, or the height of the #building#, whichever is less. No setback shall be permitted on a #narrow street# below a height of 55 feet.

The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building or other structure# shall penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.

In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section [33-42](#).

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### **109-33 - Special Front Wall Regulations**

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LAST AMENDED  
6/6/2024

For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

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### **109-34 - Open Recreation Space and Landscaping Requirements**

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LAST AMENDED  
2/2/2011

For any #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable, landscaped #open recreation space#, accessible to the occupants of such #development# or #enlargement# or to the public. Such #open recreation space# shall be located either at the ground level and/or roof level, and shall be landscaped and properly maintained in accordance with the provisions of Section [109-142](#) (Landscaping regulations).

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### **109-35 - Curb Cuts**

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LAST AMENDED  
5/8/2013

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### **109-351 - Curb cut regulations**

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LAST AMENDED  
5/8/2013

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

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### **109-36 - Mandatory Street Trees**

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LAST AMENDED  
4/30/2008

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups of at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area B, shall provide #street# trees as set forth in Section [26-41](#) (Street Tree Planting), except that for a #zoning lot# frontage on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.

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### **109-37 - Noise Attenuation**

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LAST AMENDED

For any #residential# or #commercial# #use# in a #development# within Area B:

- (a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial# #uses#, shall be provided. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section [11-15](#) (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy; and
- (b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections [27-752](#) to [27-756](#) of the Building Code of the City of New York.

**109-40 - BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)**

LAST AMENDED  
2/2/2011

The provisions of this Section are applicable within Area C, as shown on the District Plan in Appendix A of this Chapter.

**109-41 - Bulk Regulations**

LAST AMENDED  
2/3/1977

**109-411 - Height and setback regulations**

LAST AMENDED  
2/2/2011

The maximum height of any #building or other structure# shall not exceed 85 feet or eight #stories# above #curb level#, whichever is less, unless authorized by the City Planning Commission pursuant to Section 109-514. The front #building# wall shall extend along the full length of the #front lot line# not occupied by existing #buildings# to remain and shall rise without setback.

**109-412 - Lot coverage regulations**

LAST AMENDED  
2/2/2011

Within Area C, the maximum #lot coverage# for any #zoning lot# shall be:

	Above Ground Floor (in percent)	At Ground Floor Only (in percent)
#Residential Use#	60	60
#Commercial# #Use#	70	100

**109-42 - Open Recreation Space and Landscaping Requirements**

LAST AMENDED  
2/2/2011

All #buildings# #developed# after February 3, 1977, that contain #residences# shall provide a minimum of 20 percent of the #lot area# of the #zoning lot# as usable landscaped #open recreation space# in conformance with the requirements of Section [109-142](#) (Landscaping regulations).

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## 109-43 - Additional Requirements

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LAST AMENDED  
6/6/2024

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in Section [109-21](#) (Use Regulations), inclusive.

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## 109-50 - SPECIAL REVIEW PROVISIONS

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LAST AMENDED  
2/3/1977

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

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## 109-51 - Modification of the Provisions of the Special Little Italy District

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LAST AMENDED  
11/16/1989

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## 109-514 - Modifications by authorization

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LAST AMENDED  
2/2/2011

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an application, except that there shall be no modifications of any provision of Section [109-12](#), [109-22](#), [109-32](#) or [109-41](#) unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying# #inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an #enlargement#, provided that:

- (a) the #building# is an existing old law or new law tenement, not higher than seven #stories#;
- (b) any additional #floor area# created through such elimination of a #non-complying# #inner court# is not more than 10 percent of the existing #floor area# of the #building#, and the width of such #inner court# is not more than 20 feet;
- (c) the renovation of such #building# will result in improved arrangements for adequate access of light and air, and for privacy between #dwelling units#, to the newly created #dwelling units# and to the surrounding developments;
- (d) such #enlargement# will not increase the density of population or intensity of #use# to the detriment of the occupants of the #buildings# in the #block# or nearby #blocks#;
- (e) the #enlargement# as proposed shall comply with the applicable provisions of Sections [109-14](#), [109-17](#), [109-25](#), [109-34](#) or [109-42](#), except as otherwise modified by the Commission; and
- (f) the Commission is in receipt of a report from the Department of Buildings and the Fire Department concerning said #building#.

The City Planning Commission may prescribe other additional conditions and safeguards to enhance the character of the surrounding area.

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## 109-52 - Special Permit Provisions

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LAST AMENDED  
2/3/1977

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## 109-521 - Modification of accessory off-street parking facilities

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LAST AMENDED  
2/3/1977

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section [109-16](#) or Section 109-351.

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### **109-522 - Special provisions for the preservation of certain existing buildings**

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LAST AMENDED  
2/2/2011

#Buildings# listed in Appendix B of this Chapter, shall not be demolished or have their external architectural features altered, except as set forth in this Section.

The City Planning Commission, by special permit, may allow:

- (a) in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or
- (b) the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and
- (c) the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#. #Enlargements# of such #buildings# shall be subject to all applicable district regulations. The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #uses# proposed on the site prior to any construction are in conformance with the purposes of the Special District.

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### **109-523 - Applications for special permit**

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LAST AMENDED  
2/2/2011

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections [109-16](#) and [109-351](#) of this Chapter, shall include: a site plan showing the location and proposed #use# of all #buildings# or other structures# on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such #development# or #enlargement# and an indication of the routes that will provide vehicular access to a #manufacturing#, #commercial# or #community facility# establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section [109-522](#), shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

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### **109-525 - Relationship to public improvement projects**

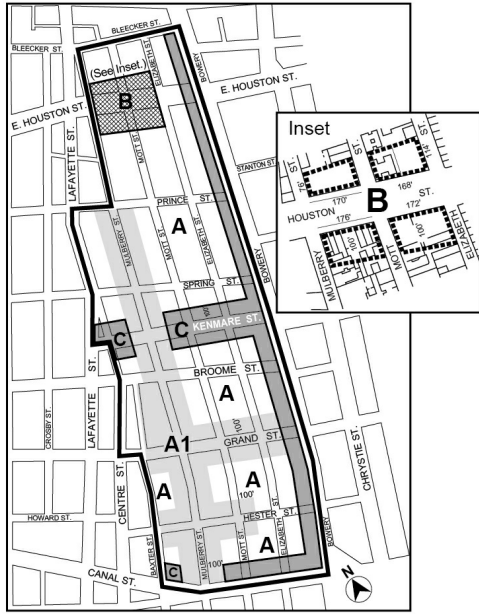
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LAST AMENDED  
2/3/1977

In all cases, the City Planning Commission shall deny an application for a special permit whenever the #development# or #enlargement# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities) which is approved by the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

## **Appendix A - Special Little Italy District Map**

LAST AMENDED  
11/16/1989



- District Boundary
- A** Preservation Area
- A1** Mulberry Street Regional Spine
- B** Houston Street Corridor
- C** Bowery, Canal, Kenmare Street Corridor



## APPENDIX B - Buildings of Special Significance

LAST AMENDED  
2/3/1977

#Buildings# of special significance to be preserved in accordance with the provisions of Section 109-522 are as follows:

Block Number	Lot Number	Address
206	1	113 Baxter Street
470	12	363 Broome Street
471	41	375 Broome Street
470	64	124—126 Bowery
472	31	240 Centre Street
492	21	209 Elizabeth Street
507	17-21	260—268 Elizabeth Street
471	28	174 Grand Street
471	58	190 Grand Street
471	57	192 Grand Street
238	6	128—130 Mott Street
508	6	256—258 Mott Street
508	9	262—272 Mott Street
509	34	277 Mott Street
481	23	201—205 Mulberry Street
509	1	266 Mulberry Street
492	44	11 Spring Street
480	21	34—36 Spring Street