



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Article XI - Special Purpose Districts

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Zoning Resolution

THE CITY OF NEW YORK

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CITY PLANNING COMMISSION

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Chapter 1 - Special Tribeca Mixed Use District (TMU)

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

Chapter 1 - Special Tribeca Mixed Use District (TMU)

111-00 - GENERAL PURPOSES

LAST AMENDED
10/13/2010

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

- (a) to retain adequate wage, job-producing, stable industries within the Tribeca neighborhood;
 - (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
 - (c) to provide housing opportunity of a type and at a density appropriate to this mixed use zone;
 - (d) to ensure the provision of safe and sanitary housing units in converted buildings; and
 - (e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.
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111-01 - Definitions

LAST AMENDED
8/27/1998

For purposes of this Chapter, matter in *italics* is defined in Section [12-10](#) (DEFINITIONS) and in this Section.

Special Tribeca Mixed Use District

(repeated from Section [12-10](#))

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply. The #Special Tribeca Mixed Use District# and its regulations supplement or supersede those of the districts on which it is superimposed.

111-02 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations, #accessory# #uses#, open and enclosed and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, or 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 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

111-03 - District Map

LAST AMENDED
10/13/2010

The District Map for the #Special Tribeca Mixed Use District#, in Appendix A, identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Tribeca Mixed Use District#. These areas are as follows:

Area A1 - General Mixed Use Area

Area A2 - Limited Mixed Use Area

Area A3 - General Mixed Use Area

Area A4 - General Mixed Use Area

Area A5 - General Mixed Use Area

Area A6 - General Mixed Use Area

Area A7 - General Mixed Use Area

111-10 - SPECIAL USE REGULATIONS

LAST AMENDED
4/9/1981

111-11 - Residential Use Modification

LAST AMENDED
12/5/2024

A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), as an #accessory# #use# pursuant to Section [15-13](#) (Special Home Occupation Provision), except that:

- (a) businesses operated as #home occupations# may have up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed; and
- (b) a #home occupation# may include any permitted #commercial# or #manufacturing# #use#.

111-13 - Use Regulations

LAST AMENDED
6/6/2024

- (a) Areas A1 and A3
 - (1) #Uses# permitted in a C6 District are applicable in Areas A1 and A3, except that #uses# listed under Use Group IX(A) shall be permitted to the applicability of a C8 District.

- (2) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, #uses# listed under Use Group VI or #uses# listed under Use Group VIII shall be limited to 20,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section [111-32](#) (Special Permit for Certain Large Commercial Establishments).
- (3) In addition, in #buildings# not fronting on the #streets#, listed in paragraph (a)(2) of this Section, #uses# listed under Use Groups VI or VIII shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allocated to such #uses#, except as otherwise provided in Section [111-32](#).

(b) Areas A4, A5, A6 and A7

- (1) #Uses# permitted in a C6 District are applicable in Areas A4, A5, A6 and A7, except that:
 - (i) automotive repair and maintenance and dry cleaning and laundry services listed under Use Group VI shall be permitted to the applicability of a C8 District; and
 - (ii) #uses# listed under Use Groups IX(A) and IX(C) shall be permitted to the applicability of a C8 District.
- (2) For establishments with frontage on #wide streets#, #uses# listed under Use Group VI shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

- (c) Eating or drinking establishments, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and a capacity of more than 200 persons, as listed under Use Group VI, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section [73-162](#) (Eating or drinking establishments) or the City Planning Commission as provided in Section [74-161](#) (Retail and service uses), as applicable.

(d) Environmental conditions for Area A2

All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with OER's 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.

111-20 - SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

LAST AMENDED
12/5/2024

111-21 - Bulk Regulations for Area A1

LAST AMENDED
12/5/2024

The regulations applicable to a C6-2A District shall apply to #developments# and #enlargements#, except that the maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0. However, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 6.0.

111-22 - Bulk Regulations for Area A2

LAST AMENDED
12/5/2024

The underlying regulations applicable to a C6-3 District shall apply to #developments# and #enlargements#, except as set forth herein.

(a) Maximum #floor area ratio#

In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

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). No other #floor area# bonuses shall be permitted in Area A2.

(b) Height and setback regulations

The underlying height and setback regulations applicable to a C6-3A District shall apply.

(c) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

111-23 - Bulk Regulations for Area A3

LAST AMENDED
12/5/2024

The regulations applicable to a C6-3A District shall apply to #developments# and #enlargements#.

111-24 - Bulk Regulations for Areas A4, A5, A6 and A7

LAST AMENDED
12/5/2024

Except as set forth in this Section, the #bulk# regulations of the underlying district shall apply.

(a) The maximum #residential# #floor area ratio# for #zoning lots# containing standard #residences#, and that permitted for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in the following table:

| |
|--|
| |
|--|

| Area | Maximum #Floor Area Ratio# for Standard #Residences# | Maximum #Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing# |
|---------------|--|---|
| A4 | 7.8 | |
| A5 | 6.6 | |
| A6 | 7.2 | |
| A7 | 6.0 | |

- (b) The underlying height and setback regulations shall apply except that in Area A4, the maximum #building# height shall be 145 feet or, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, 175 feet.

111-30 - SPECIAL PERMITS

LAST AMENDED
10/13/2010

111-31 - Special Permit for Certain Large Commercial Establishments

LAST AMENDED
6/6/2024

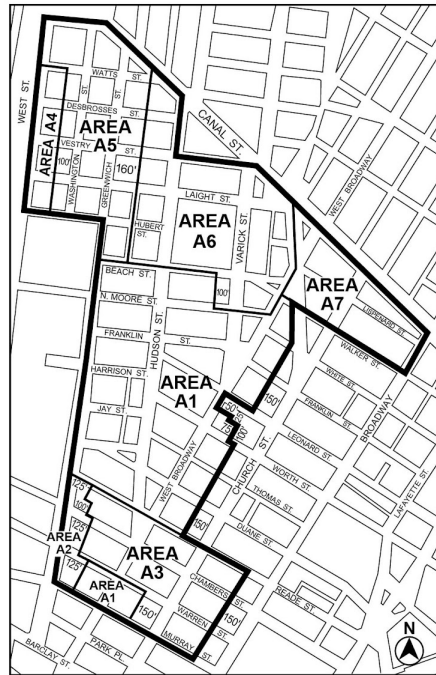
The City Planning Commission may permit the total #floor area# of large #commercial# establishments to exceed the underlying #floor area# requirements set forth in Section [111-13](#), paragraphs (a)(3) and (b)(4), including the #floor area# requirements for #cellar# space, provided the Commission finds that:

- (a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and
- (b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

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

Appendix A - Special Tribeca Mixed Use District Map

LAST AMENDED
10/13/2010



— Special Tribeca Mixed Use District
 — Area Boundary

- Area A1: General Mixed Use Area
- Area A2: Limited Mixed Use Area
- Area A3: General Mixed Use Area
- Area A4: General Mixed Use Area
- Area A5: General Mixed Use Area
- Area A6: General Mixed Use Area
- Area A7: General Mixed Use Area



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 2 - Special City Island District (CD)

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

Chapter 2 - Special City Island District (CD)

112-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2011

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

- (a) to promote and strengthen the unique character of the Special City Island District for nautical and waterfront activities by limiting permitted uses to those which complement and enhance the existing character of the Special District;
 - (b) to maintain the existing low-rise residential and commercial character of the district by regulating the height of buildings;
 - (c) to maintain and protect the environmental quality and "village" character of City Island Avenue by imposing special controls on building setbacks and signs; and
 - (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.
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112-01 - Definitions

LAST AMENDED

6/6/2024

For the purposes of this Chapter, matter in *italics* is defined in Sections [12-10](#), [32-301](#), or within this Section.

Development

For purposes of this Chapter, a "development" includes both *#development#* and *#enlargement#*, as defined in Section [12-10](#) (DEFINITIONS).

112-02 - General Provisions

LAST AMENDED

5/12/2021

In harmony with the general purposes of the *#Special City Island District#* and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the *#Special City Island District#* is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying zoning districts remain in force. In *#flood zones#*, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

112-04 - Requirements for Application

LAST AMENDED

1/20/1977

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter shall include a site plan showing the location and #use# of all #buildings# on the #zoning lot# and such other information as may be required by the Commission.

112-05 - Relationship to Public Improvement Projects

LAST AMENDED
1/20/1977

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# will interfere with a public improvement project (including housing, highways, public #building# or facilities redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which has been approved by the Board of Estimate, City Planning Commission or Site Selection Board as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit.

112-06 - District Plan

LAST AMENDED
2/2/2011

The District Plan for the #Special City Island District# identifies those areas within the Special District in which there are special height restrictions. The District Plan is set forth in Appendix A and is made an integral part hereof.

112-07 - Special Use Regulations

LAST AMENDED
2/2/2011

Within the Special District, and notwithstanding the provisions of Article V, Chapter 2, where #commercial# or #manufacturing uses# are permitted by the underlying district regulations, such #commercial# or #manufacturing uses# shall be limited to those #uses# set forth in this Section. This Section shall apply to a new #use# in a #development# and to a change of #use# in an existing #building# to another #use# listed in the same or another Use Group.

112-071 - Uses permitted in C1 and C2 Districts

LAST AMENDED
6/6/2024

Within C1 and C2 Districts, the underlying #use# provisions shall apply, except that:

- (a) #uses# listed under Use Group IV(B) shall not be permitted; and
- (b) #uses# listed under Use Group X with a size limitation, as denoted with an “S” in the Use Group table set forth in Section [32-20](#) (Use Group X – Production Uses), inclusive, shall not exceed 10,000 square feet of #floor area# per establishment.

112-072 - Uses permitted in M1 Districts

LAST AMENDED
6/6/2024

Within M1 Districts, #uses# listed under Use Groups IV(B), IX and X shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section [123-20](#) (SPECIAL USE REGULATIONS), inclusive.

112-073 - Streetscape regulations

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:

- (a) #ground floor level# #street# frontages along City Island Avenue, between Bay Street and Carroll Street shall be considered #Tier C street frontages#, and
- (b) remaining #ground floor level# #street# frontages along City Island Avenue shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section [32-32](#), inclusive, the provisions for #Tier A street frontages# set forth in Section [32-312](#) (Ground floor level parking restrictions) may be applied.

112-074 - Sign regulations

LAST AMENDED

6/6/2024

In addition to meeting the #sign# regulations of the applicable underlying zoning district, all #signs# within the Special District shall meet the following restrictions:

- (a) #signs# attached to the #street wall# of a #building# shall have a vertical dimension of not more than three feet and shall have a horizontal dimension of not more than 75 percent of the #street# frontage; and
- (b) outdoor #signs# may be illuminated by indirect means only.

112-10 - SPECIAL BULK REGULATIONS

LAST AMENDED

9/9/2004

112-11 - Special Height and Setback Regulations

LAST AMENDED

12/5/2024

The underlying height and setback regulations shall apply, except that no #building or other structure# shall exceed a height limit of 35 feet, and the height shall be measured from the #base plane#. Such height and setback regulations may be modified only by authorization or special permit of the City Planning Commission, as applicable, pursuant to Sections [112-12](#) or [112-13](#).

112-12 - Authorization for Modification of Height and Setback Regulations

LAST AMENDED

12/5/2024

The City Planning Commission may authorize, within Area B, as shown on the District Plan Map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

- (a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;
- (b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and
- (c) the height of the #building# does not exceed 35 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-13 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED

12/5/2024

The City Planning Commission may permit, within Area A, as shown on the District Plan Map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

- (a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;
- (b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and
- (c) the height of the #building# does not exceed 50 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-20 - SPECIAL PARKING REGULATIONS

LAST AMENDED

12/5/2024

112-21 - Accessory Parking for Commercial Uses

LAST AMENDED

12/5/2024

For any #commercial# or mixed use #development# except for eating or drinking establishments, one off-street #accessory# parking space shall be provided for every 300 square feet of #commercial# #floor area#. The provisions of Section [73-45](#) (Modification of Off-site Parking Provisions) are hereby made inapplicable.

112-22 - Accessory Parking and Floor Area Requirements for Eating or Drinking Establishments

LAST AMENDED
12/5/2024

After July 10, 1985, for any #development#, #extension# or change of #use# involving an eating or drinking establishment listed under Use Group VI that, in the aggregate, results in an increase of more than 150 square feet of #floor area#, one off-street #accessory# parking space shall be provided for each 150 square feet of the total of the existing and new #floor area#.

After July 10, 1985, any reduction in the number of existing off-street #accessory# parking spaces, either on-site or off-site that lowers the ratio of off-street #accessory# parking space per #floor area# to less than one space per 150 square feet of #floor area# is prohibited.

New off-site #accessory# parking for eating or drinking establishments in C1 or C2 Districts may be located only in C1 or C2 Districts.

For the purposes of this Section, #floor area# shall also include #cellar# space, except for a room or rooms in the #cellar# used exclusively for storage, and outdoor table service areas used for eating or drinking establishments. The outdoor table service area shall be delineated and shown on the plans filed with the application for a building or work permit and used to determine the minimum requirement for #accessory# off-street parking. Such outdoor table service area shall be separated from the #accessory# off-street parking by a fence, wall, railing or planted screening.

For eating or drinking establishments, the provisions of Sections [36-23](#) or [44-232](#) (Waiver of Requirements for Spaces Below Minimum Number) or Section [52-41](#) (General Provisions), with respect only to #enlargements# or #extensions# to provide off-street parking spaces, and Section [73-45](#) (Modification of Off-site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-street parking spaces are required, all such parking spaces shall be waived.

112-23 - Reservoir Space Requirements for Eating or Drinking Establishments

LAST AMENDED
12/5/2024

All #developments#, #extensions# or changes of #use# involving an eating or drinking establishment listed under Use Group VI with attendant-operated parking services shall provide adequate on-site reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 10 percent of the total number of spaces, but in no event shall such reservoir space be required for more than 10 automobiles. Reservoir space shall be delineated by painted stripes or lines pursuant to the standards of the Department of Buildings.

Within one year of March 6, 1986, all existing eating or drinking establishments with attendant-operated parking services shall provide adequate reservoir space pursuant to this Section and shall file a site plan and documented evidence of compliance with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

112-24 - Screening and Tree Planting Requirements for all Parking Lots With 10 or More Spaces

LAST AMENDED
12/5/2024

All new or #enlarged# parking lots with 10 or more spaces shall comply with the screening requirement provisions of this Section.

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence

extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened in accordance with the provisions of paragraphs (a), (b) and (c) of Section [37-921](#) (Perimeter landscaping).

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Sections [32-62](#) (Permitted Signs), [32-63](#) (Permitted Advertising Signs) or [42-62](#) (Permitted Signs).

112-25 - Location of Parking Spaces Along City Island Avenue

LAST AMENDED
12/5/2024

In districts not otherwise governed by the streetscape regulations of Section [112-073](#), no parking shall be permitted between the #street line# of City Island Avenue and the #street wall# of any #building# or its prolongation facing City Island Avenue. However, this provision shall not apply to #waterfront zoning lots#.

112-30 - ADDITIONAL SPECIAL DISTRICT REGULATIONS

LAST AMENDED
12/5/2024

112-31 - Location of Zoning District Boundary Lines

LAST AMENDED
12/5/2024

Zoning district boundary lines shall coincide with the #shoreline# lawfully existing on November 13, 1981, or any natural or lawful alteration thereof.

112-32 - Naturally or Lawfully Altered Shorelines and Development Rights on Piers

LAST AMENDED
12/5/2024

A zoning district boundary line which intersects the #shoreline# lawfully existing on November 13, 1981, shall be prolonged, in a straight line, to such naturally or lawfully altered #shoreline#. Lawfully approved piers or other lawfully approved structural extensions of the #shoreline#, as may be so altered, shall not generate development rights; however, #uses# #accessory# to the principal upland permitted #use#, except for off-street parking, shall be permitted.

112-33 - Special Requirements for Waterfront Access

LAST AMENDED
12/5/2024

Except in R1 and R2 Districts, for #developments# containing #residences# on #waterfront zoning lots# of 65,000 square feet or more, a publicly accessible waterfront sitting area shall be provided. Such sitting area shall abut the #shoreline#, have a minimum area of 2,500 square feet, a minimum depth of 50 feet measured from the #shoreline# and contain at least one linear foot of seating for every 100 square feet of public access area. Entrances of #buildings# may not front upon such sitting area.

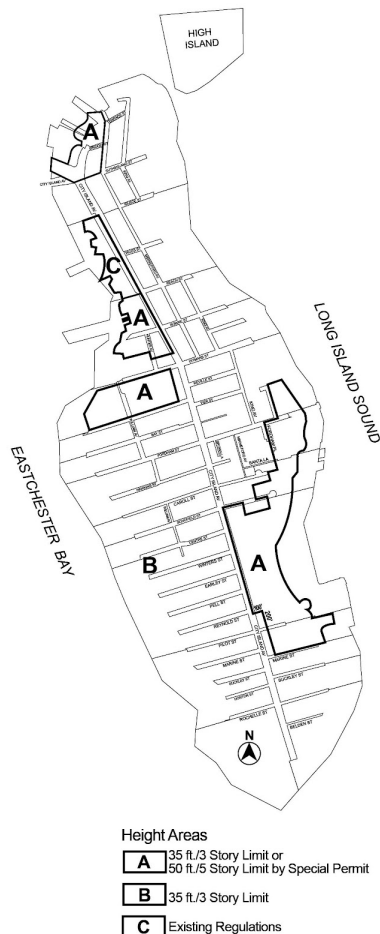
Such sitting area shall be accessible by means of either a direct connection to a public sidewalk or a public way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such public way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three-inch caliper for every 25 linear feet of length of such way, and a paved sidewalk of at least six feet in width or, for #developments# with #private roads#, sidewalks provided in accordance with the requirements for #private roads#, as set forth in Article II, Chapter 6.

Such public access areas shall comply with the provisions of Sections [62-74](#) (Requirements for Recordation), [62-70](#) (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), [62-651](#) (Guardrails, gates and other protective barriers), [62-652](#) (Seating) and [62-654](#) (Signage).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings or Department of Business Services, as applicable, that a site plan has been submitted showing compliance with the provisions of this Section.

Appendix A - Special City Island District - Height Areas

LAST AMENDED
4/6/2011





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 3 - Special Ocean Parkway District (OP)

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Chapter 3 - Special Ocean Parkway District (OP)

113-00 - GENERAL PURPOSES

LAST AMENDED

1/20/1977

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

- (a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;
 - (b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;
 - (c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and
 - (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.
-

113-01 - General Provisions

LAST AMENDED

12/5/2024

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, or for #transit-adjacent 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 4 (Special Regulations Applying in Flood Zones), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

For the purpose of applying the provisions set forth in #Mandatory Inclusionary Housing areas# within the #Special Ocean Parkway District# are shown on the maps in APPENDIX F of this Resolution.

The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A of this Chapter. In addition to the requirements of Sections [113-10](#) through [113-40](#), inclusive, the special regulations set forth in Sections [113-50](#) through [113-523](#), inclusive, shall apply to the Subdistrict.

113-10 - SPECIAL BULK REGULATIONS

LAST AMENDED

1/20/1977

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

113-11 - Special Bulk Regulations for Community Facilities

LAST AMENDED
2/2/2011

In #Residence Districts# and #Commercial Districts# with residential equivalents, all #community facility buildings#, and portions of #buildings# containing #community facility uses#, shall be subject to the applicable underlying district #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), except as provided below:

- (a) in R2X Districts, the #residential# #bulk# regulations of an R3-1 District shall apply to #community facility buildings#;
- (b) in R6 or R7 Districts with a letter suffix, the applicable #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts) shall apply;
- (c) in the Subdistrict, the #bulk# regulations of Article II, Chapter 3 shall apply, except as set forth in Section [113-503](#) (Special bulk regulations); and
- (d) in R6 or R7 Districts without a letter suffix, the #community facility# #bulk# regulations of Article II, Chapter 4, may be made applicable by certification of the City Planning Commission, pursuant to Section [113-41](#) (Certification for Community Facility Uses on Certain Corner Lots).

113-12 - Special Front Yard Regulations

LAST AMENDED
2/2/2011

For all #zoning lots# with frontage along Ocean Parkway, there shall be a 30 foot #front yard#. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the #front yard#. Any driveway within such #front yard# shall be perpendicular to the #street line# or, in the case where the #street wall# is not parallel with the #street line#, the driveway shall be perpendicular to the #street wall#.

Balconies pursuant to Section [23-13](#) may, by a depth of not more than six feet, penetrate #front yards#, except along Ocean Parkway.

113-13 - Special Bulk Regulations for Lots Adjacent to Park Circle-Machate Circle

LAST AMENDED

In R8A Districts, for #zoning lots# fronting on Park Circle-Machate Circle, the provisions of Section [23-66](#) (Height and Setback Requirements for Quality Housing Buildings) shall be modified to allow for #street walls# within 125 feet of a #wide street# to rise without setback to a maximum base height of 115 feet and allow for a minimum required setback of 10 feet above such base height, provided that the maximum #building# height shall not exceed: 115 feet within 100 feet of Ocean Parkway or within 30 feet of an R7A District; 125 feet between 100 and 150 feet of Ocean Parkway, within 20 feet of Coney Island Avenue, or between 30 and 50 feet from an R7A District; and 140 feet on any other portion of the #zoning lot#. For the purposes of this paragraph, distances shall be measured perpendicular to the #street line# or district boundary, as applicable.

113-20 - SPECIAL PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
1/20/1977

113-21 - Special Parking Regulations

LAST AMENDED
2/2/2011

For all #developments# having frontage on Ocean Parkway, all required or permitted #accessory# off-street parking spaces shall be #completely enclosed#.

113-22 - Special Off-street Loading Regulations

LAST AMENDED
2/2/2011

- (a) For any #building# containing a #school# for children below grade 7, off-street loading facilities shall be provided in accordance with the requirements of this Section. Such off-street loading facilities shall be so situated and arranged to provide head-in and head-out movement of vehicles on two separate #streets#, and shall have a minimum dimension of 12 feet. All such off-street loading facilities shall be screened from adjacent #zoning lots# by a four foot buffer of shrubbery that is at least four feet high at the time of planting.
 - (b) For other #schools# with no children below grade 7, an off-street loading facility shall be provided with a minimum dimension of 12 by 18 feet.
-

113-30 - TREE PLANTING REQUIREMENTS

LAST AMENDED
12/5/2024

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# on #zoning lots# having frontage on Ocean Parkway, shall provide #street# trees in accordance with the provisions of Section [26-611](#) (Street tree planting).

113-40 - CERTIFICATIONS AND AUTHORIZATIONS FOR COMMUNITY FACILITIES

LAST AMENDED
12/19/1996

113-41 - Certification for Community Facility Uses on Certain Corner Lots

LAST AMENDED
2/2/2011

Within the #Special Ocean Parkway District#, the City Planning Commission may allow, by certification, #community facility developments# or #enlargements# or changes of #use# containing #community facility uses#, to exceed the #bulk# regulations of Section [113-11](#) (Special Bulk Regulations for Community Facilities) when located on #corner lots#, one #lot line# of which is the #street line# of a #wide street#, provided that:

- (a) the #community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and
- (b) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding #development#.

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

113-42 - Authorization for Enlargements of Community Facility Buildings

LAST AMENDED

2/2/2011

Within the #Special Ocean Parkway District#, the City Planning Commission may authorize #enlargements# that exceed the #bulk# limitations of Section [113-11](#) (Special Bulk Regulations for Community Facilities), provided:

- (a) the existing #building# is a #community facility building# #developed# prior to December 19, 1996;
- (b) the existing #community facility building# is located partially or wholly on a #corner lot#, one #lot line# of which is the #street line# of a #wide street#;
- (c) the #enlarged# #community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and
- (d) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding area.

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

113-50 - THE SUBDISTRICT

LAST AMENDED

8/3/1993

113-501 - General purposes

LAST AMENDED

12/5/2024

In order to preserve and enhance the character of the neighborhood, the Subdistrict within the Special Ocean Parkway District is established which encourages large single- or two-family detached and semi-detached residences, as well as multiple dwellings in appropriate locations.

113-51 - Special Use Regulations

LAST AMENDED

12/5/2024

Within the Subdistrict, the underlying #use# regulations applicable to an R4-1 District shall apply, except that for #qualifying residential sites# the regulations applicable to an R5 District shall apply.

113-52 - Special Bulk Regulations

LAST AMENDED

12/5/2024

For #residential buildings#, or the portion of #building# containing #residences#, the underlying #bulk# regulations applicable to an R4-1 District shall apply, except as set forth in this Section, inclusive.

For #community facility# #buildings#, or the portion of #buildings# allocated to #community facility uses#, the #bulk# regulations of Article II, Chapter 3 shall apply, except as modified by the provisions of this Section, inclusive.

113-521 - Maximum permitted floor area ratio

LAST AMENDED
12/5/2024

The maximum permitted #floor area ratio# shall be 1.50, except that for #qualifying residential sites# the maximum permitted #floor area ratio# shall be 2.00.

113-522 - Yard regulations



LAST AMENDED
12/5/2024

For permitted #residential uses#, the provisions of Section [23-311](#) (Permitted obstructions in all yards, courts and open areas) shall apply with the following modifications:

- (a) open #accessory# off-street parking spaces shall not be located within a #front yard# unless such spaces are located in a permitted #side lot ribbon#;
- (b) three-foot overhangs in a required #front yard# in R4 or R5 Districts shall not be permitted.

In addition, the rear yard requirements in paragraph (a)(1) of Section [23-342](#) (Rear yard requirements) shall apply to all #buildings#.

113-523 - Height and setback regulations

LAST AMENDED
12/5/2024

For #buildings# subject to the height and setback regulations of Section [23-421](#) (Basic pitched-roof envelopes for certain districts), the following modification shall apply: each perimeter wall of the #building or other structure# may have one or more apex points directly above it on the 35 foot high plane.

Appendix A - Special Ocean Parkway District

LAST AMENDED8/3/1993

INSET



Subdistrict Area



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 4 - Special Bay Ridge District (BR)

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Chapter 4 - Special Bay Ridge District (BR)

114-00 - GENERAL PURPOSES

LAST AMENDED
3/23/2005

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

- (a) to preserve, protect and maintain the existing scale and character of the residential and commercial community;
- (b) to encourage design of residential, commercial and community facility development which is in character with the neighborhood and surrounding community; and
- (c) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.

114-01 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. The provisions of this Chapter shall apply to all #buildings#.

Except as modified by the provisions of this Chapter, the regulations of the underlying districts remain in effect.

For #transit-adjacent 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.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

114-02 - Applicability of Certain Provisions



LAST AMENDED
12/5/2024

Within the #Special Bay Ridge District#, the definition of #qualifying residential site# shall be modified to exclude #zoning lots# existing on December 5, 2024, with a #lot area# that exceeds five acres.

In addition, no #backyard ancillary dwelling units# shall be permitted within the portion of the #Special Bay Ridge District# west of Ridge Boulevard or south of Marine Avenue.

114-10 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/23/2005

In the #Special Bay Ridge District#, the maximum #floor area ratio# and height and setback regulations shall apply as modified in this Section, inclusive.

114-11 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

In C8-2 Districts, for any #zoning lot#, the maximum #floor area ratio# for any #community facility use# shall not exceed 3.0.

In R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of Article II, Chapter 4, shall apply to #community facility# #buildings#, except that the maximum #floor area ratio# shall not exceed 1.65. For a #building# that is used partly for #community facility# #use# and partly for #residential use#, the #bulk# regulations of Article II, Chapter 3, shall apply to all portions of such #building#, except that where:

- (a) such #community facility# #use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or
- (b) such #building# has received an authorization pursuant to Section [24-06](#) (Modification of Bulk Regulations in Certain Districts);

the #bulk# regulations of Article II, Chapter 4, shall apply to the #community facility# portion of such #building#, provided that the maximum #floor area ratio# for the #community facility use# shall not exceed 1.65.

114-12 - Special Height and Setback Regulations

LAST AMENDED
3/23/2005

114-121 - Special rooftop regulations

LAST AMENDED
12/5/2024

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section [23-413](#) (Permitted obstructions in certain districts).

114-122 - Maximum building height and setback

LAST AMENDED
12/5/2024

In the #Special Bay Ridge District#, the height and setback and maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) For #community facilities# in #Residence Districts#

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a #community facility# #building# shall not exceed 32 feet.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections [24-51](#) or [33-42](#) (Permitted Obstructions), as applicable.



Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 5 - Special Downtown Jamaica District (DJ)

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

Chapter 5 - Special Downtown Jamaica District (DJ)

115-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Downtown Jamaica District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Downtown Jamaica community. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Downtown Jamaica by improving the working and living environments;
- (b) to foster development in Downtown Jamaica and provide direction and incentives for further growth where appropriate;
- (c) to encourage the development of affordable housing;
- (d) to expand the retail, entertainment and commercial character of the area around the transit center and to enhance the area's role as a major transportation hub in the City;
- (e) to provide transitions between the downtown commercial core, the lower-scale residential communities and the transportation hub;
- (f) to improve the quality of development in Downtown Jamaica by requiring the provision of specified public amenities in appropriate locations;
- (g) to encourage the design of new buildings that are in character with the area;
- (h) to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and
- (i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

115-01 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of this Chapter shall apply within the #Special Downtown Jamaica District#. The regulations of all other chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, 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. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

Any special permit granted by the City Planning Commission before September 10, 2007, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections [11-42](#) (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and [11-43](#) (Renewal of Authorization or Special Permit).

115-02 - District Plan and Maps

LAST AMENDED
12/5/2024

The regulations of this Chapter implement the #Special Downtown Jamaica District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

| | |
|-------|---|
| Map 1 | Special Downtown Jamaica District |
| Map 2 | Ground Floor Use and Transparency and Curb Cut Restrictions |
| Map 3 | Street Wall Location |
| Map 4 | Maximum Building Height |
| Map 5 | Sidewalk Widening |

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

115-03 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section [27-10](#) (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Downtown Jamaica District# are shown on the maps in APPENDIX F of this Resolution.

115-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying district shall apply except as modified in this Section, inclusive. The #use# regulations of the underlying C4-5X, C6 and M1-4 Districts relating to #public parking garages# are modified in Section [115-11](#). The #use# regulations of the underlying C6-4 District relating to Use Group IX are modified in Section [115-12](#). Special streetscape regulations shall apply pursuant to Section [115-14](#). The #use# regulations of the underlying M1-4 District are modified as specified in Section [115-13](#).

In addition, the provisions of paragraph (d) of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified such that eating or drinking establishments listed under Use Group VI shall be permitted on a #story# above #dwelling units#.

115-11 - Public Parking Garages

LAST AMENDED
6/6/2024

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying C4-5X, C6-2, C6-3, C6-4 and M1-4 Districts shall be modified to permit #public parking garages# with a capacity of 150 spaces or less, as-of-right, subject to the provisions set forth for #accessory# off-street parking spaces in Sections [36-53](#) (Width of Curb Cuts and Location of Access to the Street), [36-55](#) (Surfacing) and [36-56](#) (Screening). #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#, except as provided by the special permit provisions of Section [74-194](#) (Parking garages or public parking lots in high density central areas).

115-12 - Use Group IX in C6-4 Districts

LAST AMENDED
6/6/2024

In C6-4 Districts, the size limitations applicable to wholesale establishments listed under Use Group IX(A), as set forth in paragraph (e)(2) of Section [32-193](#) (Use Group IX – uses subject to size limitations) shall not apply.

115-13 - Modification of Use Regulations in M1-4 Districts

LAST AMENDED
6/6/2024

The #use# regulations of the underlying M1-4 District shall apply, except as follows:

- (a) all #uses# listed under Use Group III(B) shall be permitted;
- (b) #uses# listed under Use Group VI with a size limitation, as denoted with an “S” in the Use Group tables set forth in Section [42-16](#) (Use Group VI – Retail and Services), shall be permitted without size limitation;
- (c) #uses# listed under Use Groups IV(B), IX and X shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section [123-20](#) (SPECIAL USE REGULATIONS), inclusive; and
- (d) such permitted #uses# listed under Use Groups IV(B), IX and X, along with #uses# in Use Group VI that are listed in paragraph (c) of Section [42-163](#) (Use Group VI – uses subject to additional conditions) shall be located within a #completely enclosed building#.

115-14 - Streetscape Regulations

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 on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition to the underlying provisions, #ground floor level# frontages on #Tier C street frontages# shall provide a major #building# entrance onto such #street#, except that where #zoning lot# has frontage on more than one #Tier C street frontage#, a major #building# entrance need only be located on one #street# frontage.

Defined terms in this Section include those in Sections [12-10](#) and 32-301.

115-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

The underlying #bulk# provisions shall apply except as modified in this Section, inclusive.

115-21 - Floor Area Ratio

(a) Maximum #floor area ratio# for #zoning lots# containing non-#residential uses#

In C6-2 and C6-3 Districts, the maximum #floor area ratio# permitted for #commercial# and #community facility uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts.

In C6-4 Districts, for #commercial uses#, the maximum #floor area ratio# shall be 12.0.

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

(b) Maximum #floor area ratio# for #zoning lots# containing #residential uses#

The maximum #residential# #floor area ratio# shall be as set forth by the underlying district regulations. However, #sky exposure plane buildings# shall not be permitted.

(c) #Floor area# bonus

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). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

115-22 - Modification of Rear Yard Regulations

#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way, or in any portion of a C6-4 District.

115-23 - Height and Setback Regulations

The underlying height and setback regulations shall apply except as modified by the provisions of this Section, inclusive.

For #zoning lots# subject to the sidewalk widening requirements of Section [115-31](#), the boundary of the sidewalk widening furthest from the #street line# shall be considered the #street line# for the purposes of applying all height and setback regulations.

All heights shall be measured from the #base plane#.

115-231 - Permitted obstructions

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section [23-413](#) (Permitted obstructions in certain districts).

115-232 - Street wall location

C4 C6

In the districts indicated, #street walls# shall be provided in accordance with the provisions of this Section.

- (a) For #zoning lot# frontages designated on Map 3 (Street Wall Location) in Appendix A of this Chapter the #street wall# location provisions of paragraph (a) of Section [35-631](#) shall apply. For the purposes of applying the #street wall# location provisions of this Section, all #streets# shall be considered as #wide street#; and
- (b) For all other #zoning lot# frontages, the #street wall# location provisions of paragraph (b) of Section [35-631](#) shall apply.

However, such #street walls# need only extend to a minimum base height of 40 feet.

No #street wall# location requirements shall apply to any open space fronting on Sutphin Boulevard between 94th and 95th Avenues provided pursuant to the Jamaica Gateway Urban Renewal Plan, as shown on Map 3.

For #building# walls facing Archer Avenue on Blocks 9988 and 9994, the #street walls# required pursuant to this paragraph (b) shall not be located along the Archer Avenue #street line#, but shall instead be located along the northern boundary of the Public Place mapped on each such block. However, if the Public Place is not mapped on Block 9994, then the #street wall# shall be located on a line perpendicular to 147th Place and passing through a point 51.77 feet distant (as measured along the southwesterly #street line# of 147th Place)

from the corner of the northeasterly #street line# of Archer Avenue and the southwesterly #street line# of 147th Place. To accommodate the #development# of a one #story# #building# which may be located within each Public Place, such #street walls# shall have no #building# entrances or windows up to a height of 30 feet within 100 feet of 147th Place on Block 9994 and within 100 feet of 146th Street on Block 9988.

115-233 - Maximum building height

LAST AMENDED
12/5/2024

C4 C6

The maximum base height for #buildings# shall be provided in accordance with the provisions of Section [23-43](#), inclusive, for the applicable #residential equivalent#, except that the minimum base height shall be 40 feet. At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district, a setback shall be provided in accordance with the provisions of Section [23-433](#) (Standard setback regulations).

After setback, the maximum #building# heights shall as set forth in Section [23-43](#), inclusive, for the applicable #residential equivalent#, except that:

- (a) in C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. However, no maximum #building# height limitation shall apply on Block 9993, shown on Map 4 (Maximum Building Height) in Appendix A of this Chapter, if such #block# is #developed# or if a #building# on such #block# is #enlarged#, pursuant to the Jamaica Gateway Urban Renewal Plan; and
- (b) in C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet.

115-30 - MANDATORY IMPROVEMENTS

LAST AMENDED
9/10/2007

115-31 - Sidewalk Widening

LAST AMENDED
4/9/2013

The provisions of this Section shall apply to all #developments# fronting upon locations requiring sidewalk widenings as shown on Map 6 (Sidewalk Widening) in Appendix A of this Chapter. A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot# having a depth of two feet or five feet, as set forth on Map 6. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk to less than such minimum required total sidewalk depth.

All mandatory sidewalk widenings must provide lighting in accordance with the requirements of Section [37-743](#), except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

115-40 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/5/2024

115-41 - Parking and Loading Regulations

LAST AMENDED
12/5/2024

Within the #Special Downtown Jamaica District#, the underlying off-street parking and loading regulations shall be modified, as follows:

- (a) #Commercial# and #manufacturing uses#.

In C4, C6 and M1 Districts, the off-street parking and loading regulations of a C4-4 District shall apply, except as modified in this Section.

- (1) For any #use# that is not allowed in a C4 District, the underlying off-street parking requirements of the applicable C6-2, C6-3, C6-4 or M1-4 District shall apply.
- (2) In C4, C6 and M1 Districts, the provisions of Sections [36-12](#) and [44-12](#) (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory# #group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Sections [36-13](#) and [46-13](#) (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.
- (3) In C4, C6 and M1 Districts, the provisions of Section [36-21](#) (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial# or #community facility uses# shall be modified as follows: #uses# in Use Groups VII and IX, with parking requirement category A3, shall be required to provide one parking space per 2,000 square feet of #floor area#.
- (4) Modification of Waiver of Parking Requirements
 - (i) In C4, C6 and M1 Districts, the provisions of Sections [36-23](#) (Waiver of Requirements for Spaces Below Minimum Number) and [44-23](#) (Waiver of Requirements for Spaces Below Minimum Number or Certain Small Zoning Lots, Developments or Enlargements) shall only apply to #zoning lots# existing

both on September 10, 2007 and on the date of application for a building permit.

- (ii) In C4, C6 and M1 Districts, for any #commercial# #use# permitted in a C4 or C6 District, the waiver provisions for a C4-4 District set forth in Section [36-232](#) (In districts with very low parking requirements) shall not apply. In lieu thereof, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 15 spaces, pursuant to the waiver provisions for a C4-2 District set forth in Section [36-231](#) (In districts with high, medium or low parking requirements).

(b) #Residential uses#

- (1) The provisions of Section [25-12](#) (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory# #group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Section [25-13](#) (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.
- (2) The provisions of Sections [25-52](#) (Off-site Spaces for Residences) and [25-521](#) (Maximum distance from zoning lot) shall be modified to permit the location of off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.
- (3) The provisions of Section [36-42](#) (Off-site Spaces for Residences) and [36-421](#) (Maximum distance from zoning lot) shall be modified to permit the location of off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

115-42 - Location of Access to the Street

LAST AMENDED
12/5/2024

Curb cuts shall be prohibited at locations specified as #Tier C street frontages# on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), shall not apply to the special location of access requirements of this Section.

115-43 - Authorization for Curb Cut

LAST AMENDED
12/5/2024

Between 160th Street and a point 205 feet east of 160th Street along Archer Avenue, The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts that are prohibited by Section [115-42](#) (Location of Access to the Street), provided the Commission finds that a curb cut at such location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

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

115-50 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED
2/2/2011

For any #zoning lot# within the #Special Downtown Jamaica District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

(e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

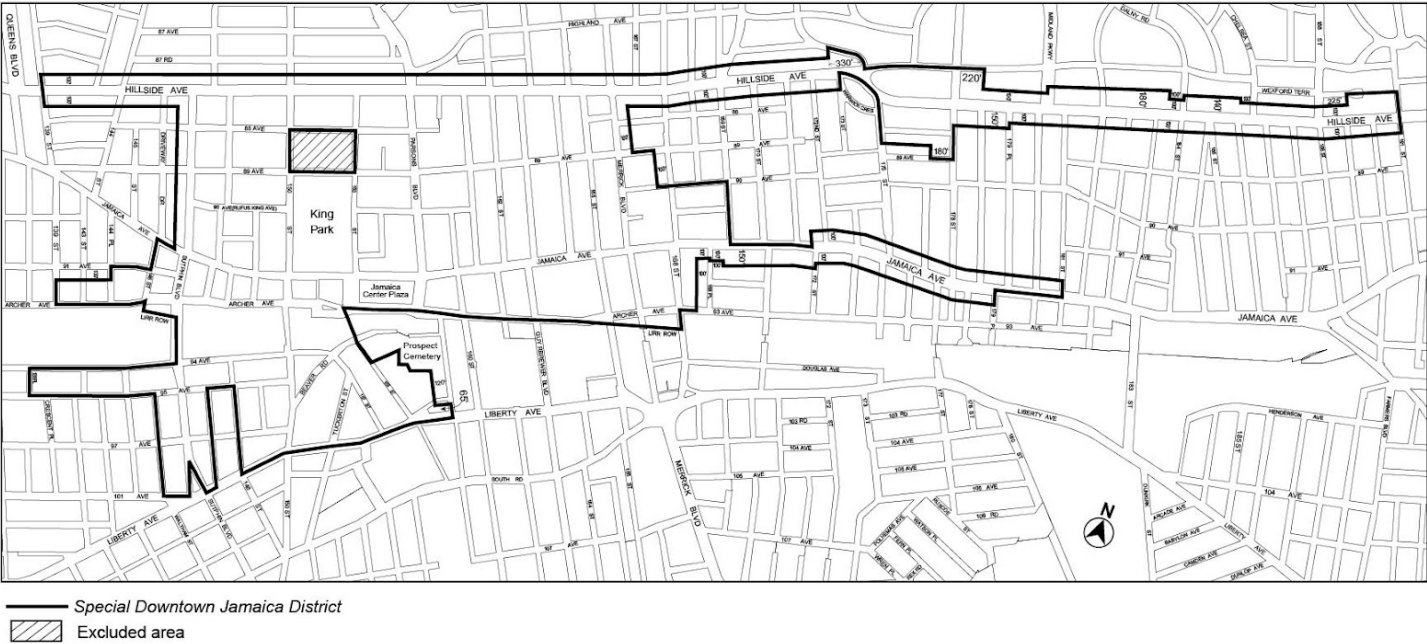
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix A - Special Downtown Jamaica District Maps

LAST AMENDED
12/5/2024

(11/23/21)

Map 1 — Special Downtown Jamaica District



(4/9/13)

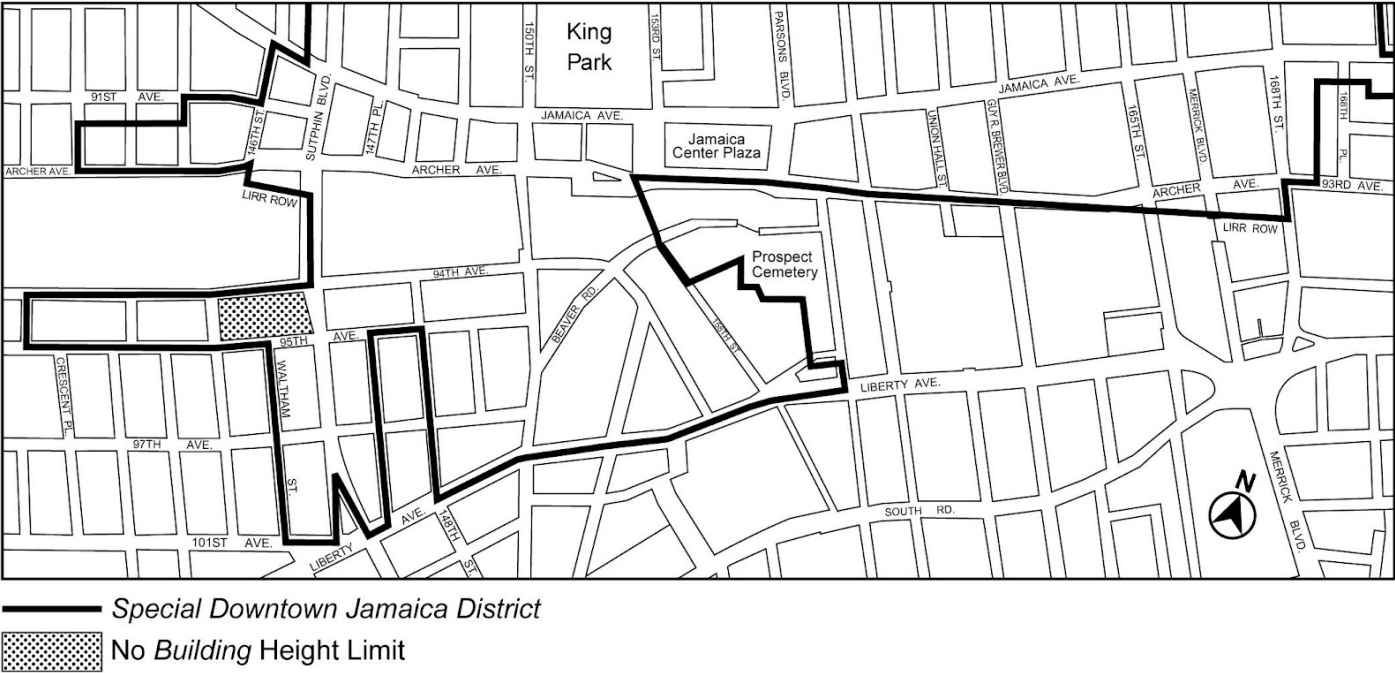
Map 2 — Ground Floor Use and Transparency and Curb Cut Restrictions

(12/5/24)

Map 3 — Street Wall Location

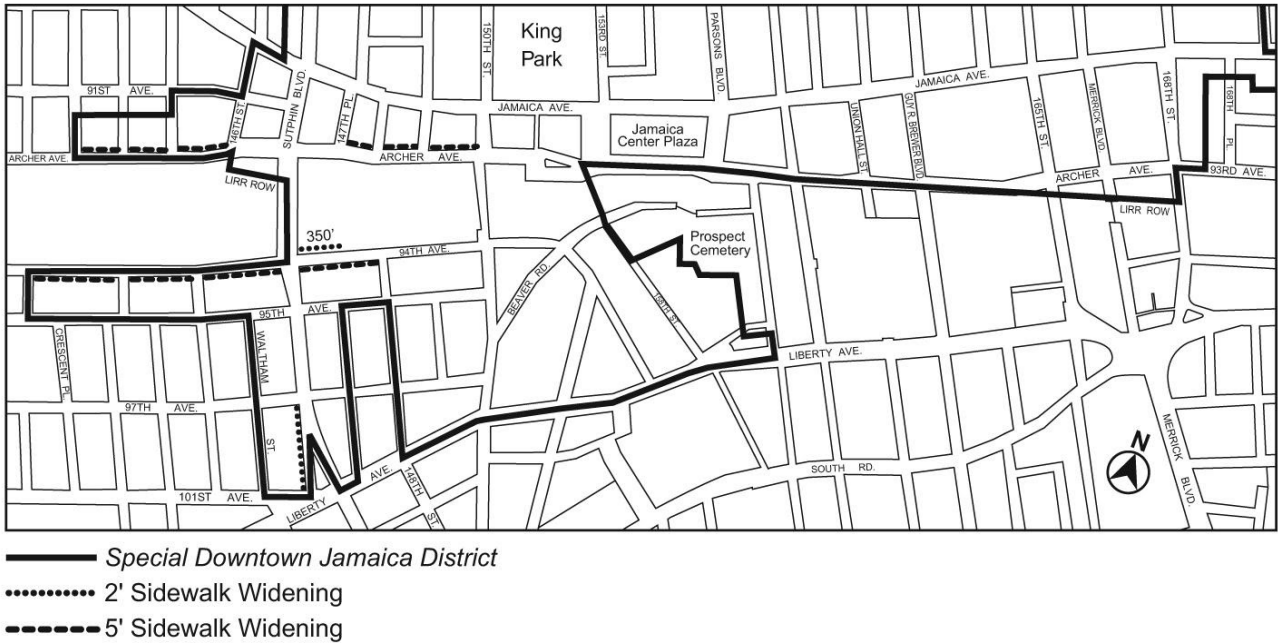
(9/10/07)

Map 4 — Maximum Building Height



(4/9/13)

Map 5 — Sidewalk Widening





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 6 - Special Stapleton Waterfront District (SW)

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

Chapter 6 - Special Stapleton Waterfront District (SW)

116-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2011

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

- (a) encourage design of development that is in character with the neighborhood and surrounding community;
 - (b) maintain and reestablish physical and visual public access to and along the waterfront;
 - (c) strengthen the traditional town center of Stapleton by allowing the development of residential and commercial uses;
 - (d) encourage the creation of a lively and attractive environment that will provide daily amenities and services for the use and enjoyment of the working population and the new residents;
 - (e) take maximum advantage of the beauty of the New York Harbor waterfront, thereby best serving the business community, the residential population and providing regional recreation; and
 - (f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect City tax revenues.
-

116-01 - Definitions

LAST AMENDED

6/6/2024

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

Esplanade

The "Esplanade" is a park extending along portions of the waterfront edges of the #Special Stapleton Waterfront District#. The #Esplanade# is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in Appendix A of this Chapter.

Mandatory front building wall

A "mandatory front building wall" is the front wall of a #building# that generally coincides with a #mandatory front building wall line#, as provided in Section [116-232](#) (Street wall location).

Mandatory front building wall line

"Mandatory front building wall lines" are imaginary lines extending through Subarea B of the #Special Stapleton Waterfront

District# which are shown on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, and with which #building# walls must generally coincide, as provided in Section [116-232](#).

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the #Special Stapleton Waterfront District# as shown in the District Plan, Map 1, in Appendix A of this Chapter.

Shore public walkway

A "shore public walkway" is a linear public access area along the shore or water edges of a #platform# on a #waterfront zoning lot#.

Upland connection

An "upland connection" is a pedestrian way which provides a public access route from the #Esplanade# or a #shore public walkway# to a public sidewalk within a public #street#. Required #upland connections# are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in Appendix A of this Chapter

Visual corridor

A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#. Required #visual corridors# are shown in the District Plan, Map 5 and Map 6 (Location of Visual Corridor in Subarea E) in Appendix A of this Chapter.

116-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent 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 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying R6, C2-2, C4-2A and M2-1 Districts shall apply, as modified in this Chapter.

116-03 - District Plan

The District Plan for the #Special Stapleton Waterfront District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Stapleton Waterfront District#.

These areas shall include Subareas A, B1, B2, B3, B4, B5, C, D and E, the #Esplanade# and two designated public open spaces: #Pier Place# and the #Cove#. In addition, Subareas B and E shall include #upland connections# and Subarea E shall include a #shore public walkway#.

The District Plan includes the following maps in Appendix A of this Chapter.

Map 1 Special Stapleton Waterfront District, Subareas and Public Spaces

Map 2 Ground Floor Use and Frontage Requirements

Map 3 Mandatory Front Building Wall Lines

Map 4 Restricted Curb Cut and Off-Street Loading Locations

Map 5 Upland Connections and Visual Corridors

Map 6 Location of Visual Corridor in Subarea E

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

116-04 - Subareas

In order to carry out the purposes and provisions of this Chapter, the following subareas are established within the #Special Stapleton Waterfront District#: Subarea A, Subarea B, comprised of Subareas B1, B2, B3, B4 and B5, Subareas C, D and E, the #Esplanade#, #Pier Place# and the #Cove#. In each of these subareas, special regulations apply that may not apply in other subareas.

116-05 - Applicability

In Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#, the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply. In lieu thereof, the special #use#, #bulk#, #accessory# off-street parking, public access and urban design regulations of Sections [116-10](#) through [116-50](#) shall apply.

In Subarea D, the provisions of Article VI, Chapter 2 shall apply pursuant to the underlying M2-1 District regulations.

In Subarea E, the underlying provisions of Article VI, Chapter 2 shall apply, except as modified in Section [116-60](#) (SPECIAL REGULATIONS IN SUBAREA E), inclusive. In addition, the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), shall not apply. In lieu thereof, the provisions of Section [116-623](#) (Height and setback regulations), shall apply.

#Lower density growth management area# regulations shall not apply in the #Special Stapleton Waterfront District#.

116-10 - SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED

6/6/2024

In Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#, the underlying #use# regulations shall be modified by the provisions of this Section, inclusive.

116-11 - Streetscape Regulations

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:

- (a) #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Ground Floor Use and Frontage Requirements) in Appendix A of this Chapter shall be considered #Tier C street frontages#; and
- (b) remaining #ground floor level# #street# frontages shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section [32-32](#), inclusive, the provisions for #Tier A street frontages# set forth in Section [32-312](#) (Ground floor level parking restrictions) may be applied. Notwithstanding the above, in Subarea B5, parking may be located between the #street wall# of the #building# and the Front Street #street line#.

116-12 - Location of Uses

LAST AMENDED

6/6/2024

In addition, the provisions of paragraph (d) of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified such that eating or drinking establishments listed under Use Group VI shall be permitted on a #story# above #dwelling units#.

116-13 - Special Sign Regulations

LAST AMENDED

6/6/2024

The #sign# regulations of the underlying C4-2 District in Section [32-60](#) (Sign Regulations) shall be modified as follows: #flashing signs# shall not be permitted in Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-20 - SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED

7/20/2017

The special #bulk# regulations of Section [116-20](#), inclusive, shall apply to Subareas A, B and C, the #Esplanade#, #Pier Place#

The special #bulk# regulations of Section [116-20](#), inclusive, shall apply to Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-21 - Residential Bulk Regulations in C4-2A Districts

LAST AMENDED

10/25/2006

The provisions of Sections [34-112](#) and [35-23](#) (Residential Bulk Regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) are modified as follows:

The applicable #bulk# regulations for #residential uses# in C4-2A Districts shall be those for R6B Districts.

116-22 - Maximum Floor Area Ratio

LAST AMENDED

12/5/2024

The maximum #floor area ratio# for all #uses# shall be 2.0. However, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 2.40.

Additionally, for #zoning lots# in Subareas A and B1, up to a total of 100,000 square feet of floor space, within a public #school#, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education, shall be exempt from the definition of #floor area#. #Zoning lots# within Subarea A and B1 that are contiguous or would be contiguous but for their separation by a #street#, may be considered one #zoning lot# for the purpose of applying these special #floor area# regulations.

116-221 - Special floor area regulations for mixed buildings

LAST AMENDED

5/12/2021

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths;
- (c) limitations on #floor area# occupied by certain #uses#; and
- (d) satisfying requirements for #FRESH food stores# as defined in Article VI, Chapter 3, and the special #floor area# regulations of that Chapter.

116-23 - Special Height and Setback Regulations

LAST AMENDED

10/25/2006

The special height and setback regulations set forth in this Section shall apply.

116-231 - Special rooftop regulations

LAST AMENDED
12/5/2024

The provisions of Section [35-61](#) (Permitted Obstructions) shall apply to all #buildings or other structures# in Subareas A, B and C.

116-232 - Street wall location

LAST AMENDED
12/5/2024

Within Subareas A and B, the underlying #street wall# location regulations shall be modified as follows:

(a) Subareas A and B1

The #street wall# location provisions of paragraph (c) of Section [35-631](#) (Street wall location) shall apply and extend up to base heights as specified in Section [116-233](#) (Height and setback) or the height of the #building#, whichever is less.

(b) Subareas B2 through B5

- (1) The #street wall# location provisions of paragraph (a) Section [35-631](#) shall apply to type 1 mandatory front building line as outlined on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter. For the purposes of applying #street wall# location regulations, the #street walls# shall be considered as fronting onto #wide streets#.
- (2) The #street wall# location provisions of paragraph (b) Section [35-631](#) shall apply to type 2 mandatory front building line as outlined on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter.

All #mandatory front building walls# shall extend up to base heights as specified in Section [116-233](#) or the height of the #building#, whichever is less.

116-233 - Height and setback

LAST AMENDED
12/5/2024

Within Subareas A, B and C, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(1) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings# in Subareas A and B1. The maximum #building# height set forth in the table shall only be permitted in locations where the maximum #street wall# width of a #building# above the transition height, or, where applicable, the maximum base height, does not exceed 100 feet. At least 60 feet of separation shall exist between any portions of

#buildings# located above such maximum transition height, or maximum base height, as applicable.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the Subarea, and shall be provided in accordance with paragraph (a)(2) of this Section.

Maximum Base Heights and Maximum #Building# Heights for Subareas A and B1

| Minimum Base Height (in feet) | Maximum Base Height (in feet) | Maximum Transition Height (in feet) | Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet) |
|-------------------------------|-------------------------------|-------------------------------------|--|
| 40 | 65 | 85 | 125 |

(2) Required setbacks

At a height not lower than the minimum base height, or higher than the maximum base height specified for the Subarea in the table in paragraph (a)(1) of this Section, a setback shall be provided in accordance with the provisions of Section [23-433](#) (Standard setback regulations).

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 65 feet.

(c) Subareas B3 through B5 and Subarea C

In Subareas B3 through B5 and Subarea C the height and setback regulations applicable to an R6B District set forth in Section [23-43](#), inclusive, shall apply. For the purposes of applying the setback regulations of Section [23-433](#), all surrounding #streets# shall be considered #wide streets#.

116-30 - SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS FOR SUBAREAS A, B AND C

LAST AMENDED
7/20/2017

In Subareas A, B and C, the parking and loading regulations of the underlying C4-2A District shall apply, except as modified in this Section.

116-31 - Modification of Waiver of Requirements

LAST AMENDED
12/5/2024

Waivers of parking requirements for #commercial# or #community facility# #uses# shall only apply to #zoning lots# existing

both on October 25, 2006, and on the date of application for a building permit.

116-32 - Location and Width of Curb Cuts

LAST AMENDED

6/6/2024

Curb cuts are prohibited in the locations shown on Map 4 (Restricted Curb Cut and Off-Street Loading Locations) in Appendix A of this Chapter.

In Subarea C, for #zoning lots# with access only to Front Street, only one curb cut shall be permitted along Front Street.

In Subareas A, B and C, the maximum width of curb cuts shall not exceed 25 feet, including splays.

116-33 - Screening and Tree Planting Requirements for Parking Facilities

LAST AMENDED

6/6/2024

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section [37-90](#) (PARKING LOTS), inclusive, apply.

(a) Screening

Such off-street parking facilities shall be screened, in accordance with the provisions of this Section, from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any designated open space accessible to the public situated on the same #zoning lot#, including the #Esplanade#.

Such screening shall consist of a strip at least four feet wide, densely planted with 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.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least four feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet.

In addition, a wall or barrier or uniformly-painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade may be provided. Such wall, barrier or fence must be 100 percent opaque up to a height of four feet above the finished grade of the parking facility and not more than 35 percent opaque above four feet. No chain link fences shall be permitted. All permitted fences shall be located behind landscaped areas when viewed from the #street#.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections [32-60](#), inclusive, or 62-654.

(b) Tree planting requirements

Trees, pre-existing or newly-planted, shall be provided at the rate of one tree for every eight open parking spaces within the off-street parking facility and may be located on the perimeter of the parking facility or in planting islands within the parking area. For parking facilities with more than 25 open parking spaces, at least 30 percent of trees provided to

meet this requirement shall be located in planting islands within the parking area. Trees shall be planted in accordance with the requirements of the Department of Parks and Recreation.

116-40 - UPLAND CONNECTIONS AND VISUAL CORRIDORS

LAST AMENDED

7/20/2017

116-41 - Upland Connections

LAST AMENDED

7/20/2017

In the locations shown on Map 5 (Upland Connections and Visual Corridors) in Appendix A of this Chapter, #upland connections# shall be provided. An #upland connection# traversing a #zoning lot# in Subareas A, B and C shall consist of a single circulation path bordered continuously along both sides by buffer zones.

(a) Required dimensions

The minimum width of the #upland connection# shall be 30 feet. When an #upland connection#, or a portion thereof, abuts a private driveway, no buffer zone is required.

(b) Buffer zone

The buffer zone is a landscaped area running along the edge of the #upland connection# that bounds the boundary of the non-public portions of the #zoning lot#; each buffer zone shall have a minimum width of seven feet. The buffer zone shall be improved entirely as planting area, except at locations:

- (1) occupied by permitted obstructions; or
- (2) where there is ground floor #commercial use# frontage on the #upland connection#, in which case that portion of the buffer zone may be paved.

(c) Permitted obstructions

The provisions of Section [62-611](#) (Permitted obstructions) shall apply to #upland connections# within Subarea B, the #Esplanade#, #Pier Place# and the #Cove#. The permitted obstructions listed in paragraph (b)(2) of Section [62-611](#) are further subject to the tree and planting requirements of Section 62-655. Water-Dependent (WD) #uses# referenced in paragraph (a)(6) of Section [62-611](#) shall be as listed in Section 62-211.

116-42 - Visual Corridors

LAST AMENDED

2/2/2011

#Visual corridors# shall be provided in the locations shown on Map 5 in Appendix A of this Chapter. Such #visual corridors# shall be subject to the requirements of Section [116-512](#) (Design requirements for visual corridors).

116-50 - SPECIAL URBAN DESIGN REQUIREMENTS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

The special urban design requirements of Section [116-50](#), inclusive, shall apply to all #developments# and #enlargements# within Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-51 - Design Requirements for Upland Connections and Visual Corridors

116-511 - Design requirements for upland connections

(a) Circulation and access

- (1) Where an #upland connection# abuts a private driveway, a circulation path with a minimum clear width of six feet shall be provided along both sides of the driveway. The remaining area shall be planted pursuant to the provisions of paragraph (c) of this Section.
- (2) All other #upland connections# through #zoning lots# shall have a circulation path with a minimum clear width of 16 feet.

(b) Seating

A minimum of 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#.

(c) Planting

Where an #upland connection# abuts a private driveway, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the standards of Section [62-655](#) (Planting and trees). Within all #upland connections#, any unpaved area shall be planting area.

116-512 - Design requirements for visual corridors

The requirements of this Section shall apply to all #visual corridors# within Subarea B, the #Esplanade#, #Pier Place# and the #Cove#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section [116-511](#) (Design requirements for upland connections) shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor#, except as provided in this Section. #Visual corridors# shall be the width 1f the #street# but shall not be less than 50 feet wide.

Permitted obstructions within #visual corridors# shall be limited to:

- (a) boats, ships or other vessels, and #floating structures# permitted as-of-right by paragraph (a) of Section [62-25](#) (Uses on Floating Structures);

- (b) any moving or parked vehicles or street furniture, including, but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;
- (c) guardrails and fences, provided they comply with the design standards of Section [62-651](#) (Guardrails, gates and other protective barriers), except that fences may be eight feet high;
- (d) sculpture;
- (e) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the center line of the #visual corridor#; and
- (f) those obstructions permitted in #rear yards# as listed in Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except walls exceeding four feet in height shall not be permitted.

[116-52](#)

Waterfront Public Access Signage

The New York City Waterfront Symbol Plaque shall be used to direct the public to waterfront public access areas including the #Esplanade# and #upland connections# within Subarea B, #Pier Place# and the #Cove#, and to identify the entry points of these areas. Such signage shall be provided in accordance with requirements of Section 62-654.

116-60 - SPECIAL REGULATIONS IN SUBAREA E

LAST AMENDED

7/20/2017

The special #use#, #bulk#, #visual corridor# and #waterfront public access area# requirements of Section [116-60](#), inclusive, shall apply to Subarea E.

116-61 - Special Use Regulations

LAST AMENDED

6/6/2024

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except that the provisions of Section [62-29](#) (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) shall be modified to allow #uses# listed in Section [62-212](#) (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial# #floor area# is located above a #dwelling unit#.

116-62 - Special Bulk Regulations

LAST AMENDED

7/20/2017

The #bulk# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified in Section [116-62](#), inclusive.

116-621 - Floor area

The #floor area# regulations of Article VI, Chapter 2, shall not apply. In lieu thereof, the underlying #floor area# regulations shall apply, except that the provisions of Section [23-22](#) (Floor Area Regulations for R6 Through R12 Districts), as applicable to #Mandatory Inclusionary Housing areas#, shall be modified as follows in R6 Districts:

- (a) for #zoning lots#, or portions thereof, within 100 feet of a #wide street#, the maximum #floor area ratio# shall be 3.6; and
- (b) for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#, the maximum #floor area ratio# shall be 2.42.

116-622 - Required yards

The special #yard# provisions of [62-332](#) (Rear yards and waterfront yards) shall apply, except the 40 foot minimum depth requirement for a #waterfront yard# may be reduced by up to five feet, to a minimum depth of 35 feet, along those portions of the landward edge of the stabilized shore, bulkhead or natural #shoreline# where the depth of the landward portions of the #zoning lot# is less than 150 feet, as measured perpendicular and landward from such edge.

116-623 - Height and setback regulations

The provisions of Section [62-34](#) (Height and Setback Regulations on Waterfront Blocks) shall apply, except as modified in this Section.

- (a) Required setback along a #shore public walkway#

The provisions of paragraph (b)(2) or (c)(1) of Section [62-343](#) (Height and setback regulations in other medium- and high-density districts) shall be modified for #buildings# located on portions of a #zoning lot# where the distance between the edge of the stabilized shore and a landward #zoning# #lot line# is less than 150 feet. The depth of a required setback from the boundary of a #shore public walkway# may be reduced to five feet, provided that at least 40 percent of the width of each #story# required to be set back above the minimum base height is set back no less than 10 feet from the boundary of the #shore public walkway#.

- (b) Measurement of height

The provisions of paragraph (b) of Section [62-34](#) shall apply, except for the purpose of this Section, #base plane# shall refer to an elevation of 16.8 feet above Richmond Datum.

- (c) Permitted obstructions

The provisions of paragraph (c) of Section [62-34](#) shall apply, except that the penthouse provisions shall be superseded by paragraph (e) of this Section.

- (d) Maximum base height

The maximum base height provisions of paragraph (a) of Section [62-343](#) shall apply, except a #building or other

structure#, or a portion thereof, located within an #initial setback distance#, shall rise to a height of at least 25 feet or two #stories#, whichever is less, and may not exceed a maximum base height of 55 feet or five #stories#, whichever is less.

(e) Maximum #building# height and tower size

The maximum #residential# tower size provisions of paragraph (d) of Section [62-343](#) shall not apply. For the purposes of this paragraph (e), any portion of a #building# that exceeds a height of 55 feet or five #stories#, whichever is less, shall be considered a tower. #Buildings# with tower portions fronting on Edgewater Street shall not exceed a height of 120 feet above the #base plane#, and the height of any other #building# with tower portions shall not exceed a height of 110 feet above the #base plane. Each #story# within a tower portion of a #building# shall not exceed a gross area of 10,000 square feet up to a height of 90 feet or nine #stories#, whichever is less, and each #story# above a height of 90 feet, shall not exceed 90 percent of the gross area of that #story# directly below 90 feet. All #stories# within the tower portions of #buildings# shall be bounded on all sides by open areas on the #zoning lot#. For #zoning lots# with three or more #buildings#, no more than two #buildings# shall contain towers.

(f) #Street wall# articulation facing #shore public walkways#

The provisions of paragraph (d)(1) of Section [62-343](#) shall apply. In addition, for portions of #buildings# fronting on a #shore public walkway# with an #aggregate width of street wall# greater than 200 feet, such #street walls# shall provide a recess at least five feet deep and 55 feet wide, unobstructed from the lowest level of the #building# to the sky. In no event shall a #street wall# extend along a #shore public walkway# for a distance greater than 130 feet without providing such a recess. Furthermore, above the height of the second #story#, such #street walls# shall provide at least one additional recess with a minimum depth of five feet and a minimum width or, where applicable, an aggregate width, of at least 40 feet.

116-624 - Ground floor regulations

LAST AMENDED

12/5/2024

The underlying #ground floor level# streetscape provisions of Section [62-351](#) (Ground floor streetscape) shall not apply. In lieu thereof, the following provisions shall apply:

(a) Lobbies

A #residential# lobby, extending along at least 30 percent of the #aggregate width of street walls# shall be provided, but need not be wider than 35 feet. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two and 10 feet above the level of the adjoining grade.

A lobby to a #commercial# or #community facility use# shall have a minimum width of 20 feet. Transparent glazing materials shall occupy at least 50 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining grade and a height 12 feet above the level of the first finished floor.

In the event of a conflict between the provisions of this paragraph (h)(1) and the construction standards of the Federal government or Appendix G of the New York City Building Code, the requirements of this paragraph shall not apply.

(b) Parking garage wall treatment

For any level within a #building# where #accessory# off-street parking is provided, such parking shall be screened from the #street line# or #waterfront public access area# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement. Such required wall treatment may

be interrupted by vehicular or pedestrian entrances. In addition to the wall treatment, the screening requirements of Section [62-655](#) (Planting and trees) shall apply.

For #buildings# with #street walls# that are more than 50 feet in width and located within 50 feet of a #waterfront public access area# or #street#, at least 70 percent of the width of such #street walls# shall contain #floor area# at the first #story# located completely above the #base plane#.

116-63 - Requirements for Visual Corridors and Waterfront Public Access Areas

LAST AMENDED
7/20/2017

116-631 - Visual corridors

LAST AMENDED
7/20/2017

The provisions of Section [62-51](#) (Applicability of Visual Corridor Requirements) shall apply, except as modified in this Section. The minimum width of the required #visual corridor# shall be 60 feet. The location of such #visual corridor# shall be as shown on Maps 5 and 6 in Appendix A of this Chapter. Such #visual corridor# shall be located such that the northern boundary of the #visual corridor# shall intersect with the easterly #street line# of Edgewater Street at a point 22 feet south of the following intersection: the easterly prolongation of the northerly #street line# of Lynhurst Avenue and the easterly #street line# of Edgewater Street. Such #visual corridor# shall extend to the pierhead line at an angle of 89.35 degrees, as measured between the northern boundary of such #visual corridor# and the portion of the easterly #street line# of Edgewater Street north of such #visual corridor#.

116-632 - Waterfront Public Access Area

LAST AMENDED
7/20/2017

The provisions of Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements) shall apply, except that no #supplemental public access area#, as set forth in Section [62-57](#) (Requirements for Supplemental Public Access Areas), shall be required. However, a #shore public walkway# and an #upland connection# must be provided as modified in this Section and shown on Maps 1, 5 and 6 in Appendix A of this Chapter.

(a) #Shore public walkway#

The provisions of paragraph (a)(3) of Section [62-53](#) (Requirements for Shore Public Walkways) shall apply, except that the minimum width of a #shore public walkway# on shallow portions of a #zoning lot# set forth on such Section shall be modified to be no less than 35 feet.

If there is an existing #building or other structure# to remain on the #zoning lot#, the entire area between such existing #building# and the shoreline shall be entirely occupied by the #shore public walkway#, with a required circulation path of at least eight feet.

(b) #Upland connections#

The requirement for a “transition area” within a Type 2 #upland connection# in paragraph (b)(2) of Section 62 561 (Types of upland connections) shall not apply. In addition, the minimum width requirement of 10 feet for the #upland

connection# abutting such turnaround shall be modified to five feet, provided that the entire area of the vehicular turnaround is paved with the same paving material as the #upland connection#.

116-633 - Phased development of Waterfront Public Access Area

LAST AMENDED

7/20/2017

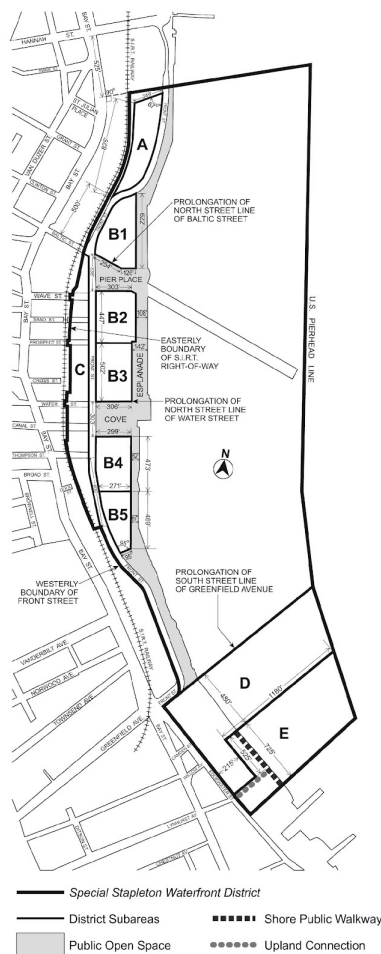
For the purposes of applying for an authorization for phased #development# of a #waterfront public access area# in paragraph (c)(1) of Section [62-822](#) (Modification of waterfront public access area and visual corridor requirements), the #lot area# shall be the portion of the #zoning lot# above water.

Appendix A - Stapleton Waterfront District Plan

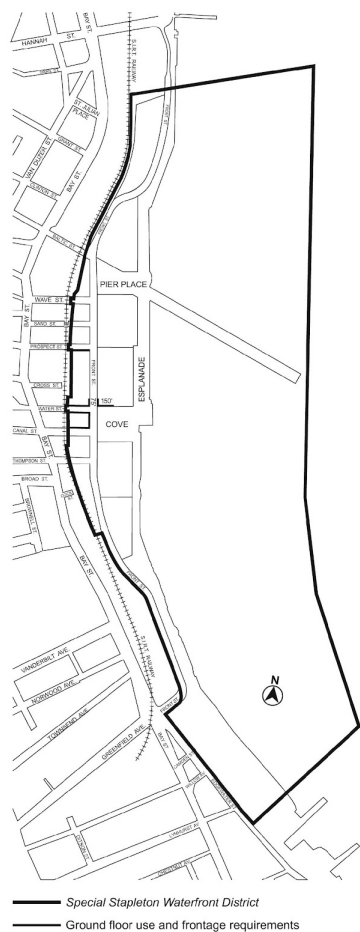
LAST AMENDED

10/25/2006

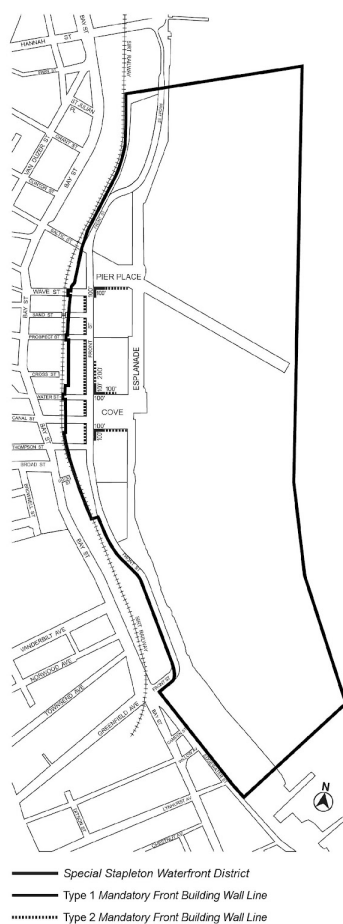
Map 1. Special Stapleton Waterfront District, Subareas and Public Spaces



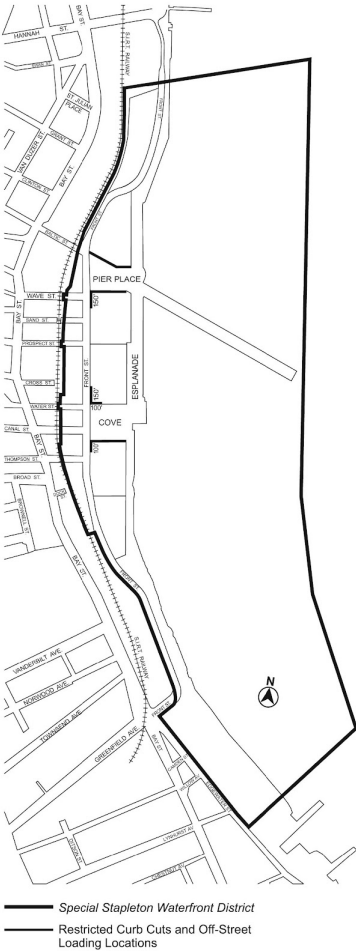
Map 2. Ground Floor Use and Frontage Requirements



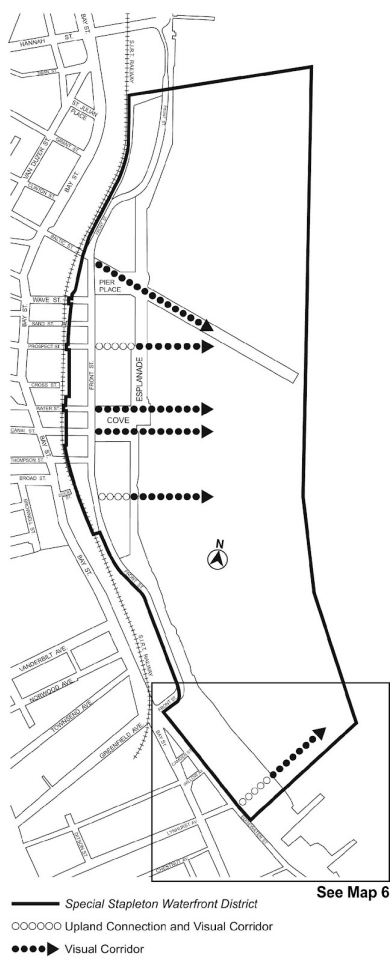
Map 3. Mandatory Front Building Wall Lines



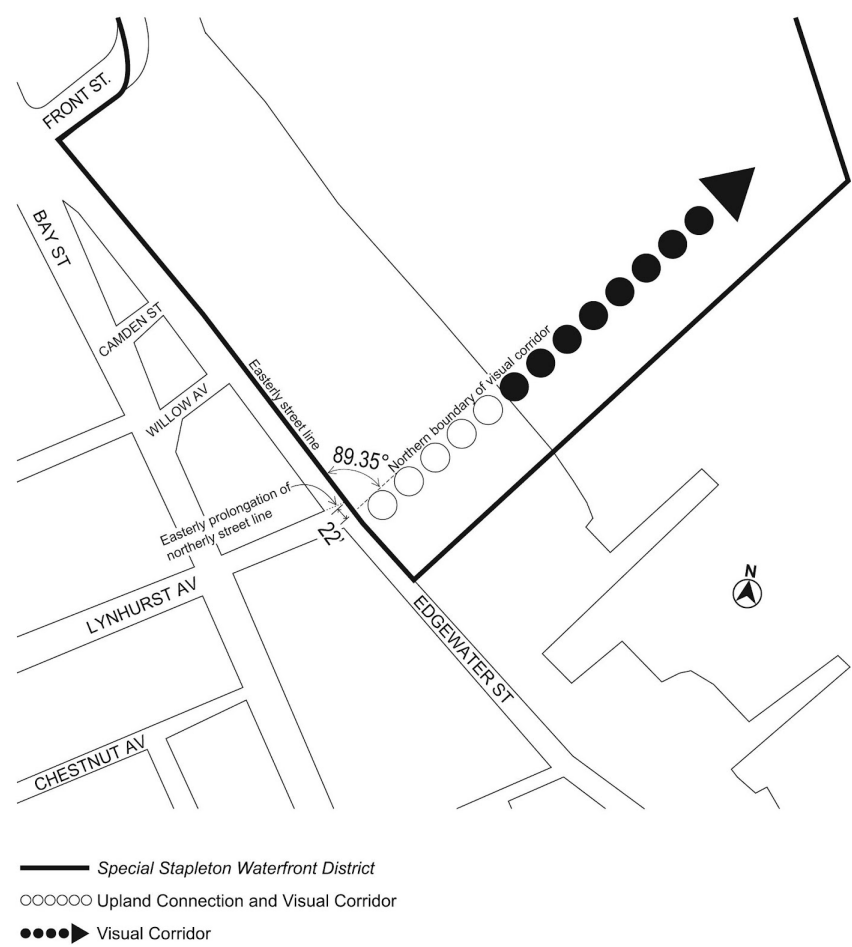
Map 4. Restricted Curb Cut and Off-Street Loading Locations



Map 5. Upland Connections and Visual Corridors



Map 6. Location of Visual Corridor in Subarea E





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 7 - Special Long Island City Mixed Use District (LIC)

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Chapter 7 - Special Long Island City Mixed Use District (LIC)

117-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2011

The "Special Long Island City Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Long Island City community. These general goals include, among others, the following specific purposes:

- (a) to support the continuing growth of a mixed residential, commercial and industrial neighborhoods by permitting expansion and development of residential, commercial, community facility and light manufacturing uses where adequate environmental standards are assured;
- (b) to encourage the development of moderate to high density commercial uses within a compact transit-oriented area;
- (c) to strengthen traditional retail streets in Hunters Point by allowing the development of new residential and retail uses;
- (d) to encourage the development of affordable housing;
- (e) to promote the opportunity for people to work in the vicinity of their residences;
- (f) to retain jobs within New York City;
- (g) to provide an opportunity for the improvement of Long Island City; and
- (h) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

117-01 - Definitions

LAST AMENDED

10/7/2008

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section [12-10](#) (DEFINITIONS).

Mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a "mixed use development" shall be any #building# or #development# used partly for #residential use# and partly for #community facility#, #commercial# or #manufacturing use#.

117-02 - General Provisions

LAST AMENDED

6/6/2024

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this

Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or 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 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

- (a) Notwithstanding the provisions of Section [54-40](#) (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), when a #building# that existed on October 25, 1995, within the Hunters Point or Court Square Subdistricts, is damaged or demolished by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to the #bulk# permitted by this Chapter, whichever is greater.
- (b) For #mixed use buildings#, #dwelling units# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a #commercial# or #manufacturing# #use#. #Commercial# or #manufacturing# #uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that:
 - (1) no access exists between such #uses# at any level containing #dwelling units#; and
 - (2) the environmental requirements set forth in Section [32-423](#) shall be met where #commercial# or #manufacturing# #uses# are located above any #story# containing #dwelling units#.
- (c) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# within the Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), and such provisions are further modified by Section [117-54](#) (Off-street Parking and Loading Regulations).
- (d) In the granting of special permits or authorizations within the #Special Long Island City Mixed Use District#, the City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding uses.
- (e) Where references are made to #block# numbers within this Chapter, such numbers are to be found on the maps appended to this Chapter.
- (f) In areas within the #Special Long Island City Mixed Use District# that are not within a Subdistrict, the regulations of the underlying zoning district shall apply.

117-03 - District Plan and Maps

LAST AMENDED
8/13/2015

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

- Appendix A Special Long Island City Mixed Use District and Subdistricts Plan Map
- Appendix B Court Square Subdistrict Plan Map and Description of Improvements
- Appendix C Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening and Street Wall Location.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

117-04 - Subdistricts

LAST AMENDED

10/7/2008

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Long Island City Mixed Use District#. In each of these subdistricts, special regulations apply that do not apply elsewhere within the #Special Long Island City Mixed Use District# and supplement or supersede the provisions of Sections [117-00](#) through [117-03](#), inclusive.

Sections [117-10](#) through [117-30](#), inclusive, shall apply to the Hunters Point Subdistrict.

Sections [117-40](#) through [117-45](#), inclusive, shall apply to the Court Square Subdistrict.

Sections [117-50](#) through [117-57](#), inclusive, shall apply to the Queens Plaza Subdistrict.

Sections [117-60](#) through [117-64](#), inclusive, shall apply to the Dutch Kills Subdistrict.

117-06 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED

12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section [27-10](#) (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Long Island City Mixed Use District# are shown on the maps in APPENDIX F of this Resolution.

117-10 - HUNTERS POINT SUBDISTRICT

LAST AMENDED

8/12/2004

In the #Special Long Island City Mixed Use District#, the special regulations of Sections [117-10](#) through [117-30](#), inclusive, shall apply within the Hunters Point Subdistrict and, where noted in Sections [117-40](#) through [117-45](#), inclusive, shall also apply within the Court Square Subdistrict.

117-11 - General Provisions

LAST AMENDED

8/12/2004

In special areas of the Hunters Point Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the “designated districts”. The designated districts within the Hunters Point Subdistrict are indicated on the #zoning map# and are as follows:

M1-4/R6A

M1-4/R6B

M1-4/R7A

M1-5/R7X

M1-5/R8A

117-20 - SPECIAL PROVISIONS IN THE DESIGNATED DISTRICTS

LAST AMENDED

8/12/2004

117-21 - Special Provisions for Use, Bulk and Parking

LAST AMENDED

8/12/2004

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The special #use#, #bulk# and parking provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Hunters Point Subdistrict, except where modified by the provisions of this Section, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

117-22 - Modification of Use Group VI

LAST AMENDED

6/6/2024

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

In the districts indicated, #uses# listed under Food and Beverage Retailers in Use Group VI shall be permitted without a size limitation.

117-23 - Street Wall Location in Certain Designated Districts

LAST AMENDED

12/5/2024

R6B M1-4/R6A M1-4/R7A M1-5/R8A M1-4/R6B M1-5/R7X

In the districts indicated, the #street wall# location provisions of paragraph (a) Section [23-431](#) shall apply. However, the #street wall# of a #building# need not be located further from a #street line# than 15 feet.

117-30 - SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS

LAST AMENDED

10/25/1995

117-31 - Special Bulk Regulations

LAST AMENDED
12/5/2024

For C1 or C2 Districts, the #street wall# location provisions of paragraph (a) Section [35-631](#) shall apply.

117-40 - COURT SQUARE SUBDISTRICT

LAST AMENDED
10/25/1995

117-401 - General provisions

LAST AMENDED
2/2/2011

The regulations governing the Court Square Subdistrict of the #Special Long Island City Mixed Use District# are contained within Sections [117-40](#) through [117-45](#), inclusive. These regulations supplement the provisions of Sections [117-01](#) through [117-03](#), inclusive, of the #Special Long Island City Mixed Use District# and supersede the underlying districts.

Mandatory subway improvements are elements of the Subdistrict Plan, which shall be built by the developer of the #zoning lot# to which they apply.

117-41 - Court Square Subdistrict Plan

LAST AMENDED
6/30/2009

The Subdistrict Plan for the Court Square Subdistrict specifies the location of Blocks 1, 2 and 3 and identifies the improvements to be provided in the District under the provisions of this Chapter. The elements of the Subdistrict Plan are set forth in Appendix B of this Chapter, which consists of the Subdistrict Plan Map and Description of Improvements, and is incorporated into the provisions of this Chapter.

117-42 - Special Bulk and Use Regulations in the Court Square Subdistrict

LAST AMENDED
2/2/2011

#Zoning lots# of at least 10,000 square feet with #buildings# containing at least 70,000 square feet of #floor area# are subject to the provisions of the underlying C5-3 District, as modified by Sections [117-40](#) through [117-45](#), inclusive.

All other #zoning lots# are subject to the #use# provisions of the underlying C5-3 District and the #bulk# provisions of an M1-4/R6B designated district, pursuant to the regulations of Article XII, Chapter 3 (Special Mixed Use District), as modified by Sections [117-00](#) through [117-22](#), inclusive.

117-421 - Special bulk regulations

LAST AMENDED
12/5/2024

(a) #Developments# or #enlargements# on #zoning lots# that meet the standards of Section [117-44](#) and provide mandatory subway improvements as required by Section [117-44](#), may be #developed# or #enlarged# to a #floor area ratio# of 15.0. #Developments# or #enlargements# on #zoning lots# that do not meet the minimum standards of Section [117-44](#) shall not exceed the maximum #floor area ratio# of the M1-4/R6B designated district for the applicable #use#.

(b) The following provisions shall not apply within the Court Square Subdistrict:

Section [33-13](#) (Floor Area Bonus for a Public Plaza)

Section [33-14](#) (Floor Area Bonus for Arcades)

Section [33-26](#) (Minimum Required Rear Yards)

Section [34-223](#) (Floor area bonus for a public plaza)

Section [34-224](#) (Floor area bonus for an arcade)

Section [34-23](#) (Modification of Yard and Open Area Regulations).

(c) The height and setback regulations of the underlying C5-3 District shall apply, except that:

- (1) no #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and 45th Avenue; and
- (2) on Blocks 1 and 3, the #street wall# of a #building or other structure# shall be located on the #street line# or sidewalk widening line, where applicable, and extend along the entire #street# frontage of the #zoning lot# up to at least a height of 60 feet and a maximum height of 85 feet before setback, except any portion of a #building# on Block 3 fronting upon 23rd Street may rise to a maximum height of 125 feet before setback. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, provided no such recesses are within 15 feet of an adjacent #building#.

Above the highest applicable maximum #street wall# height, the underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified:

- (i) to permit portions of #buildings# that exceed a height of 85 feet to be set back at least five feet from a #wide street line#, provided no portion of such #building# that exceeds a height of 85 feet is located within 15 feet of a #side lot line#; and
- (ii) so that the provisions of Section [33-451](#) (In certain specified Commercial Districts) regulating the aggregate area of a tower within 50 feet of a #narrow street# shall not apply to any #building# or portion of such #building# on Block 3 fronting upon 45th Avenue.

The provisions of this paragraph (c)(2) shall not apply to #enlargements# on #zoning lots# existing on June 30, 2009, where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

117-422 - Sign regulations

All requirements of Section [32-60](#) (SIGN REGULATIONS) shall apply, except for Sections [32-642](#) (Nonilluminated signs), [32-644](#) (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) and [32-655](#) (Height of signs in all other Commercial Districts).

Non-illuminated, illuminated or flashing signs are permitted with a total surface area (in square feet) not exceeding five times the street frontage of the zoning lot, in feet, but in no event shall the total surface area exceed 500 square feet for interior or through lots or 500 square feet on each frontage for corner lots.

No permitted sign shall extend above curb level at a height greater than 60 feet.

A non-conforming sign may be replaced pursuant to Section [52-82](#) (Non-conforming Signs Other Than Advertising Signs), except that the height, location or position of the replacement sign may be changed by up to 10 feet, measured from the perimeter of the original non-conforming sign.

117-423 - Sidewalk widening

LAST AMENDED

2/2/2011

For any development or enlargement on Block 3 with a building wall facing 45th Road, a sidewalk widening of five feet shall be provided on 45th Road between 23rd Street and Jackson Avenue. Such sidewalk widening shall be a continuous, paved open area along the front lot line of the zoning lot at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. Such sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above curb level, and that any post or other support for such element, or any attachment to the support, has a maximum horizontal dimension of six inches. No street trees, vehicle storage, parking or trash storage is permitted on such sidewalk widening.

117-44 - Mandatory Subway Improvements

LAST AMENDED

2/2/2011

For the purposes of mandatory subway improvements, any tract of land consisting of two or more contiguous lots of record under single ownership or control as of March 1, 1986, shall be considered a single zoning lot.

Subway improvements are required for qualifying developments or enlargements, as follows:

(a) Zoning lots with at least 5,000 square feet of lot area

Developments or enlargements on zoning lots with 5,000 square feet or more of lot area located on Block 1 and fronting on a sidewalk containing a sidewalk entrance to the Queens Boulevard Line, Court Sq-23 St Station, shall relocate the stairway or entrance(s) to such subway onto the zoning lot, in accordance with the provisions of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), with the exception that, in addition to the waivers provided by Section [37-44](#), the additional standards for location, design and hours of public accessibility contained in Section [37-41](#) may be waived upon a finding by the Metropolitan Transportation Authority that such standards are undesirable or unnecessary to ensure a good overall design.

(b) Zoning lots with at least 10,000 square feet of lot area

For the purposes of this paragraph (b), the #floor area# of the #development# or #enlargement# shall be the total amount of #floor area# constructed after August 14, 1986.

#Developments# or #enlargements# on Blocks 1, 2 or 3, identified in Appendix B (Court Square Subdistrict Plan Map and Description of Improvements) of this Chapter, containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet of #lot area# shall provide mandatory subway improvements as described, in Appendix B, in paragraph (a) for Block 1, paragraph (b) for Block 2 and paragraph (c)(1) for Block 3.

In addition, on Block 3, any #development# or #enlargement# containing at least 300,000 square feet of #floor area# or any #development# or #enlargement# on a #zoning lot# of at least 30,000 square feet of #lot area# shall provide all the mandatory subway improvements for the Block, as described in paragraphs (c)(1) and (c)(2) for Block 3.

117-441 - Standards and procedures for mandatory subway improvements

LAST AMENDED

6/30/2009

(a) Compliance with Transit Authority design standards

The subway station improvements shall comply with all applicable design standards of the current station planning guidelines of the Transit Authority.

(b) Procedure

(1) Pre-application

The applicant shall submit schematic or concept plans for the proposed improvements to the Metropolitan Transportation Authority, the Transit Authority and the Chairperson of the City Planning Commission.

(2) Application pre-certification

After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and Chairperson of the City Planning Commission, the applicant shall submit documentation deemed necessary by the reviewing agencies.

(3) Prior to the granting of certification by the Chairperson of the City Planning Commission pursuant to Section [117-45](#) (Developer's Notice), the Transit Authority shall have submitted a letter to the Chairperson stating the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate.

(4) The owner shall sign a legally enforceable instrument running with the land containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, and to establish a construction schedule.

Any such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for Queens County and a certified copy of the instrument shall be submitted to the Chairperson of the City Planning Commission and the Transit Authority.

The owner shall not apply for or accept a temporary certificate of occupancy for the #development# or #enlargement#, and the Department of Buildings shall not issue a temporary certificate of occupancy, until the Transit Authority has determined that the subway improvement is substantially complete, which shall, for this purpose, mean usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy until the subway improvement has been completed in accordance with the approved plans and completion has been certified by the Transit Authority.

- (5) Where the mandatory subway improvement includes the preparation of drawings for off-site subway improvements, such drawings including, but not limited to, plans, sections, elevations, three-dimensional projections and other drawings deemed necessary or relevant by the Transit Authority or the Chairperson of the City Planning Commission, shall be in conformance with the current guidelines for submission of outside projects of the Transit Authority. Prior to approval by the Chairperson, the Transit Authority shall provide a letter to the Chairperson containing conceptual approval of the improvements as indicated in the drawings.

117-45 - Developer's Notice

LAST AMENDED
2/2/2011

As a condition to the issuance by the Department of Buildings of an excavation or building permit for a #development# or #enlargement# on a #zoning lot# requiring a mandatory subway improvement:

- (a) the developer shall have submitted to the Chairperson of the City Planning Commission:
 - (1) written notice of its intention to #develop# or #enlarge# on a #zoning lot# in the Court Square Subdistrict, the #floor area# of such #development# or #enlargement#, and the mandatory subway improvements which the developer shall construct;
 - (2) drawings, including, but not limited to, plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson, for the mandatory subway improvements within the designated #zoning lot#; and
 - (3) waivers, consents, agreements or other legal instruments obligating the developer, its heirs and devisees, successors and assigns, to develop its property in accordance with the Subdistrict Plan and the provisions of this Chapter; and
- (b) within 90 days of such submission by the developer, the Chairperson of the City Planning Commission shall certify to the Department of Buildings and the developer receipt of the aforesaid documents and the developer's compliance, or non-compliance, with the requirements of the Subdistrict Plan.

117-50 - QUEENS PLAZA SUBDISTRICT

LAST AMENDED
6/30/2009

117-501 - General provisions

In Areas A-1, A-2, B, C and D of the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#, as indicated on Map 1 in Appendix C of this Chapter. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the "designated districts."

For the purposes of this Chapter, in the Queens Plaza Subdistrict, the area referred to as the "Sunnyside Yard" shall include: Yard A, the Arch Street Yard and the Sunnyside Yard, which are located generally between Crane Street, Jackson Avenue, 21st Street, 49th Avenue, Skillman Avenue, 43rd Street and the North Railroad property line.

117-502 - Queens Plaza Subdistrict Plan

The Queens Plaza Subdistrict Plan partly consists of the following three maps located within Appendix C of this Chapter:

Map 1 (Designated Districts within the Queens Plaza Subdistrict) of the Queens Plaza Subdistrict Plan identifies special areas comprising the Queens Plaza Subdistrict in which an M1 District is paired with a #Residence District# as indicated on the Subdistrict Map. These areas are as follows:

| Area | Designated Districts |
|---------|----------------------|
| A-1 A-2 | M1-6/R10 |
| B | M1-5/R9 |
| C | M1-5/R7-3 |
| D | M1-6/R9 |

Map 2 (Ground Floor Use and Frontage) of the Queens Plaza Subdistrict Plan specifies locations where the special ground floor #use# and frontage regulations, as set forth in Section [117-512](#), apply.

Map 3 (Sidewalk Widening and Street Wall Location) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall# and mandatory sidewalk widening regulations, as set forth in Section [117-531](#), apply.

117-503 - Definitions

Definitions specifically applicable to the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District# are set forth in this Section. Other defined terms are set forth in Section [117-01](#) (Definitions) of the #Special Long Island City Mixed Use District#, Section [12-10](#) (DEFINITIONS) and Section [32-301](#) (Definitions).

Accessory use

In addition to those #accessory uses# listed in Section [12-10](#), for the purposes of this Section, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in

the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, pursuant to Section [117-51](#) (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

Within the Queens Plaza Subdistrict, the #home occupation# provisions of Section [12-10](#) shall apply, except that a #home occupation# may occupy more than 1,000 square feet of #floor area# and up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed.

117-51 - Queens Plaza Subdistrict Special Use Regulations

LAST AMENDED

7/26/2001

The special #use# provisions of Sections [123-20](#) through [123-50](#), inclusive, of the #Special Mixed Use District# shall apply in the Queens Plaza Subdistrict except where modified by the provisions of this Section and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

117-511 - Large retail establishments

LAST AMENDED

6/6/2024

The underlying M1 District #use# regulations shall be modified such that #uses# listed under Use Group VI with a size limitation, as denoted with an “S” in the Use Group tables set forth in Section [42-16](#) (Use Group VI – Retail and Services), shall be permitted without a size limitation.

117-512 - Streetscape regulations

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 on Map 2 in Appendix C of this Chapter shall be considered #Tier C street frontages#.

117-513 - Special sign regulations

LAST AMENDED

6/6/2024

Within the Queens Plaza Subdistrict, the #sign# regulations of Section [123-40](#) shall apply, except that such #sign# regulations may be modified to permit a non-#flashing sign# on the rooftop of a #non-residential building#, provided that such #sign# directs attention to a business conducted within such #building#, where such business occupies at least 20 percent of the #floor area# within such #building#, or a minimum of 50,000 square feet of #floor area# within such #building#, whichever is less. In addition, the following rules shall apply:

- (a) such #sign# shall be located on the rooftop of a #building# with frontage on Queens Plaza South, Queens Boulevard, Queens Plaza East or Queens Plaza North, and the height of the rooftop on which the #sign# is affixed shall be at least 70 feet but not more than 150 feet above #curb level#;
- (b) there shall be no more than one such #sign# on a #zoning lot#, and no more than one such #sign# per establishment on any #sign# structure;
- (c) such #signs# shall be affixed to an open frame structure with maximum dimensions that shall not exceed 45 feet in height, as measured from the surface of the roof to its uppermost point, and 150 feet in width, as measured along its widest dimension;
- (d) all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign# shall be separate elements, individually cut and separately affixed to the open frame structure. No perimeter or background surfaces shall be applied or affixed to the open frame structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for an open frame structure. The area of such separate elements of a rooftop #sign# shall not count towards the maximum #surface area of a sign# permitted in Section [32-644](#) (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts); and
- (e) any illumination from a rooftop #sign# located within 100 feet of any #building# containing #residences#, where such #residences# legally existed at the time of the application for a permit for such #sign#, shall not project into or reflect onto any #residential# portion of such #building#.

117-52 - Queens Plaza Subdistrict Special Bulk Regulations

LAST AMENDED
7/26/2001

117-521 - General provisions

LAST AMENDED
12/5/2024

In Areas A-1, A-2, B, C and D of the Queens Plaza Subdistrict, the provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except as modified in Section [117-52](#) (Queens Plaza Subdistrict Special Bulk Regulations), inclusive.

117-522 - Floor area regulations

LAST AMENDED
12/5/2024

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA SUBDISTRICT

| Area | Maximum #Floor Area Ratio# |
|------|----------------------------|
|------|----------------------------|

| | |
|---------|---------------------------------|
| A-1 A-2 | 12.0 C, M, CF or R |
| B | 8.0 C, M, CF or R |
| C | 5.0 C, M, CF or R |
| D | 15.0 C or M 10.0 CF 8.0 R |

C=Commercial

M=Manufacturing

CF=Community Facility

R=Residential

However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 9.6 in Areas B and D, and 6.0 in Area C.

117-523 - Floor area bonuses

LAST AMENDED

12/5/2024

Any #floor area# bonus for a #public plaza# or #arcade# permitted under the regulations of the designated #Residence# or M1 District shall not apply in the Queens Plaza Subdistrict.

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).

117-524 - Special yard regulations

LAST AMENDED

12/5/2024

The #yard# regulations of the underlying districts shall apply, except as specified in this Section.

(a) #Manufacturing# or #commercial buildings#

The #rear yard# provisions of the designated M1 District shall not apply to #manufacturing# or #commercial buildings# on #through lots#.

(b) #Zoning lots# adjacent to the Sunnyside Yard

On a #zoning lot# sharing a #lot line# with the Sunnyside Yard, no #yards# are required for any #building# within a distance of 100 feet from the shared #lot line#.

- (c) For #zoning lots# occupying an entire #block#

No #rear yard# or #rear yard equivalent# shall be required for a #zoning lot# occupying an entire #block#.

117-53 - Height and Setback and Street Wall Location Regulations

LAST AMENDED

12/5/2024

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions pursuant to Sections [23-41](#) or [43-42](#), as applicable. In lieu thereof, all #buildings or other structures# shall comply with the regulations set forth in Sections [117-531](#) (Street wall location) and [117-532](#) (Setback regulations for buildings that exceed the maximum base height). Such regulations, however, shall not apply along the #street frontage# of that portion of a #zoning lot# occupied by existing #buildings#, unless the #street walls# of such existing #buildings# are vertically extended by more than 15 feet. The height of all #buildings or other structures# shall be measured from the #base plane#.

117-531 - Street wall location

LAST AMENDED

12/5/2024

- (a) On a #wide street#, and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# provisions of paragraph (a) of Section [35-631](#) (Street wall location) shall apply, except that the #street wall# shall extend to at least the applicable minimum base height specified in the table in Section [117-532](#) (Setback regulations for buildings that exceed the maximum base height), or the height of the #building#, whichever is less.
- (b) On a #narrow street# between 50 and 100 feet of its intersection with a #wide street#, the #street wall# location provisions of paragraph (b) of Section [35-631](#) shall apply, except that the #street wall# shall extend along the entire width of the #narrow street# frontage

Beyond 100 feet of the intersection of a #wide street#, the #street wall# location provisions of paragraph (b) of Section [35-631](#) shall apply.

- (c) In the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) in Appendix C of this Chapter, a #building# shall comply with the provisions of paragraphs (a) and (b) of this Section, as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #building# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, in accordance with the provisions of Section [117-553](#) (Mandatory sidewalk widening design requirements), and located adjacent to a public sidewalk or mandatory sidewalk widening.
- (d) For any #building# fronting on Queens Plaza South in Area A-1, Area B or Area D, as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) of Appendix C, any #street wall# along Queens Plaza South shall be set back five feet from the #street line#, except as otherwise specified on Map 3.
- (e) For any #building# on a #zoning lot# located on Jackson Avenue between 42nd Road and Queens Plaza South, the #street wall# fronting on Jackson Avenue may be set back five feet from the #street line# only upon certification of the

Chairperson of the City Planning Commission to the Department of Buildings that the Jackson Avenue sidewalk adjacent to the #zoning lot# will be landscaped in accordance with a plan acceptable to the Department of Transportation and the Chairperson. Such plan shall include five planting beds that shall contain a mixture of deciduous and evergreen shrubs, ground covers and flowers. Such planting beds shall be installed and maintained by the owner of the #building#. The #street wall# of any subsequent #development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#.

117-532 - Setback regulations for buildings that exceed the maximum base height

LAST AMENDED
12/5/2024

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

- (a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. Such setback may be modified in accordance with the provisions of Section [23-433](#) (Standard setback regulations).

| Area | Minimum Base Height | Maximum Base Height |
|---------|---------------------|---------------------|
| A-1 | 60 | --- |
| A-2 | 60 | 150 |
| B and D | 100 | 150 |
| C* | 60 | 100 |

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet

- (b) In Area A-1, no setbacks are required above the applicable minimum base height specified in the table in paragraph (a) of this Section. However, if a setback is provided, it shall comply with the provisions of paragraph (a).

117-533 - Special permit to modify use or bulk regulations

LAST AMENDED
2/2/2011

For any #zoning lot# within the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# requirements, provided the Commission shall find that:

- (a) such [#use#](#) or [#bulk#](#) modification will aid in achieving the general purposes and intent of the Special District;
- (b) such [#use#](#) modification will encourage a lively pedestrian environment along the [#street#](#) or mandatory sidewalk widening, or is necessary for the programmatic requirements of the development;
- (c) such [#bulk#](#) modifications will enhance the distribution of [#bulk#](#) on the [#zoning lot#](#);
- (d) such [#bulk#](#) modifications will permit adequate access of light and air to surrounding [#streets#](#) and properties; and
- (e) such [#use#](#) or [#bulk#](#) modification will relate harmoniously to the character of the surrounding area.

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

117-54 - Off-street Parking and Loading Regulations

LAST AMENDED

6/6/2024

- (a) The off-street parking provisions of Article I, Chapter 6, shall apply, except that:
 - (1) the prohibition of curb cuts accessing entrances and exits to [#accessory#](#) off-street parking facilities on certain [#streets#](#), as set forth in paragraphs (b) and (c) of Section [16-23](#) (Curb Cut Restrictions), shall also apply to Northern Boulevard, Crescent Street and 23rd Street; and
 - (2) the provisions of paragraph (c) of Section [16-12](#) (Permitted Parking for Non-residential Uses) shall be modified as follows: the maximum number of [#accessory#](#) off-street parking spaces permitted for a [#development#](#) or [#enlargement#](#) shall not exceed one space per 2,000 square feet of [#floor area#](#) or 250 spaces, whichever is less.
- (b) Curb cuts shall not be permitted within 40 feet of a [#zoning lot line#](#) that abuts the Sunnyside Yard.
- (c) [#Public parking garages#](#) shall be permitted on [#Blocks#](#) 86/72 and 403 pursuant to Section [117-56](#) (Special Permit for Bulk Modifications on Blocks 86/72 and 403).

117-55 - Mandatory Plan Elements for the Queens Plaza Subdistrict

LAST AMENDED

7/26/2001

117-551 - General provisions

LAST AMENDED

12/5/2024

The provisions of Sections [117-552](#) (Mandatory sidewalk widening) and [117-553](#) (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

117-552 - Mandatory sidewalk widening

LAST AMENDED

12/5/2024

The sidewalk widening provisions of this Section shall apply to all #developments# or #enlargements# with ground floor #street walls# with a ratio of #floor area# to #lot area# of 3.0 or more.

Sidewalk widening accessible to the public must be provided in the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) in Appendix C of this Chapter. Such mandatory sidewalk widening is subject to the design requirements of Section 117-554.

117-553 - Mandatory sidewalk widening design requirements

LAST AMENDED

12/5/2024

(a) Access

All mandatory sidewalk widenings shall be accessible directly from an adjoining public sidewalk and unobstructed along at least 50 percent of the total #street# frontage. Driveways and vehicular accessways included as part of the total #street# frontage may not be counted as providing access. All mandatory sidewalk widenings shall be accessible to the public at all times.

There shall be at least one unobstructed pedestrian path of travel providing access to each of the following:

- (1) at least 70 percent of the mandatory sidewalk widening's total area;
- (2) any #building# lobby accessible to the mandatory sidewalk widening; and
- (3) any #use# that may be present on, or adjacent to and having an entrance on, the mandatory sidewalk widening.

(b) Access for persons with disabilities

The mandatory sidewalk widening shall be accessible to persons with disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design standards.

(c) Elevation

All mandatory sidewalk widenings shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A mandatory sidewalk widening shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to paragraph (a) of this Section, for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a mandatory sidewalk widening is 8,000 square feet or more, a maximum of 25 percent of its area may be located at an elevation more than three feet above or below the nearest adjoining sidewalk, which area, however, may not be located within a depth of 10 feet from the sidewalk measured perpendicular to the #street line#.

Where an existing subway station entry is located on the sidewalk area adjacent to a mandatory sidewalk widening, the mandatory sidewalk widening shall be provided at the same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry except as required for drainage. No obstruction shall be permitted within such portion of the mandatory sidewalk widening.

(d) Permitted obstructions

The provisions of Sections [37-726](#) and [37-73](#) shall apply, except that in the case of kiosks, the provisions of Section [37-73](#) shall be modified as follows: the aggregate area occupied by such kiosks shall not exceed 60 square feet or 1.5 percent of the area occupied by the sidewalk widening.

(e) Driveways, parking spaces, loading berths, exhaust vents and #building# trash storage facilities

The provisions of Section [37-726](#), paragraph (d), shall apply.

(f) Trees

One tree per 500 square feet of sidewalk widening is required. Each tree shall measure at least 2.5 inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of at least 3 feet, 6 inches.

(g) Paving

The provisions of Section [37-718](#) shall apply.

(h) Seating

One linear foot of seating for every 150 square feet of mandatory sidewalk widening shall be provided. In addition, the provisions of Section [62-672](#) shall apply.

(i) Bicycle parking facilities

The provisions of Section [37-745](#) shall apply.

(j) Drinking fountains

The provisions of Section [37-746](#) shall apply.

(k) Aesthetic amenities

One of the following amenities shall be provided:

- (1) prominent lighting that enhances the architectural features of the upper #stories# of the #building#;
- (2) an ornamental water feature within the mandatory sidewalk widening; or
- (3) artwork, such as sculpture, within the mandatory sidewalk widening.

(l) Lighting

The provisions of Section [37-743](#) shall apply, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

(m) Sidewalk widening signs

The provisions of Section [37-751](#), paragraph (b) shall apply.

(n) Maintenance

The provisions of Sections [37-744](#) and [37-77](#) shall apply.

117-56 - Special Permit for Bulk Modifications on Blocks 86/72 and 403

LAST AMENDED

10/17/2007

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section [117-531](#) (Street wall location) and paragraph (a) of Section [117-532](#) (Setback regulations for buildings that exceed the maximum base height), provided that:

- (a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided the Commission finds that:
 - (1) the public open area is designed so that it provides recreational opportunities for the community;
 - (2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;
 - (3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;
 - (4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and
 - (5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Section [37-751](#) (Public space signage systems) and [37-77](#) (Maintenance) shall apply.

- (b) The #public parking garage# shall be subject to the following conditions:
 - (1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section [12-10](#) (DEFINITIONS);
 - (2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and
 - (3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to May 22, 2013, may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the

City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

117-57 - Modification of Article V, Chapter 4

LAST AMENDED

2/2/2011

In Article V, Chapter 4 (Non-complying Buildings), Section [54-311](#) (Buildings containing rooming units) shall not apply.

117-60 - DUTCH KILLS SUBDISTRICT

LAST AMENDED

10/7/2008

In the #Special Long Island City Mixed Use District#, the special regulations of Sections [117-60](#) through [117-64](#), inclusive, shall apply within the Dutch Kills Subdistrict.

117-61 - General Provisions

LAST AMENDED

10/7/2008

In specified areas of the Dutch Kills Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of Section [117-60](#), inclusive, regulating the Dutch Kills Subdistrict, such #Residence# and M1 #Districts# are referred to as the “designated districts.” The designated districts within the Dutch Kills Subdistrict are indicated on the #zoning map# and are as follows:

M1-2/R5B

M1-2/R5D

M1-2/R6A

M1-3/R7X.

The special provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Dutch Kills Subdistrict except where modified by the provisions of the Subdistrict, and shall supplement or supersede the provisions of the underlying designated #Residence# or M1 #District#, as applicable.

117-62 - Special Use Regulations

LAST AMENDED

6/6/2024

In the Dutch Kills Subdistrict, #uses# listed under Food and Beverage Retailers in Use Group VI shall be permitted without a size limitation.

117-63 - Special Bulk Regulations in the Designated Districts

Maximum #floor area ratio# and #street wall# provisions in the designated districts are modified as set forth in Sections [117-631](#) and [117-632](#), respectively.

117-631 - Floor area ratio modifications

- (a) Floor space used for #accessory# off-street parking spaces

In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

- (b) Maximum #floor area ratio# for #residential uses#

In M1 Districts paired with R5B Districts, the regulations for #qualifying residential sites# shall not apply, and the maximum #residential# #floor area ratio# shall be 1.65.

- (c) Maximum #floor area ratio# for certain #commercial# and #manufacturing uses#

In M1-2 designated districts, the maximum #floor area ratio# shall be increased to 3.0 when paired with an R5B or R5D District and 4.0 when paired with an R6A District, provided that such additional #floor area# is limited to #referenced commercial and manufacturing uses#.

- (d) Maximum #floor area# in #mixed use buildings#

In M1 Districts paired with R5B or R5D districts, the regulations for #qualifying residential sites# shall not apply to #mixed use buildings#.

117-632 - Street wall location

In the Dutch Kills Subdistrict, the #street wall# location provisions of paragraph (a) of Section [23-431](#) shall apply.

117-64 - Special Parking Regulations

The provisions of Section [123-70](#) (PARKING AND LOADING) and the underlying #accessory# off-street parking and loading regulations for the designated district are modified, as follows:

- (a) #Commercial# and #community facility uses#

- (1) The #accessory# off-street parking and loading requirements of a C8-2 District, as set forth in Article III, Chapter

6, shall apply to all #commercial# and #community facility uses#, except that this modification shall not apply to #uses# listed in Use Group V. The #accessory# off-street parking and loading requirements applicable to the designated M1 District, set forth in Article IV, Chapter 4, and Section [123-70](#), shall apply to Use Group V.

- (2) For Use Group V #uses#, the provisions of Section [44-232](#) (Waiver of Requirements for Spaces Below Minimum Number) shall be modified as follows: the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.

(b) #Residential uses#

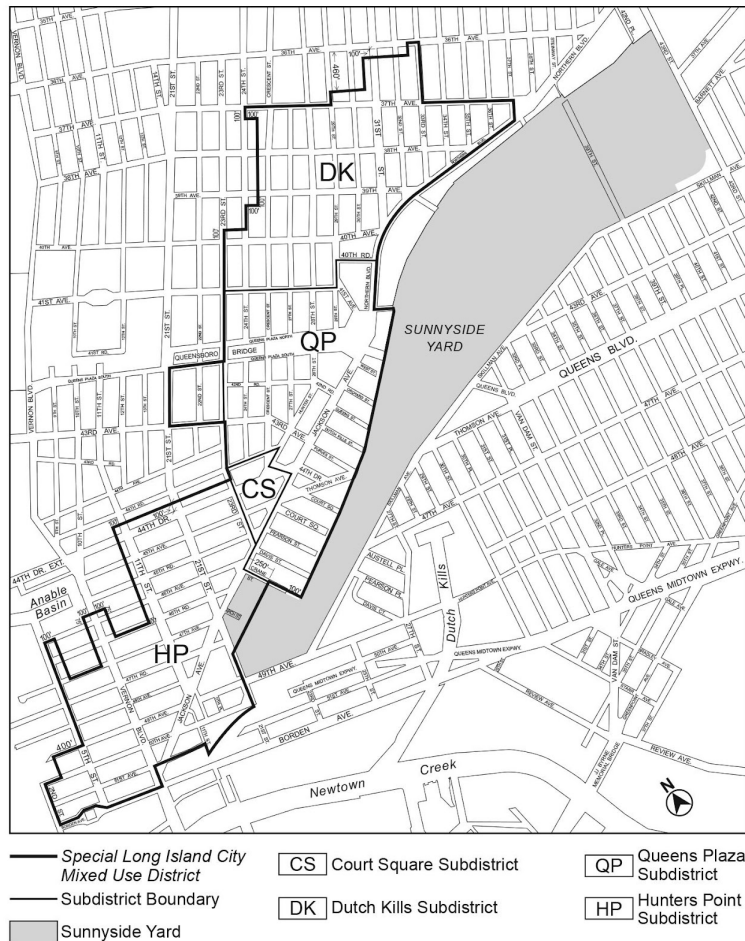
Where the designated district is an M1-2/R5B District, the provisions of paragraph (c) of Section [25-631](#) (Location and width of curb cuts in certain districts) shall not apply.

Appendix A - Special Long Island City Mixed Use District and Subdistricts

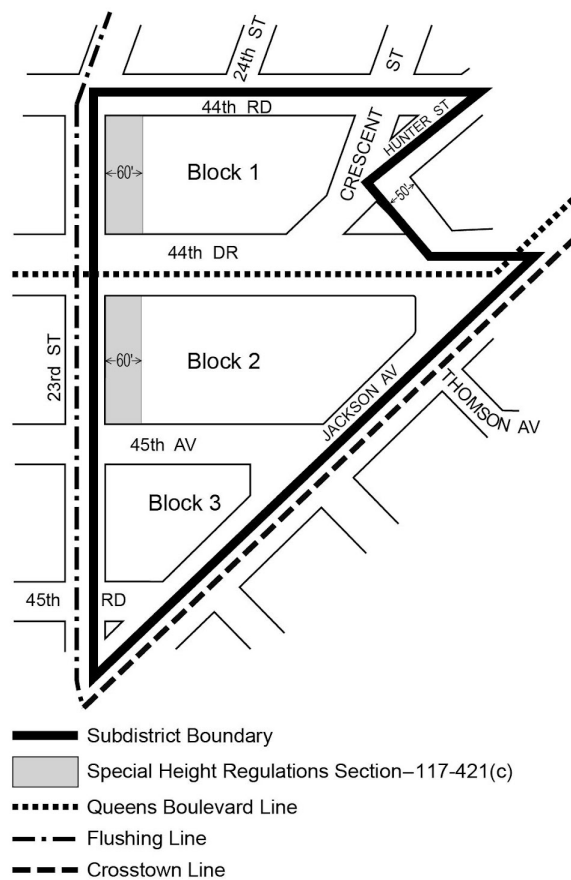
LAST AMENDED

5/11/2023

District and Subdistricts



LAST AMENDED
6/26/2019



Description of Improvements

This Appendix describes the mandatory lot improvements that are designated on the District Plan Map in Appendix B for the Court Square Subdistrict. Descriptions refer to the text for requirements and standards for the following improvements.

(a) Block 1

A subway improvement, to consist of a connection between the Crosstown and Flushing Lines and maintenance of glass partitions in the control area of the Queens Boulevard Line, Court Sq-23 St Station mezzanine and near the control area of the Crosstown Line, Court Sq Station mezzanine which are to be installed by the developer of Block 2. The developer shall notify the Chairperson of the City Planning Commission upon both application for, and issuance of, a first building permit for the #development# on this #Block#.

(b) Block 2

A subway improvement, to consist of a connection between the Queens Boulevard and Crosstown Lines, preparation of preliminary plans for a Crosstown Line, Court Sq Station and Flushing Line, Court Sq Station connection and installation of glass partitions in the control area of the Court Sq-23 St Station mezzanine and near the control area of the Court Sq Station mezzanine, upon receipt of a written request by the Chairperson of the City Planning Commission, which shall occur only after the issuance of a first building permit for the #development# on Block 1.

(c) Block 3

- (1) The first #development# or #enlargement# to meet the criteria for a subway improvement shall construct new entrances at the intersection of 44th Drive and 23rd Street for the Flushing Line, Court Sq Station, in consultation with the Metropolitan Transportation Authority and the Department of City Planning.
- (2) For subsequent #developments# or #enlargements#, a subway improvement to the north end of the Flushing Line, Court Sq Station, shall be required. Such improvement shall be determined in consultation with the Metropolitan Transportation Authority and the Department of City Planning.

Appendix C - Queens Plaza Subdistrict Plan Maps

LAST AMENDED
6/6/2024

(5/11/23)

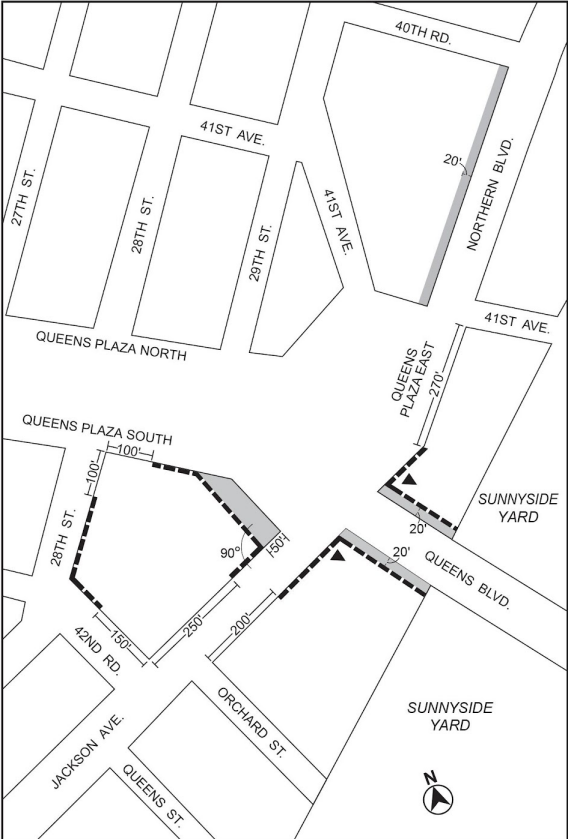
Map 1: Designated Districts within the Queens Plaza Subdistrict

(8/13/15)

Map 2: Ground Floor Use and Frontage

(8/13/15)

Map 3: Sidewalk Widening and Street Wall Location



- Mandatory Sidewalk Widening
- - - Permitted Street Wall Setback Locations
- ▲ Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 8 - Special Union Square District (US)

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

Chapter 8 - Special Union Square District (US)

118-00 - GENERAL PURPOSES

LAST AMENDED
1/10/1985

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

- (a) to promote a revitalized mixed-use area around Union Square by encouraging controlled development on vacant and under-utilized sites within the District;
- (b) to stimulate such growth while providing guidelines which will ensure urban design compatibility between new development, existing buildings and Union Square and which will preserve and enhance the special character of the Square;
- (c) to stabilize the area through residential development and thereby encourage active utilization of Union Square Park;
- (d) to enhance the retail and service nature and economic vitality of 14th Street by mandating appropriate retail and service activities;
- (e) to improve the physical appearance and amenity of the streets within the District by establishing streetscape and signage controls which are compatible to Union Square Park;
- (f) to improve access, visibility, security and pedestrian circulation in and around the 14th Street/Union Square Station; and
- (g) to promote the most desirable use of land in this area and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

118-01 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Union Square District# and in accordance with the provisions of this Chapter, certain specified #use#, #bulk# and #sign# regulations of the underlying district are made inapplicable and are superseded by the #use#, #bulk# and #sign# regulations of the #Special Union Square District# as set forth in this Chapter. In addition, special #street wall# transparency and location of entrance requirements are set forth in this Chapter. Except as modified by the express provisions of this Chapter, the underlying district regulations remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, 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. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

118-02 - Incorporation of Appendix A

LAST AMENDED
2/2/2011

The District Plan of the #Special Union Square District# is set forth in Appendix A and is incorporated as an integral part of the provisions of this Chapter.

118-10 - USE REGULATIONS

LAST AMENDED

1/10/1985

118-11 - Streetscape Regulations

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 14th Street, Union Square East, Union Square West or 17th Street, shall be considered #Tier C street frontages#.

In addition to the underlying provisions for such #Tier C street frontages#, the following shall apply:

- (a) #ground floor level# #uses# with frontage on 14th Street shall be entered directly from 14th Street; and
- (b) for #buildings# fronting on Union Square East, Union Square West, or 17th Street between Broadway and Park Avenue South, where a #use# comprises at least 40 percent of the #floor area# of a #building#, the principal entrance to such #use# shall be located on such frontages. Where multiple #uses# comprise more than 40 percent, an entrance to only one such #use# need be located on such frontages.

Defined terms in this Section include those in Sections [12-10](#) and 32-301.

118-12 - Sign Regulations

LAST AMENDED

6/6/2024

On #street walls# fronting on 14th Street, no #sign# may be located more than 25 feet above #curb level#.

#Signs# on #street walls# fronting on all other #streets# within the Special District shall be subject to the provisions of Section [32-672](#) (Special provisions for high density areas)

#Flashing signs# are not permitted within the Special District.

118-20 - BULK REGULATIONS

LAST AMENDED

1/10/1985

118-21 - Floor Area Regulations

LAST AMENDED

12/5/2024

The maximum #floor area ratio# permitted on property bounded by

the maximum #floor area ratio# permitted on property bounded by:

- (a) Broadway, a line midway between East 14th Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 9.6; and
- (b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 12.

The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements).

118-22 - Street Wall Regulations

LAST AMENDED
12/5/2024

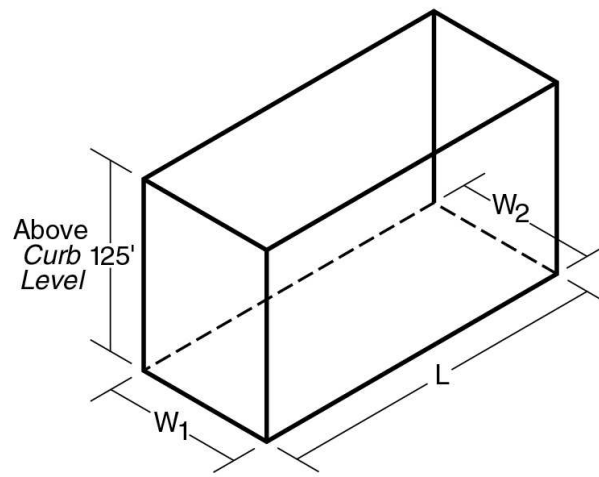
The height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown in the District Plan (Appendix A). In addition, the following provisions shall apply:

- (a) The #street wall# location provisions of paragraph (a) of Section [35-631](#) (Street wall location) shall apply to all #street walls# except that when a #prevailing street wall frontage# exists, the line-up provisions of paragraph (a) of Section [23-431](#) (Street wall location requirements) shall apply. For the purposes of applying #street wall# location regulations, all streets shall be considered as #wide streets#.
- (b) #Street wall# recesses are permitted below the level of the second #story# ceiling for subway stair entrances required under Section [118-50](#) [118-30](#) (OFF STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT). Such recesses shall be no longer than 15 feet and no deeper than eight feet or the width or length of the relocated subway stair, whichever is greater.

#Street wall# recesses are also permitted below the level of the second #story# ceiling for #building# or store entrances only.

- (c) On a #zoning lot# where there is an existing #building# to remain, the requirements governing height and location of #street walls# shall not apply within a volume defined by the rear wall of the existing #building# (W2), the #front lot line# (W1), the prolongations of the side walls (L) and a height of 125 feet above #curb level#.

If, after January 10, 1985, any demolition or destruction occurs within the volume defined, the requirements governing #street wall# height shall apply.



L - Sidewall and prolongation of existing *building*
W₁ - Front lot line
W₂ - Rear wall of existing *building*

EXISTING BUILDING VOLUME FOR MODIFICATION OF STREET WALL REQUIREMENTS

- (d) The City Planning Commission may authorize modifications in the required #street wall# location if the Commission finds that the existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development#, #enlargement# or alteration in a manner prescribed in paragraph (c) of this Section.

118-23 - Height and Setback Regulations

LAST AMENDED
12/5/2024

A #sky exposure plane# of 2.5 to 1 shall begin at a height above #curb level# of 125 feet on all #streets# within the Special District, except that on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street# with a #wide street#, the #sky exposure plane# shall begin at a height above #curb level# of 85 feet. No #development# or #enlargement# shall penetrate such #sky exposure plane# except pursuant to Section [33-45](#) (Tower Regulations). However, Section [33-45](#) shall not be applicable to any portion of a #building# located within 100 feet of a #street line# opposite a #public park#. In addition, #energy infrastructure equipment# and accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section [33-42](#) (Permitted Obstructions).

For #qualifying affordable housing# or #qualifying senior housing#, the height and setback provisions of Section [35-652](#) (Maximum height of buildings and setback regulations) may be applied as an alternative as follows:

- (a) above a height of 125 feet above #curb level# or 85 feet on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street#, a setback pursuant to the provisions of Section [23-433](#) (Standard setback regulations) shall apply;
- (b) the maximum #building# height provisions of a C6-3A District shall apply to #zoning lots# subject to the provisions of paragraph (a) of Section [118-21](#) (Floor Area Regulations);
- (c) the maximum #building# height provisions of a C6-4A District shall apply to #zoning lots# subject to the provisions of paragraph (b) of Section [118-21](#); and

(d) permitted obstructions pursuant to Section [35-61](#) shall apply.

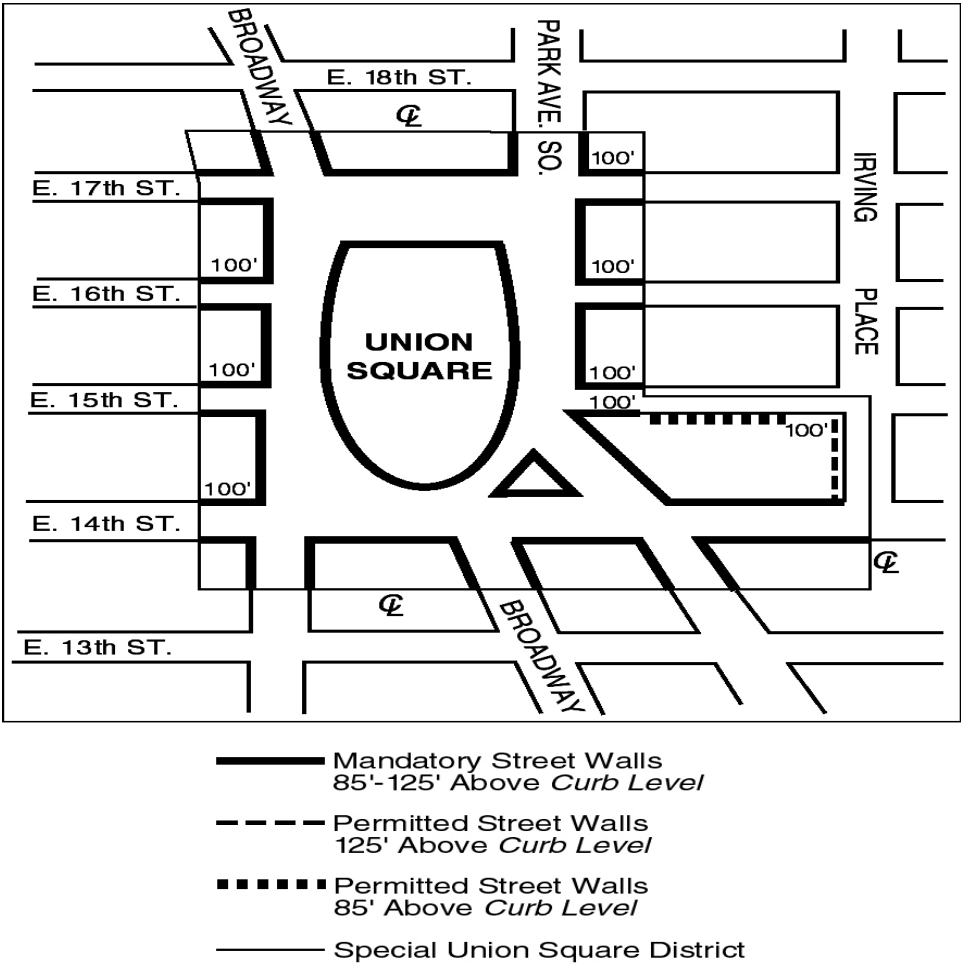
118-30 - OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

LAST AMENDED
12/5/2024

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet which fronts on a portion of sidewalk containing a stairway entrance or entrances into the 14th Street/Union Square Station, the #development# or #enlargement# shall be subject to the regulations of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

Appendix A - UNION SQUARE DISTRICT PLAN

LAST AMENDED
1/10/1985





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 9 - Special Hillside Preservation District (HS)

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

Chapter 9 - Special Hillside Preservation District (HS)

119-00 - GENERAL PURPOSES

LAST AMENDED

6/30/1987

The "Special Hillside Preservation District" (hereinafter also referred to as the "Special District") established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following special purposes:

- (a) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (b) to preserve hillsides having unique aesthetic value to the public;
- (c) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and
- (d) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

119-01 - Definitions

LAST AMENDED

12/5/2024

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS).

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces, including any surfaces with permeable paving. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{L}{A} \times 100$$

Where:

S - average percent of slope

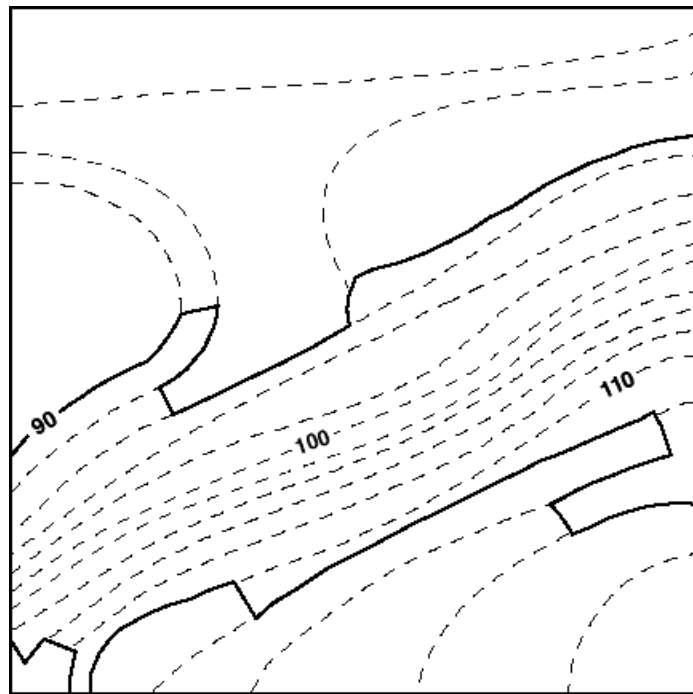
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#.

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where:

X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, such as the map pictured above. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines which are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Buildable area

A "buildable area" is a portion of a #zoning lot# excluding #steep slopes#.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Site alteration

For the purposes of this Chapter, a "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#. #Site alterations# shall include the following:

- (a) removal of #topsoil#;
- (b) excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on June 30, 1987, is modified by two feet or more;
- (c) dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way; or
- (d) removal of vegetation beyond 15 feet of the foundation of an existing #building#, except when the plant materials' continued presence would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning or routine maintenance.

Staging area

A "staging area" is any area on a #zoning lot# or other tract of land used during the construction of a #development#,

#enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater. However, a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more which is counted toward a tree preservation requirement, or a credit for a newly planted tree of three-inch #caliper# or more which is counted toward a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

- (a) a survey of the current condition and health of such trees of six-inch #caliper# or more;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) a schedule for site monitoring during construction;
- (d) a procedure to communicate protection measures to contractor and workers; and
- (e) post-construction treatment.

119-02 - General Provisions

LAST AMENDED

5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Hillside Preservation District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# where the #average percent of slope# is less than 10 percent shall be regulated by the provisions set forth in Section [119-10](#) (PROVISIONS REGULATING TIER I SITES). Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# having an #average percent of slope# equal to or greater than 10 percent shall be governed by the provisions set forth in Section [119-20](#) (PROVISIONS REGULATING TIER II SITES).

No #development#, #enlargement# or #site alteration# is permitted within any #area of no disturbance# on a #zoning lot# or other tract of land. #Areas of no disturbance# shall remain in their natural state, except:

- (a) for #steep slopes# or #steep slope buffers#, an authorization may be granted by the City Planning Commission, pursuant to Section [119-30](#) (SPECIAL REVIEW PROVISIONS);
- (b) vegetation and #topsoil# may be removed from a #steep slope buffer# during construction on a #Tier I site#, provided that the #development#, #enlargement# or #site alteration# complies with the requirements of Sections [119-215](#) (Landscaping controls to preserve trees, shrubs and ground cover), [119-217](#) (Tier II controls during construction) and [119-22](#) (Tier II Submission Requirements); or
- (c) in accordance with a #tree protection plan#.

Those portions of a #zoning lot# having #areas of no disturbance#, however, may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio# or maximum number of #dwelling units# or #rooming units#.

The following #uses#, including #enlargements# to such #uses#, shall not be permitted within the #Special Hillside Preservation District# unless an authorization is granted by the Commission pursuant to Section [119-30](#): #community facility uses#, #group parking facilities# of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the #Special Hillside Preservation District# is designated on a #public park#, or portion thereof, #site alterations#, the construction of new park-related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadiums, and improvements to existing park-related facilities, shall not be subject to the provisions of Sections [119-10](#) or [119-20](#) but shall require an authorization from the

Commission, pursuant to Section [119-31](#) (Authorizations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

119-03 - Applicability of Large-scale Residential Development Regulations

LAST AMENDED

6/30/1987

Any #development# on a #zoning lot# having an #average percent of slope# of 10 percent or greater, which is used predominantly for #residential use#, may be treated as a #large-scale residential development# and special authorizations or special permits for such #developments# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential developments# as set forth in Section [12-10](#) (DEFINITIONS). However, bonuses that may be granted for #large-scale residential developments# under the provisions of Sections [78-32](#) (Bonus for Good Site Plan), [78-33](#) (Bonus for Common Open Space) or [78-35](#) (Special Bonus Provisions) may not be granted for #developments# that have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.

Notwithstanding the provisions of Section [78-06](#) (Ownership), a #zoning lot# having an #average percent of slope# of 10 percent or greater that is the subject of an application under this Section may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract before, during or after #development# shall be subject to the provisions of Section [78-51](#) (General Provisions).

119-04 - Future Subdivision

LAST AMENDED

2/2/2011

Within the #Special Hillside Preservation District#, no #zoning lot# existing on June 30, 1987, may be subdivided without certification by the City Planning Commission that the proposed subdivision complies with the regulations of the #Special Hillside Preservation District# and that all #hillside# are preserved to the greatest extent possible under future #development# options.

A plan for such subdivision shall be filed with the Commission and shall include a survey map indicating existing topography at two-foot contour intervals and all individual trees of six-inch #caliper# or more.

When a #zoning lot# existing on June 30, 1987, is intended to be subdivided and is more than five acres, a site plan of the entire subdivision shall be filed with the Commission. The site plan shall include the proposed vehicular circulation system within the area, #block# and #zoning lot# layouts and any other information required by the Commission.

In the event that any #zoning lot# proposed for subdivision contains a #development#, #enlargement# or #site alteration# that has been undertaken contrary to the provisions of this Chapter, the Commission shall not approve the subdivision until violations are removed from the #zoning lot#, in accordance with the Commission's requirements under Section [119-40](#) (COMPLIANCE).

119-05 - Applicability of Parking Location Regulations

LAST AMENDED

2/2/2011

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

119-10 - PROVISIONS REGULATING TIER I SITES

LAST AMENDED

2/2/2011

#Tier I sites# shall be regulated by the provisions set forth in this Section, inclusive.

119-11 - Tier I Requirements

LAST AMENDED

2/2/2011

119-111 - Tier I tree preservation requirements

LAST AMENDED

12/7/1999

To the maximum extent possible, existing trees shall be retained. Trees of six-inch #caliper# or more may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

- (a) such trees are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;
- (b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;
- (c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendix B (Selection List for On-site Trees); or
- (d) an authorization pursuant to Section [119-313](#) (Modification of landscaping, tree preservation and tree planting requirements) has been granted by the City Planning Commission approving the removal of such trees.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section [119-112](#) (Tier I tree planting requirements).

119-112 - Tier I tree planting requirements

LAST AMENDED

2/2/2011

All #developments#, #enlargements# and #site alterations# on #Tier I sites# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to any #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

119-113 - Tier I controls during construction

LAST AMENDED

12/7/1999

The following requirements must be met during construction:

- (a) Construction fences shall be erected around all #areas of no disturbance#.

A #tree protection plan# is required to modify the #area of no disturbance# around trees proposed for preservation.

- (b) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.
- (c) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.
- (d) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

119-12 - Tier I Submission Requirements

LAST AMENDED

2/2/2011

For all #developments#, #enlargements# or #site alterations# on #Tier I sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #residential building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillside Preservation District# have been met.

- (a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land, as it occurs, in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.
- (b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed

patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone#.

- (c) A tree-planting plan, prepared by a registered landscape architect, indicating the location and species of all new plantings, and indicating the location of and the #critical root zone# around all trees proposed for preservation.

119-13 - Administration of Tier I Requirements

LAST AMENDED
6/30/1987

No permanent certificate of occupancy shall be issued by the Department of Buildings unless an inspection report, verifying that the requirements of Section [119-10](#) (PROVISIONS REGULATING TIER I SITES) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor, registered architect or professional engineer.

119-20 - PROVISIONS REGULATING TIER II SITES

LAST AMENDED
2/2/2011

All #Tier II sites# shall be regulated by the provisions set forth in this Section. However, any #enlargement# on #Tier II sites# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#, shall be exempted from the provisions of Sections [119-211](#) (Lot coverage, floor area and density regulations), [119-213](#) (Grading controls) to [119-217](#) (Tier II controls during construction), inclusive, [119-22](#) (Tier II Submission Requirements), and [119-23](#) (Administration of Tier II Requirements).

119-21 - Tier II Requirements

LAST AMENDED
2/2/2011

119-211 - Lot coverage, floor area and density regulations

LAST AMENDED
12/5/2024

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable #floor area ratio# or #lot coverage# regulations of the applicable district. For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT BY ZONING DISTRICT, AVERAGE

PERCENT OF SLOPE AND RESIDENCE TYPE

| | #Residence District# | | | | | | |
|----------------------------|----------------------|------|------|------|------|----------------|-----------|
| #Average Percent of Slope# | R1 | R2 | R3 | R4 | R5 | R6: 1-2 Family | R6: Other |
| 10—14.9 | 22.5 | 22.5 | 22.5 | 36.0 | 45.0 | 48.6 | 32.4 |
| 15—19.9 | 20.0 | 20.0 | 20.0 | 32.0 | 40.0 | 43.2 | 28.8 |
| 20—24.9 | 17.5 | 17.5 | 17.5 | 28.0 | 35.0 | 37.8 | 25.2 |

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section [119-311](#), the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT OR PORTION OF A ZONING LOT WITH A STEEP SLOPE, BY ZONING DISTRICT AND RESIDENCE TYPE

| #Residence District# | | | | | | |
|----------------------|------|------|------|------|----------------|-----------|
| R1 | R2 | R3 | R4 | R5 | R6: 1-2 Family | R6: Other |
| 12.5 | 12.5 | 12.5 | 20.0 | 25.0 | 27.0 | 18.0 |

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section [119-312](#) (Authorization of certain uses within the Special Hillside Preservation District) and is located in a #Commercial District#.

119-212 - Height and setback regulations

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall be modified by the provisions of this Section.

No portion of a #building or other structure# shall penetrate a plane drawn parallel to the #base plane# at a height that is shown in Table III of this Section. For #buildings# with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the #base plane#, which is a plane from which the height of a #building or other structure# is measured in R2X, R3, R4 and R5 Districts, shall also be established in accordance with the provisions of Section [12-10](#)

(DEFINITIONS) for #buildings or other structures# in R1, R2 and R6 Districts.

TABLE III
MAXIMUM HEIGHT OF A BUILDING OR OTHER STRUCTURE

| #Residence District# * | Maximum Height above #Base Plane# (in feet) |
|------------------------|---|
| R1 R2 R3 R4 | 36 |
| R4 | 45 |
| R5 | 60 |
| R6 | 70 |

* or #Residence District# equivalent when the #zoning lot# is located within a #Commercial District#

119-213 - Grading controls

LAST AMENDED
2/2/2011

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Where two cut slopes intersect, the corners shall be rounded with a minimum radius of 25 feet.
- (c) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (d) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillside Preservation District#.
- (e) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T99 or ASTM D698.
- (f) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.
- (g) The edge of any cut or fill slope meeting the grade existing on June 30, 1987, should be blended into such grade in a vertical or horizontal arc with a radius of not less than 25 feet.

- (h) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on June 30, 1987, should be rounded in a vertical arc with a radius of not less than five feet.
- (i) Tops and toes of cut and fill slopes shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet.

119-214 - Tier II requirements for driveways and private roads

LAST AMENDED

12/5/2024

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 Section [26-20](#), inclusive, shall not apply. However, the provisions of Sections [26-23](#) (Yards), [26-31](#) (Entrances, Parking Location and Curb Cuts) and [26-32](#) (Lighting, Signage and Crosswalks) shall apply for #private roads# in #lower density growth management areas#.

(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) 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; and

- (9) for the purposes of applying the #yard# regulations of Section [26-23](#), 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.

119-215 - Landscaping controls to preserve trees, shrubs and ground cover

LAST AMENDED

2/2/2011

- (a) In any #area of no disturbance#, existing vegetation and #topsoil# shall not be removed, except in accordance with a #tree protection plan# or as authorized by the City Planning Commission, pursuant to the provisions of Section [119-313](#) (Modification of landscaping, tree preservation and tree planting requirements).
- (b) To the maximum extent possible, existing trees, shrubs and ground cover shall be retained. Vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:
- (1) it is located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking or within a distance of 15 feet of a #building# foundation and, provided that it is not practical to avoid such removal by adjustments in the arrangement of such #buildings#, #private roads#, driveways or required parking areas;
 - (2) the continued presence of the vegetation would interfere with the growth or health of trees of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendices A, B or C;
 - (3) the continued presence of the vegetation would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning or routine maintenance; or
 - (4) an authorization has been granted by the City Planning Commission under the provisions of Section [119-313](#) approving the removal of such vegetation.
- (c) Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed under paragraph (b) of this Section shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, there shall be provided the following plantings of the size and number indicated in paragraphs (c)(1) through (c)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix A (Selection List for Ground Covers and Shrubs). Species of on-site trees shall be selected from Appendix B (Selection List for On-site Trees).
- (1) Ground cover shall be planted one at one foot on center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and
 - (2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or
 - (3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or

- (4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

119-216 - Tier II tree planting requirements

LAST AMENDED

2/2/2011

All #developments#, #enlargements# and #site alterations# on #Tier II sites# shall comply with the following tree planting requirements, whether or not existing vegetation is removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly-planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of caliper, credit for an additional tree shall be given.

Single-trunk trees newly planted to meet this requirement shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

119-217 - Tier II controls during construction

LAST AMENDED

2/2/2011

The following requirements must be met during construction:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15 foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillside Preservation District#.
- (d) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.
- (e) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.
- (f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded

with annual rye grass during construction.

119-22 - Tier II Submission Requirements

LAST AMENDED

12/5/2024

For all #developments#, #enlargements# or #site alterations# on #Tier II sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillside Preservation District# have been met.

- (a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land as it occurs in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.
- (b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of all understory, including shrubs and ground cover; and the location, #caliper# and species of individual trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating for the latter the #critical root zone#, the location of any other #area of no disturbance# and the location of the #staging area#.
- (c) A grading plan that will show all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted.
- (d) An alignment and paving plan for any #private road# with a typical cross-section.
- (e) A landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings.
- (f) A construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site. A #tree protection plan# for any tree proposed for preservation where the #area of no disturbance# is proposed to be modified.
- (g) An affidavit prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer stipulating the following:
 - (1) prior to construction, no grading, filling, clearing or excavation of any kind shall be initiated until approval of a final grading plan by the Department of Buildings;
 - (2) no construction equipment of any kind shall pass over areas to be preserved, according to the approved plans;
 - (3) construction fences meeting the requirements of paragraph (b) of Section [119-217](#) shall be erected around all vegetation proposed for retention; and

- (4) construction controls (erosion protection, drainage measures, etc.) shall be implemented according to the approved plan.
- (h) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

119-23 - Administration of Tier II Requirements

LAST AMENDED
12/7/1999

All #developments#, #enlargements# or #site alterations# that are subject to the requirements of Section [119-22](#) (Tier II Submission Requirements) shall file directly with the Department of Buildings.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Section [119-20](#) have been met, is filed with the Department of Buildings by a registered landscape architect, registered architect, licensed surveyor or professional engineer.

119-30 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
6/30/1987

119-31 - Authorizations

LAST AMENDED
2/2/2011

Upon application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter and for the underlying district regulations in accordance with the provisions of Sections [119-311](#) (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer) through [119-319](#) (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks), inclusive.

In addition, all #developments#, #enlargements# and #site alterations# that require an authorization pursuant to Sections [119-311](#) through [119-318](#), inclusive, shall be subject to the provisions of Sections [119-33](#) (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and [119-34](#) (Special Submission Requirements for Certain Authorizations and Special Permits).

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations, of any authorizations hereunder, to minimize adverse effects on the #hillsides# and the character and quality of the community.

119-311 - Authorization of a development, enlargement or site alteration on a steep slope

or steep slope buffer

LAST AMENDED

2/2/2011

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #steep slope# or #steep slope buffer#.

In order to grant such authorizations, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the requested modification will not disturb the drainage patterns and soil conditions of the area; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of Section [119-20](#) (PROVISIONS REGULATING TIER II SITES) for which an authorization or special permit has not been obtained.

119-312 - Authorization of certain uses within the Special Hillside Preservation District

LAST AMENDED

2/2/2011

Any #group parking facility# with 30 cars or more and, in #Residence Districts#, any #community facility use# or #enlargement# thereof, shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of a site plan, shall find that:

- (a) the proposed #development#, #enlargement# or #site alteration# will not adversely affect the drainage pattern and soil conditions of the area;
- (b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;
- (d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;
- (e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and
- (f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such development to and from such arterial.

The Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities#, if such modifications preserve vegetation and natural topography.

119-313 - Modification of landscaping, tree preservation and tree planting requirements

LAST AMENDED

12/7/1999

The City Planning Commission may authorize modifications to Sections [119-111](#) (Tier I tree preservation requirements), [119-112](#) (Tier I tree planting requirements), paragraph (b)(8) of Section [119-214](#) (Tier II requirements for driveways and private roads), [119-215](#) (Landscaping controls to preserve trees, shrubs and ground cover) and [119-216](#) (Tier II tree planting requirements).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted; and
- (c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the tree preservation or planting requirements being modified.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillside Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

119-314 - Modification of lot coverage controls

LAST AMENDED

2/2/2011

For any #development# or #enlargement# subject to Section [119-211](#) (Lot coverage, floor area and density regulations), the City Planning Commission may authorize variations in the #lot coverage# controls.

In order to grant such authorization, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;
- (b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillside# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;
- (c) such modification is the least modification required to achieve the purpose for which it is granted;
- (d) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (e) the requested modification will not disturb the drainage pattern and soil conditions of the area; and

- (f) the proposed modification does not impair the essential character of the surrounding area.

119-315 - Modification of height and setback regulations

LAST AMENDED

2/2/2011

For any #Tier II site#, the City Planning Commission may authorize variations in the height and setback regulations set forth in Section [119-212](#) (Height and setback regulations).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography and vegetation and the preservation of #hillsides# having aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land;
- (c) such modification is the least modification required to achieve the purpose for which it is granted;
- (d) the requested modification will not disturb the soil conditions of the area;
- (e) the proposed modification does not impair the essential character of the surrounding area; and
- (f) the proposed modification will not have adverse effects upon light, air and privacy of adjacent properties.

119-316 - Modification of grading controls

LAST AMENDED

2/2/2011

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 119-213.

In order to grant such authorization, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (e) the proposed modification does not impair the essential character of the surrounding area; and
- (f) the benefits to the surrounding area from the proposed modification outweigh any disadvantages that may be incurred thereby in the area.

119-317 - Modification of requirements for private roads and driveways

LAST AMENDED

2/2/2011

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section [119-214](#) (Tier II requirements for driveways and private roads) as well as the requirements of Sections [25-621](#) (Location of parking spaces in certain districts), [25-624](#) (Special parking regulations for certain community facility uses in lower density growth management areas) and [25-631](#) (Location and width of curb cuts in certain districts).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (d) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e) such modification will enhance the quality of the design of the development, #enlargement# or #site alteration#.

119-318 - Modifications of certain bulk regulations

LAST AMENDED

2/2/2011

For any #development# or #enlargement# subject to Section [119-20](#) (PROVISIONS REGULATING TIER II SITES), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, variations in required space between #buildings# on the same #zoning lot# and modifications in the underlying district height and setback regulations.

In order to grant such authorizations, the Commission shall find that:

- (a) #development# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted; and
- (c) the proposed #bulk# and placement of #buildings# and the proposed arrangement of #open spaces# will not have significant adverse effects upon the light, air and privacy for existing development in adjacent areas or the opportunities therefor in future development.

119-319 - Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks

LAST AMENDED

12/7/1999

Upon application, the City Planning Commission may authorize #site alterations#, the construction of new park-related

facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadiums, and improvements to existing park-related facilities.

In order to grant such authorizations, the Commission shall find that the proposed action:

- (a) will have a minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it;
- (b) will have minimal impact on the drainage pattern and soil conditions in the area;
- (c) will preserve to the greatest extent possible the trees and vegetation within the park; and
- (d) is compatible with the neighborhood character of the area.

An application to the Commission for an authorization pursuant to this Section shall include the following:

- (1) a survey map prepared by a licensed surveyor showing existing topography at the two-foot contour intervals;
- (2) a site plan prepared by a registered architect, registered landscape architect or professional engineer indicating the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of all understory including shrubs and ground cover, and the #caliper# and species of all individual trees of six-inch #caliper# or more; and
- (3) any other information necessary to evaluate the request.

In issuing authorizations under this Section, the Commission may impose conditions or safeguards, such as special landscape requirements, to minimize adverse effects on the character of the #Special Hillside Preservation District#.

119-32 - Special Permits

LAST AMENDED
12/7/1999

The City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Section [119-321](#) (Modification of use regulations).

119-321 - Modification of use regulations

LAST AMENDED
2/2/2011

For any #Tier II site#, the City Planning Commission may grant special permits to allow #single-family# #semi-detached residences# in R1 and R2 Districts, #single-family# #attached residences# in R1, R2 and R3-1 Districts or #two-family# #attached residences# in R3-1 Districts.

As a condition for granting such special permits, the minimum required #lot area# of the underlying district shall not be reduced, and the #aggregate width of street walls# of a #building#, or a number of #buildings# separated by party walls, shall not exceed 100 feet.

In order to grant such special permits, the Commission shall find that:

- (a) #development# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;

- (b) the change of housing type requested constitutes the most effective method of preserving the existing topography and vegetation;
- (c) the preservation of existing topography and vegetation requires the permitted development to be concentrated, to the extent feasible, in the remaining portion of the tract;
- (d) for such concentration of development, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #building# type;
- (e) such modification is the least modification required to achieve the purpose for which it is granted;
- (f) the proposed #street# or #private road# system for the development is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area;
- (g) the siting of the #building# or #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air; and
- (h) the existing topography and vegetation and the proposed planting effectively screen all #attached# one-family #residences# from the #lot lines# along the development perimeter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

All #developments#, #enlargements# or #site alterations# that require a special permit pursuant to this Section shall also be subject to the provisions of Sections [119-33](#) (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and [119-34](#) (Special Submission Requirements for Certain Authorizations and Special Permits).

119-33 - Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits

LAST AMENDED
2/2/2011

Any #development#, #enlargement# or #site alteration# that requires an authorization or special permit and that is subject to the provisions of Section [119-20](#) (PROVISIONS REGULATING TIER II SITES), shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of the Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer and submitted to the City Planning Commission.

(a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or to reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up

concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

119-34 - Special Submission Requirements for Certain Authorizations and Special Permits

LAST AMENDED
2/2/2011

When a #development#, #enlargement# or #site alteration# is subject to the provisions of Section [119-20](#) (PROVISIONS REGULATING TIER II SITES), an application to the City Planning Commission for an authorization or special permit shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section [119-22](#) (Tier II Submission Requirements).

- (a) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.
- (b) An erosion and sedimentation plan as described in Section [119-33](#) (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits).
- (c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.
- (d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

119-35 - Administration of Special Review Provisions

LAST AMENDED
2/2/2011

Where a permit other than a building permit is required for a #development#, #enlargement# or #site alteration# within the #Special Hillside Preservation District# from any City agency, an application for such permit shall be filed simultaneously with such agency and the City Planning Commission.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Sections [119-20](#) (PROVISIONS REGULATING TIER II SITES) and [119-30](#) (SPECIAL REVIEW PROVISIONS) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor or professional engineer.

119-40 - COMPLIANCE

LAST AMENDED
6/30/1987

In the event that a #development#, #enlargement# or #site alteration# is undertaken, or has been undertaken, contrary to the provisions of this Chapter, any permit issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on the affected #zoning lot# shall be revoked.

No building permit or permanent certificate of occupancy shall be issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on such #zoning lot# until the violations are removed from the #zoning lot#, pursuant to a restoration plan certified by the City Planning Commission.

If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to prosecute the violations. For compliance with restoration requirements to remove violations, the Department of Buildings may allow an additional 90 days.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillside Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

Appendix A - Selection List for Ground Covers and Shrubs

LAST AMENDED
12/7/1999

Ground Covers

| BOTANICAL NAME | COMMON NAME |
|--|-------------------|
| <i>Adiantum pedatum</i> | Maidenhair fern |
| <i>Agrostis perennans</i> (A. altissima) | Autumn bent-grass |

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|--|---|
| <i>Anaphalis margaritacea</i> | Pearly everlasting |
| <i>Andropogon gerardii</i> | Big bluestem |
| <i>Andropogon glomeratus</i> | Bushy bluestem |
| <i>Andropogon virginicus</i> | Broom Sedge |
| <i>Anemone canadensis</i> | Canada anemone |
| <i>Antennaria plantaginifolia</i> | Plantain-leaved pussytoes |
| <i>Arctostaphylos uvaursi</i> | Bearberry |
| <i>Asarum canadense</i> | Wild ginger |
| <i>Aster cordifolius</i> | Heart-leaved aster |
| <i>Aster divericatus</i> | White wood aster |
| <i>Aster ericoides</i> | Heath aster |
| <i>Aster lanceolatus</i> (<i>A. simplex</i>) | Lined aster |
| <i>Aster macrophyllus</i> | Large-leaved aster |
| <i>Aster novae angliae</i> | New England aster |
| <i>Athyrium filix femina</i> (<i>A. asplenoides</i>) | Lady fern |
| <i>Athyrium thelypteroides</i> | Silvery glade fern |
| <i>Carex appalachica</i> (<i>C. radiata</i>) | Sedge |
| <i>Carex pensylvanica</i> | Pennsylvania sedge |
| <i>Chimaphila maculata</i> | Spotted or stripped wintergreen/Pipsissewa |

| | |
|----------------------------------|---|
| <i>Chimaphila umbellata</i> | Pipsissewa, Prince's pine, Bitter wintergreen |
| <i>Chrysopsis mariana</i> | Maryland golden aster |
| <i>Danthonia compressa</i> | Flattened oat grass |
| <i>Danthonia spicata</i> | Oatgrass, Poverty grass |
| <i>Dennstaedtia punctilobula</i> | Hay-scented fern |
| <i>Deschampsia cespitosa</i> | Tufted hair grass |
| <i>Deschampsia flexuosa</i> | Common hair grass, Crinkled hair grass |
| <i>Dryopteris intermedia</i> | Common wood fern |
| <i>Dryopteris marginalis</i> | Marginal wood fern, Leatherleaf wood fern |
| <i>Erigeron philadelphicus</i> | Daisy fleabane |
| <i>Eupatorium maculatum</i> | Spotted JoePye weed |
| <i>Eupatorium rugosum</i> | White snakeroot |
| <i>Eupatorium sessilifolium</i> | Upland boneset |
| <i>Fragaria virginiana</i> | Wild strawberry, Virginia strawberry |
| <i>Gaultheria hispidula</i> | Creeping snowberry, Creeping pearl berry |
| <i>Gaultheria procumbens</i> | Wintergreen, Teaberry, Checkerberry |

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|---|---|
| <i>Geranium maculatum</i> | Wild geranium, Spotted cranesbill |
| <i>Geum canadense</i> | White avens, Winter rosette |
| <i>Heuchera americana</i> | Hairy alum root, Rock geranium |
| <i>Hypericum ellipticum</i> | Pale St. John's Wort |
| <i>Muhlenbergia schreberi</i> | Nimblewill |
| <i>Oenothera fruticosa</i> | Sundrops, Wild beet, Suncups, Scabish |
| <i>Onoclea sensibilis</i> | Sensitive fern, Bead fern |
| <i>Osmunda claytoniana</i> | Interrupted fern |
| <i>Panicum clandestinum</i> | Deer tongue grass |
| <i>Panicum virgatum</i> | Switch grass, Wild red top, Thatch grass |
| <i>Parthenocissus quinquefolia</i> | Virginia creeper, Woodbine, American ivy |
| <i>Phlox subulata</i> | Mountain phlox, Moss pink, Moss phlox |
| <i>Polygonatum biflorum</i> | Smooth Solomon's seal, True King Solomon's seal |
| <i>Polygonatum virginianum</i> (Tovaria v.) | Jumpseed |
| <i>Polypodium virginianum</i> | P. vulgare, Rocky polypody, Am. wall fern |
| <i>Polystichum acrostichoides</i> | Christmas fern, Dagger fern, Canker break |

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|--|---|
| <i>Rudbeckia hirta</i> var. <i>hirta</i> | Black-eyed Susan |
| <i>Rudbeckia triloba</i> | Thin-leaved cone flower |
| <i>Thelypteris noveboracensis</i> | New York fern |
| <i>Tiarella cordifolia</i> | Allegheny foamflower, False mitrewort |
| <i>Tradescantia virginiana</i> | Virginia Spiderwort, Common S., Widow's tears |
| <i>Verbena hastata</i> | Blue vervain |
| <i>Vernonia noveboracensis</i> | New York ironweed |
| <i>Verbesina alternifolia</i> (<i>Actinomeria</i> a.) | Wingstem |
| <i>Viola sororia</i> | Woolly blue violet sister violet, Dooryard violet |

Shrubs

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|---|--|
| <i>Amelanchier canadensis</i> | Shadblow |
| <i>Amelanchier laevis</i> (<i>A. arborea</i>) | Serviceberry, Allegheny |
| <i>Aronia arbutifolia</i> | Red chokeberry |
| <i>Aronia melanocarpa</i> | Black chokeberry |
| <i>Clethra alnifolia</i> | Sweet pepperbush, Summersweet |
| <i>Comptonia peregrina</i> | Sweet fern, Meadow fern, Spleenwort bush |
| <i>Cornus amomum</i> | Silky dogwood |

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|---|--|
| <i>Cornus racemosa</i> | Gray dogwood, Red-panicled dogwood |
| <i>Cornus sericea</i> (<i>C. stolonifera</i>) | Red osier dogwood |
| <i>Corylus americana</i> | American hazelnut |
| <i>Corylus cornuta</i> | Beaked hazelnut |
| <i>Diervilla lonicera</i> | Bush honeysuckle, Blue herb, Gravel weed |
| <i>Hamamelis virginiana</i> | Witch hazel |
| <i>Ilex glabra</i> | Inkberry, Gallberry |
| <i>Ilex verticillata</i> | Winterberry |
| <i>Juniperus communis</i> | Common juniper |
| <i>Juniperus horizontalis</i> | Creeping juniper, Creeping cedar/Savin |
| <i>Kalmia angustifolia</i> | Sheep laurel |
| <i>Kalmia latifolia</i> | Mountain laurel |
| <i>Lindera benzoin</i> | Spice bush |
| <i>Myrica pensylvanica</i> | Northern bayberry |
| <i>Physocarpus opulifolius</i> | Common ninebark |
| <i>Potentilla fruticosa</i> | Cinquefoil, Bush cinquefoil |
| <i>Rhododendron maximum</i> | Great laurel |
| <i>Rhododendron periclymenoides</i> | Pinkster azalea |

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|--------------------------------------|---|
| Rhododendron viscosum | Swamp azalea |
| Rhus aromatica | Fragrant sumac, Sweet scented sumac/Lemon sumac |
| Rhus copallina | Winged sumac |
| Rhus glabra | Smooth sumac |
| Rhus typhina | Staghorn sumac |
| Rosa blanda | Smooth rose, Meadow rose |
| Rubus allegheniensis | Common blackberry, Allegheny blackberry |
| Salix humilis | Prairie willow |
| Salix lucida | Shining willow |
| Sambucus canadensis | American elderberry |
| Spiraea tomentosa | Hardhack spirea |
| Vaccinium angustifolium | Lowbush blueberry |
| Vaccinium corymbosum | Highbush blueberry |
| Viburnum acerifolium | Maple leaf viburnum |
| Viburnum alnifolium (V. Lantanoides) | Hobble bush |
| Viburnum dentatum | Arrowwood viburnum |
| Viburnum lentago | Nanny-berry |
| Viburnum prunifolium | Black-haw |

Appendix B - Selection List for On-site Trees

Small Trees

| BOTANICAL NAME | COMMON NAME |
|------------------------------|-----------------------------|
| Amelanchier laevis | Serviceberry |
| Betula nigra | River birch |
| Betula populifolia | Grey birch |
| Carpinus caroliniana | Hornbeam |
| Cercis canadensis | Eastern redbud |
| Cornus florida | Flowering dogwood |
| Crataegus crus-galli inermis | Thornless cockspur hawthorn |
| Crataegus phaenopyrum | Washington hawthorn |
| Hamamelis virginiana | Witch hazel |
| Ilex opaca | American holly |
| Juniperus virginiana | Eastern red cedar |
| Populus tremuloides | Quaking aspen |
| LARGE TREES | |
| BOTANICAL NAME | COMMON NAME |
| Acer rubrum | Red maple |
| Acer saccharum | Sugar maple |
| Betula lenta | Black/Sweet birch |

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|--------------------------------|-------------------------|
| <i>Betula papyrifera</i> | Paper birch |
| <i>Celtis occidentalis</i> | Common hackberry |
| <i>Chamaecyparis thyoides</i> | Cedar, Atlantic white |
| <i>Fagus grandifolia</i> | American beech tree |
| <i>Fraxinus americana</i> | Ash, white |
| <i>Fraxinus pennsylvanica</i> | Ash, green |
| <i>Larix laricina</i> | Tamarack/American larch |
| <i>Liquidambar styraciflua</i> | Sweet gum |
| <i>Liriodendron tulipifera</i> | Tulip tree |
| <i>Nyssa sylvatica</i> | Black tupelo |
| <i>Picea rubens</i> | Spruce, red |
| <i>Pinus resinosa</i> | Pine, red |
| <i>Pinus rigida</i> | Pine, pitch |
| <i>Pinus strobus</i> | Pine, eastern white |
| <i>Platanus occidentalis</i> | American sycamore |
| <i>Populus deltoides</i> | Eastern cottonwood |
| <i>Populus grandidentata</i> | Aspen, big toothed |
| <i>Quercus alba</i> | White oak |
| <i>Quercus borealis</i> | Northern red oak |

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|-------------------|--------------|
| Quercus palustris | Pin oak |
| Quercus phellos | Willow oak |
| Quercus prinus | Chestnut oak |
| Quercus rubra | Red oak |
| Tilia americana | Basswood |