



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 5 - Special Bay Street Corridor District (BSC)**

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## Chapter 5 - Special Bay Street Corridor District (BSC)

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### 135-00 - GENERAL PURPOSES

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LAST AMENDED

The “Special Bay Street Corridor 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 encourage well-designed buildings that complement the built character of the St. George, Stapleton and Tompkinsville neighborhoods;
- (b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;
- (c) to maintain and reestablish physical and visual public access to the Stapleton neighborhood and to the waterfront;
- (d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (e) to provide flexibility to attract new commercial and retail uses and support the existing businesses that define the area;
- (f) to create a livable community combining housing, retail and other uses throughout the district;
- (g) to create a walkable, urban streetscape environment through a mix of ground floor uses that connect the town centers of St. George and Stapleton;
- (h) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;
- (i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (j) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

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### 135-01 - General Provisions

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LAST AMENDED

The provisions of this Chapter shall apply within the #Special Bay Street Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter.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.

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### 135-02 - District Plan and Maps

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LAST AMENDED

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 - Special Bay Street Corridor District, Subdistricts and Subareas

Map 2 - Location of Visual Corridors

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## **135-025 - Applicability of Article VI, Chapter 6**

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LAST AMENDED 11/23/2021

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.

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## **135-03 - Subdistricts**

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LAST AMENDED

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established as follows:

- Subdistrict A
- Subdistrict B
- Subdistrict C
- Subdistrict D
- Subdistrict E

Within Subdistrict B, subareas are established as follows:

- Subarea B1
- Subarea B2

Within Subdistrict D, subareas are established as follows:

- Subarea D1
- Subarea D2

The location and boundaries of these subdistricts are shown on Map 1 (Special Bay Street Corridor District and Subdistricts) in Appendix A of this Chapter.

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## **135-04 - Applicability**

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LAST AMENDED

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## **135-041 - Applicability of Article I, Chapter 2**

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LAST AMENDED

The definition of “lower density growth management area” in Section [12-10](#) shall exclude all districts within the #Special Bay Street Corridor District#.

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### **135-042 - Applicability of the Quality Housing Program**

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LAST AMENDED

Any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building#, and shall comply with the provisions of Article II, Chapter 8 (The Quality Housing Program).

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### **135-043 - Applicability of the Inclusionary Housing Program**

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LAST AMENDED

For the purposes of applying the Inclusionary Housing Program set forth in Section [23-90](#), the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

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### **135-044 - Applicability of Article VI, Chapter 4**

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LAST AMENDED

5/12/2021

Notwithstanding the general provisions of Section [135-01](#), 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.

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### **135-045 - Applicability of Article VI, Chapter 6**

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LAST AMENDED

10/7/2021

Notwithstanding the general provisions of Section [135-01](#), 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.

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### **135-046 - Applicability of this Chapter to certain zoning lots in Subdistrict D**

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LAST AMENDED

10/7/2021

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

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## **135-10 - SPECIAL USE REGULATIONS**

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LAST AMENDED

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

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## 135-11 - Ground Floor Use Regulations

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LAST AMENDED

5/12/2021

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section [37-30](#), any portion of a #ground floor level# #street# frontage along Bay Street, as well as any #street# frontage within 50 feet of Bay Street, shall be considered a #primary street frontage#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, inclusive, defined terms shall include those in Sections [12-10](#) and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section [37-33](#) (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

For #zoning lots# with a #lot area# of less than 5,000 square feet existing both on June 26, 2019 and on the date of application for a building permit, the provisions of this paragraph (a) shall not apply. In lieu thereof, the provisions of paragraph (b) of this Section shall apply.

In #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section [37-361](#) (Blank wall thresholds).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section [37-35](#).

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

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## 135-13 - Breweries

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LAST AMENDED

5/12/2021

Within the #Special Bay Street Corridor District#, breweries, as listed in Use Group 18A, shall be permitted in Commercial

Districts provided that:

- (a) the size of such brewery does not exceed 30,000 square feet; and
- (b) any brewery #developed# or #enlarged# after June 26, 2019, shall contain an #accessory# eating or drinking establishment.

For the purposes of applying the underlying regulations, such brewery shall be considered a Use Group 11A #use# and shall be within parking requirement category PRC-F. The performance standards for an M1 District set forth in Section [42-20](#), inclusive, shall apply to such breweries.

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## **135-14 - Modification of Supplemental Use Provisions**

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LAST AMENDED  
5/12/2021

In Subdistricts A, B and C, the underlying provisions of Section [32-421](#) (Limitation on floors occupied by commercial uses) shall be modified as follows:

- (a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;
- (b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply; and
- (c) Any brewery #developed# or #enlarged# in accordance with the provisions of Section [135-14](#), shall be subject to the provisions of Section [32-421](#).

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## **135-20 - SPECIAL BULK REGULATIONS**

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LAST AMENDED

The underlying #floor area#, #yard#, #street wall# location and height and setback regulations are modified by the provisions of this Section.

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## **135-21 - Special Floor Area Regulations**

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LAST AMENDED

The underlying #floor area# regulations are modified by the provisions of this Section. For the purpose of this Section, defined terms include those set forth in Sections [12-10](#) and 23-911.

The table below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict. Column 1 sets forth the maximum #floor area ratio# for #commercial# #uses# other than offices, as listed in Use Group 6B, and Column 2 sets forth the maximum #floor area ratio# for offices. Column 3 sets forth the maximum #floor area ratio# for #residences#, other than #MIH sites# and #affordable independent residences for seniors#, that are subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section [23-154](#) (Inclusionary Housing). Column 4 sets forth the maximum #residential# #floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section [23-154](#), or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. Column 4 also sets forth the maximum #floor area ratio# for #community facility uses#, other than #long-term care facilities#. Column 5 sets forth the maximum #floor area ratio# for #zoning lots# containing

#affordable independent residences for seniors# or #long-term care facilities#.

For #zoning lots# with #buildings# containing multiple #uses# or for #zoning lots# with multiple #buildings# containing different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the table, and the maximum #floor area ratio# for the #zoning lot# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

MAXIMUM #FLOOR AREA RATIO#

	Column 1	Column 2	Column 3	Column 4	Column 5
Subdistrict, or Subarea, as applicable	For #commercial# #uses# other than offices	For offices	For #residences# other than #MIH sites# and #affordable independent residences for seniors#	For #MIH sites# and #community facility uses# other than #long-term care facilities#	For #affordable independent residences for seniors# or #long-term care facilities#
A	2.0	4.0	3.6	4.0	4.6
B	2.0	3.6	3.0	3.6	3.9
C	2.0	3.0	2.5	3.0	3.25
D1	2.0	2.0	2.5	3.0	3.25
D2	2.0	2.0	2.25	2.75	3.0
E	2.0	2.0	2.0	2.2	2.2

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### 135-22 - Special Lot Coverage Regulations

LAST AMENDED

The underlying #lot coverage# regulations are modified by the provisions of this Section.

The maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

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### 135-23 - Special Yard Regulations

LAST AMENDED

The underlying #yard# regulations are modified by the provisions of this Section.

In Subdistrict A, no #rear yard# or #rear yard equivalent# need be provided for #commercial buildings#, #community facility buildings#, or the portion of a #mixed building# containing #commercial# or #community facility uses#.

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## 135-24 - Special Street Wall Location Regulations

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LAST AMENDED

5/12/2021

The underlying #street wall# location provisions are modified by the provisions of this Section.

(a) Along Bay Street

Along Bay Street, and along #streets# within 50 feet of their intersection with Bay Street, the following #street wall# regulations shall apply:

- (1) At least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#, and shall rise without setback up to at least the minimum base height specified in Section [135-25](#) (Special Height and Setback Regulations), or the height of the #building#, whichever is lower. Pursuant to Section [135-31](#) (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.
- (2) For #developments# or horizontal #enlargements# of #buildings#, or portions thereof, within the #flood zone# where no transparent materials are provided on the #ground floor level# #street wall# below a height of four feet above the level of the adjoining sidewalk, pursuant to the provisions of Sections [135-11](#) (Ground Floor Use Regulations) and [37-34](#) (Minimum Transparency Requirements) for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#. Such #street wall# shall not be located beyond five feet of the #street line#. Such #street wall# shall provide visual mitigation elements in accordance with the provisions for Type 2 blank walls set forth in Section [37-361](#) (Blank wall thresholds), and any area between the #street wall# and the sidewalk that does not contain any planting material pursuant to the provisions of Section [37-362](#) (Mitigation elements) shall be improved to Department of Transportation standards for sidewalks.
- (3) A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection of two #street lines#.

(b) Along Van Duzer Street

Along Van Duzer Street, and along #streets# within 50 feet of their intersection with Van Duzer Street, the underlying #street wall# location regulations shall apply.

(c) Along all other #streets#

Along all #streets# that are not subject to paragraphs (a) or (b) of this Section, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line#. The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet are located within an #outer court#. Where the #street wall# of a #building#, or an individual segment thereof, exceeds the maximum base height established in Section [135-25](#), such #street wall# shall rise without setback to at least the minimum base height



specified in Section [135-25](#).

The underlying allowances for #street wall# articulation, set forth in paragraph (d) of Section [23-661](#) or paragraph (e) of Section [35-651](#), as applicable, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section.

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## 135-25 - Special Height and Setback Regulations

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LAST AMENDED

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section [135-31](#) (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(a) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, where applicable, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings# in the #Special Bay Street Corridor District#.

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

In Subdistrict A and Subarea B1, any portion of a #building or other structure# located above the maximum transition height, and in Subarea B2 and Subdistrict C, any portion of a #building or other structure# located above the maximum base height, shall be subject to the maximum #street wall# width restrictions set forth in paragraph (c) of this Section.

### MAXIMUM BASE HEIGHTS AND MAXIMUM #BUILDING# HEIGHTS

Subdistrict or Subarea, as applicable	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)	Maximum Number of #Stories#
A	40	65	85	125	12
B1	40	65	85	125	12
B2	40	65	N/A	125	12

C	40	65	N/A	85	8
D1	40	65	N/A	75	7
D2	40	65	N/A	65	6
E	30	45	N/A	55	5

(b) Required setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in the table in paragraph (a), a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, and a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section [23-662](#) (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(c) Maximum #street wall# width in Subdistricts A, B and C

In Subdistricts A, B and C, the maximum #building# height set forth in the table in paragraph (a) shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in Subdistrict A and Subarea B2, such maximum #building# height shall be permitted beyond 100 feet of #streets# intersecting Bay Street, provided that the maximum #street wall# width above the maximum base height does not exceed 100 feet.

In all such Subdistricts, 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.

(d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section [23-621](#) (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

**135-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS**

LAST AMENDED

**135-31 - Special Visual Corridor Requirements**

LAST AMENDED

Within the #Special Bay Street Corridor District#, visual corridors shall be provided east of Bay Street, prolonging Swan Street,

Clinton Street, and Grant Street, as shown on Map 2 in the Appendix to this Chapter. The location of the visual corridor prolonging Grant Street may be located anywhere within the flexible location designated on Map 2.

(a) General Requirements

The boundaries of visual corridors shall be considered #street lines# for the purposes of applying the #use#, #bulk# and parking provisions of this Resolution, except that such portion of the #zoning lot#:

- (1) shall continue to generate #floor area# ;
- (2) may be included for the purposes of calculating #lot coverage# ; and
- (3) shall be permitted to accommodate open, unscreened, tandem (one behind the other) #accessory# off-street parking spaces, provided that any such parking spaces are provided in accordance with DOT standards for on-street parking.

Such visual corridors shall be a minimum of 60 feet wide and shall be improved in accordance with paragraph (b) of this Section

(b) Required improvements

All required visual corridors shall be improved as follows:

- (1) Where a visual corridor is utilized to provide access to #accessory# off-street parking, such visual corridor shall be improved to the minimum Department of Transportation (DOT) standards for public #streets#, from its intersection with Bay Street to at least the curb cut provided to such #accessory# off-street parking, or as deep as necessary to accommodate any parking located on the visual corridor, as applicable. Any remaining portion of the visual corridor may be improved in accordance with the standards in paragraph (b)(2)(ii) of this Section.
- (2) Where a visual corridor does not provide access to #accessory# off-street parking, such visual corridors, may either:
  - (i) be improved to the minimum DOT standards for public #streets#; or
  - (ii) be improved to provide an open area, as follows:
    - (a) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;
    - (b) the remainder of the open area, as applicable, may contain any combination of:
      - (1) streetscape amenities including, but not limited to, benches or tables and chairs;
      - (2) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks;
      - (3) unenclosed eating or drinking establishments; or

- (4) streetscape-enhancing amenities including, but not limited to, lighting or sculptural artwork.
- (c) In no event shall fencing be permitted in any open area of the visual corridor, except along the portion of a #lot line# adjacent to a railroad right-of-way.

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## **135-40 - SPECIAL PARKING AND LOADING REGULATIONS**

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LAST AMENDED

The underlying parking provisions are modified by the provisions of this Section.

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## **135-41 - Commercial Parking Requirements**

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LAST AMENDED

In #mixed buildings#, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for #commercial# #uses# other than offices, as listed in Use Group 6B, the equivalent of 0.5 #floor area ratio#, or the amount of non-office #commercial# #floor area# in the #building#, whichever is less, may be deducted from the #floor area# used to determine such #commercial# parking calculation.

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## **135-42 - Residential Parking Waivers**

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LAST AMENDED

The underlying #residential# parking waivers shall apply only to #zoning lots# existing both on June 26, 2019, and on the date of application for a building permit.

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## **135-43 - Location of Parking Spaces**

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LAST AMENDED

All #accessory# off-street parking spaces may be provided within #public parking garages#. Such spaces may also be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

- (a) such parking facilities are located either:
  - (1) within the #Special Bay Street Corridor District#; or
  - (2) outside the #Special Bay Street Corridor District#, subject to the underlying provisions for off-site parking spaces set forth in Sections [25-52](#) (Off-site Spaces for Residences), [25-53](#) (Off-site Spaces for Permitted Non-residential Uses), [36-42](#) (Off-site Spaces for Residences) or [36-43](#) (Off-site Spaces for Commercial or Community Facility Uses), as applicable;
- (b) each off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and
- (c) in no event shall the number of #accessory# parking spaces within such facility exceed that permitted in accordance with the underlying regulations.

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## **135-44 - Special Loading Regulations**

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LAST AMENDED

For the purposes of applying the underlying loading regulations, the requirements for C2 Districts mapped within an R7 District shall apply to all #Commercial Districts# in the #Special Bay Street Corridor District#.

In addition, the underlying loading regulations shall be modified as follows:

- (a) the requirements of Section [36-60](#), inclusive, shall not apply to changes of #uses#;
- (b) the provisions of Sections [36-63](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and [36-64](#) (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses) shall not apply; and
- (c) the minimum length requirements for loading berths #accessory# to #commercial# #uses#, other than funeral establishments, set forth in Section [36-681](#) (Size of required berths) shall be increased to 37 feet.

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## **135-45 - Location of Curb Cuts**

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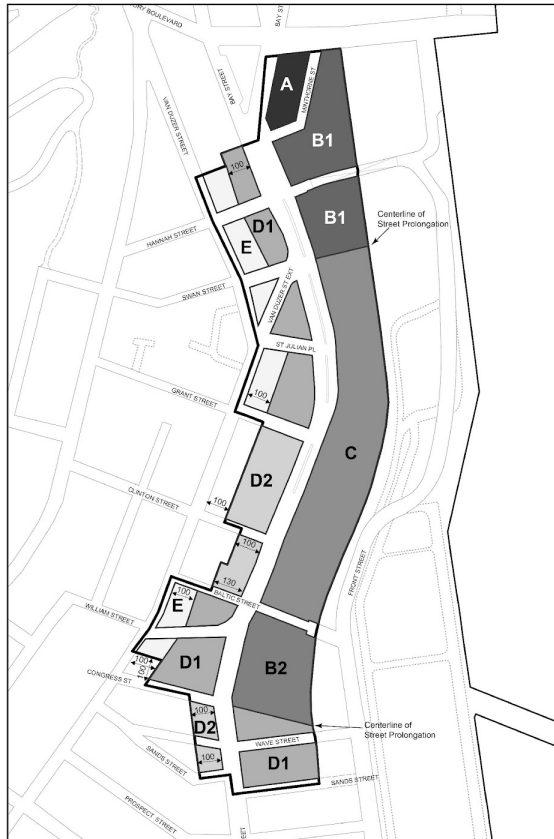
LAST AMENDED

For #zoning lots# existing on June 26, 2019, with frontage along Bay Street and along another #street# frontage, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along Bay Street.

## **APPENDIX A - SPECIAL BAY STREET CORRIDOR DISTRICT**

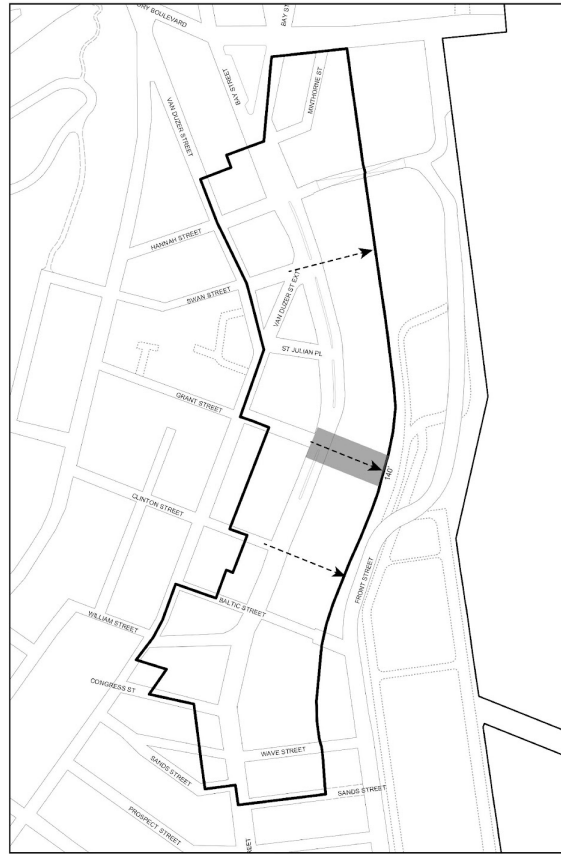
LAST AMENDED

Map 1 – Special Bay Street Corridor District, Subdistricts and Subareas



- |  |                  |                 |
|--|------------------|-----------------|
| □ Special Bay Street Corridor District | ■ Subdistrict A  | ■ Subdistrict C |
| ■ Subdistrict B1                       | ■ Subdistrict B2 | ■ Subdistrict D |
| ■ Subdistrict D1                       | ■ Subdistrict D2 | ■ Subdistrict E |
| ■ Subarea B1                           | ■ Subarea B2     | ■ Subarea D1    |
| ■ Subarea D1                           | ■ Subarea D2     | ■ Subarea O2    |
|  |                  | ■ Subdistrict E |

# Map 2 – Location of visual corridors



— Special Bay Street Corridor District      - - - - Visual Corridor  
█ Flexible Location Zone

