



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

Eric Adams, Mayor

CITY PLANNING COMMISSION

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Chapter 1 - Special Tribeca Mixed Use District (TMU)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

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
10/13/2010

(a) Loft dwellings

#Loft dwellings# created prior to October 13, 2010, shall be governed by the provisions for #loft dwellings# in Section [111-40](#) (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after October 13, 2010, except as the result of a subdivision of a #loft dwelling# existing prior to October 13, 2010.

(b) Home occupations

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

- (1) businesses operated as #home occupations# may have up to three non-#residential# employees; and
 - (2) notwithstanding the limitation on #uses# listed in the definition of #home occupation# in Section [12-10](#), a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#.
-

111-12 - Ground Floor Use Restrictions

LAST AMENDED
10/13/2010

In all areas except Area A2, ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.

111-13 - Additional Use Regulations

LAST AMENDED
10/13/2010

(a) Areas A1 and A3

- (1) #Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited:

within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;

all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section [73-21](#);

all Use Group 16C #uses#;

within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;

within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and

all Use Group 17C #uses#, except agriculture.

- (2) The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway:

all Use Group 8A #uses#;

all Use Group 8D #uses#;

all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or television studios; and

all Use Group 12A #uses#.

- (3) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, the following #uses# 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):

all #uses# in Use Groups 6A and 6C;

all #uses# in Use Group 10 with parking categories B or B1; and

the above #uses# when listed in other use groups.

Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Groups 6A, 6C or all #uses# with parking categories B or B1 in Use Group 10.

In addition, in #buildings# not fronting on the #streets#, listed in paragraph (a)(3) of this Section, #uses# listed in Use Groups 6A and 6C 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) All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted;

(2) The following #uses# listed in Use Group 16 shall be permitted:

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.

Household or office equipment or machinery repair shops

Machinery rental or sales establishments.

(3) All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:

Building materials or contractors' yards, open or enclosed

Produce or meat markets, wholesale

Adhesives, including manufacture of basic components

Food products, including slaughtering of meat or preparation of fish for packing

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, including manufacture of natural or synthetic rubber

Shoddy

Soap or detergents.

- (4) For establishments with frontage on #wide streets#, #uses# listed in Use Groups 6A, 6C and 10 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#.

The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section [111-32](#).

- (c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. The Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the #streets# listed in this paragraph (c). Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.
- (d) Environmental conditions for Area A2
- (1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.
- (2) 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.

* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B)

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

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LAST AMENDED
12/6/2023

- (a) Area A1

The regulations applicable to a C6-2A District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section [23-692](#) (Height limitations for narrow buildings or enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.

(b) Area A2

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

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted shall be 7.52. 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.

(2) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on #interior lots# and #through lots# shall not exceed 80 percent of the #lot area#. The maximum permitted #lot coverage# on #corner lots# shall be 100 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections [23-44](#), [24-12](#) or [33-23](#) shall not count as #lot coverage#.

(3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections [23-532](#) and [24-382](#) (Required rear yard equivalents) and [23-71](#) (Minimum Distance Between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(4) #Height factor#, front height and setback regulations

The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District

shall not apply. In lieu thereof, for the first two #stories# of any #development# or #enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot#, not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth in this paragraph (b)(4). Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25 feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall abut the #street line# at least once every 25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and #community facility# #developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections [23-84](#) and [24-63](#).

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(5) Curb cuts

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

(c) Area A3

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

(1) Height and setback regulations

The height and setback regulations of Section [35-65](#) (Height and Setback Requirements for Quality Housing Buildings) shall not apply. In lieu thereof, the following height and setback regulations shall apply:

(i) Permitted obstructions

Permitted obstructions for all #buildings or other structures# shall be as set forth in Section [33-42](#).

(ii) Measurement of height

Heights of all #buildings or other structures# shall be measured from the #base plane#.

(iii) #Street wall# location

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection. 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#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.

(iv) Maximum height of #street walls# and required setbacks

The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, 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#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.

(v) Maximum #building# height

No #building or other structure# shall exceed a height of 135 feet.

(vi) Vertical #enlargements# of low #buildings#

Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section [23-692](#) (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.

(d) Areas A4, A5, A6 and A7

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

- (1) The applicable height and setback regulations, as set forth in Section [35-65](#) (Height and Setback Requirements for Quality Housing Buildings), inclusive, shall be modified, as follows:

Area	Minimum Base Height (in ft.)	Maximum Base Height (in ft.)	Maximum #Building# Height (in ft.)
A4	60	70	140
A5	60	70	110
A6	60	85	120
A7	60	85	120

For any #building# or portion thereof within Area A4, a penthouse portion of a #building#, not exceeding 10 feet in height, may be constructed within Area A4 above the maximum #building# height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

However, for any #building# or portion thereof located within Area 4 and within an Historic District designated by the Landmarks Preservation Commission, the underlying height and setback regulations of Section [35-24](#) shall apply, except that the maximum height of such #buildings#, or portions thereof, shall be 160 feet and the 10 foot penthouse allowance set forth in this paragraph (d)(1) shall not apply.

- (2) The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts).
- (3) The maximum #floor area ratio# permitted on a #zoning lot# shall be as follows:

Area	Maximum #Floor Area Ratio#
A4	6.5
A5	5.5
A6	5.4
A7	5.0

- (4) Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section [12-10](#)

(DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section [23-90](#), except that the height and setback regulations of Sections [23-951](#) (Height and setback for compensated developments in Inclusionary Housing designated areas) and [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

- (5) #Buildings# that have received a certification from the Chairperson of the City Planning Commission pursuant to paragraph (c) of the former Section [111-20](#) (MINOR MODIFICATIONS), prior to October 13, 2010, to modify the rooftop open space requirements of the former Section [111-112](#) (Open space equivalent), shall be exempt from the rooftop open space requirements of Section [15-24](#) (Open Space Equivalent).
- (6) Notwithstanding any of the provisions of Section [11-33](#) (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. [231-09-BZ](#) to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within six years of the original granting of said variance.

111-30 - SPECIAL PERMITS

LAST AMENDED
10/13/2010

111-32 - Special Permit for Certain Large Commercial Establishments

LAST AMENDED
10/13/2010

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.

111-40 - REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010

LAST AMENDED
10/13/2010

The following is applicable to all existing #loft dwellings#, created prior to October 13, 2010, within the #Special Tribeca Mixed Use District#.

- (a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.
- (b)
- (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:
- (i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;
 - (ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;
 - (iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or
 - (iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.
- (2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section [15-024](#) (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:
- (i) for which a determination of #residential# occupancy on September 1, 1980 has been made;
 - (ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
 - (iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section [15-024](#) have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

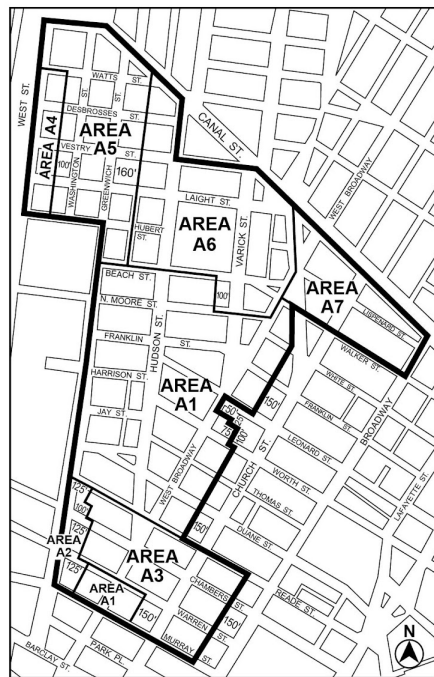
- (c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.
- (d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and one-third percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

- (e) At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.
- (f) Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section [32-42](#) (Location Within Buildings).

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 3/22/2024

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

2/2/2011

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 Districts

LAST AMENDED

2/2/2011

Within a C1 District, all #uses# permitted in Use Groups 1, 2, 3, 4, 5 and 6, as listed in Sections [32-11](#) to [32-15](#), are permitted, except:

Court houses

Electric and gas substations

Public utility stations

Telephone exchanges.

Additional permitted #uses# are:

Custom manufacturing and sale of jewelry, ceramics, art and needlework, limited to 10,000 square feet per establishment.

112-072 - Uses permitted in C2 Districts

LAST AMENDED

2/2/2011

Within a C2 District, all [commercial# #uses#](#) listed in Section [112-071](#) (Uses permitted in C1 Districts) are permitted as well as all [#uses#](#) permitted as-of-right in C2 Districts, as set forth in Section [32-10](#), except:

Automobile sales, including motorcycle and [#trailer#](#)

Prisons

Refreshment stands, drive-in

Wholesale establishments.

112-073 - Uses permitted in C3 Districts

LAST AMENDED

2/2/2011

Within a C3 District, Use Groups 1, 2, 3 and 4 in Sections [32-11](#) to [32-13](#), and all [commercial# #uses#](#) listed in Use Group 14 in Section [32-23](#), are permitted, as well as:

[#Boatels#](#)

Eating or drinking places, including those that provide outdoor table service or incidental musical entertainment.

112-074 - Ground floor use restrictions on certain blocks

LAST AMENDED

2/2/2011

For all [#buildings#](#) fronting on City Island Avenue between Bay Street and Carroll Street, only non-[#residential uses#](#) shall be permitted on the ground floor level or within [#stories#](#) that have a floor level within five feet of [#curb level#](#), except for Type 1 lobbies provided in accordance with Section [37-33](#) (Maximum Width of Certain Uses).

112-075 - Uses permitted in M1 Districts

LAST AMENDED

2/2/2011

Within an M1 District, all [#uses#](#) listed in Use Groups 4B, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16A and 17 are permitted, except:

Automobile sales, including motorcycle and [#trailer#](#)

Bottle works

Cotton ginning or cotton wadding or linters

Fuel, ice, coal or wood establishments with open storage

Manufacturing of autos, trucks or [#trailers#](#), including parts

Motorcycle manufacturing, including parts

Motorcycle or motor scooter rental

Poultry or rabbit killing establishments

Prisons

Public transit or railroad substations

Public utility stations

Railroads, including rights-of-way

Refreshment stands, drive-in

Telephone exchanges

Truck weighing scales

Trucking terminals and motor freight stations.

112-08 - Uses Permitted by Special Permit

LAST AMENDED

2/2/2011

In C1, C2 or C3 Districts, the City Planning Commission may permit #automotive service stations#, auto repair establishments, #public parking garages# or #public parking lots#. As a condition for permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 cars or 20 percent of the spaces so provided, whichever amount is less; and
- (c) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights or for setback of any roof parking areas from #lot lines#.

112-09 - Sign Regulations

LAST AMENDED

1/20/1977

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

112-101 - Special open space and lot coverage regulations

LAST AMENDED
9/28/2004

In C3 Districts, for a #residential use#, the maximum #lot coverage# shall be 65 percent and the minimum required #open space# shall be 35 percent.

112-102 - Special floor area regulations for mixed buildings

LAST AMENDED
9/30/2003

In C1, C2 and C3 Districts, for #buildings# containing #residences# with frontage on City Island Avenue, not more than one #story# of #commercial# #use# may be provided in such #buildings# and such #story# shall be excluded from the definition of #floor area#.

112-103 - Special height and setback regulations

LAST AMENDED
2/2/2011

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 [112-106](#) or 112-107.

112-104 - Special transparency requirements along City Island Avenue

LAST AMENDED
2/2/2011

For #buildings# with ground floor #commercial# or #community facility# #uses# fronting upon City Island Avenue, the provisions of Section [37-34](#) (Minimum Transparency Requirements) shall apply to any #street wall# of such #building# facing City Island Avenue.

112-106 - Authorization for modification of height and setback regulations

LAST AMENDED
2/2/2011

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.

112-107 - Special permit for modification of height and setback regulations

LAST AMENDED
2/2/2011

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.

112-11 - Special Parking Regulations

LAST AMENDED
4/30/2008

112-111 - Accessory parking for commercial uses

LAST AMENDED
2/2/2011

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.

112-112 - Accessory parking and floor area requirements for eating or drinking establishments

LAST AMENDED
2/2/2011

After July 10, 1985, for any #development#, #extension# or change of #use# involving an eating or drinking establishment 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 [44-23](#) (Waiver of Requirements for Spaces Below Minimum Number) or Sections [52-41](#) (General Provisions), with respect only to #enlargements# or #extensions# to provide off-street parking spaces, [73-43](#) (Reduction of Parking Spaces) and [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.

112-113 - Reservoir space requirements for eating and drinking establishments

LAST AMENDED
2/2/2011

All #developments#, #extensions# or changes of #use# involving an eating or drinking establishment 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.

112-114 - Screening and tree planting requirements for all parking lots with 10 or more spaces

LAST AMENDED
4/30/2008

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 [42-52](#) (Permitted Signs).

112-115 - Location of parking spaces along City Island Avenue

LAST AMENDED

4/30/2008

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#.

112-13 - Zoning Applicability at the Shoreline

LAST AMENDED

2/2/2011

112-131 - Location of zoning district boundary lines

LAST AMENDED

2/2/2011

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

112-132 - Naturally or lawfully altered shorelines and development rights on piers

LAST AMENDED

2/2/2011

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.

112-14 - Special Requirements for Waterfront Access

LAST AMENDED
2/2/2011

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.

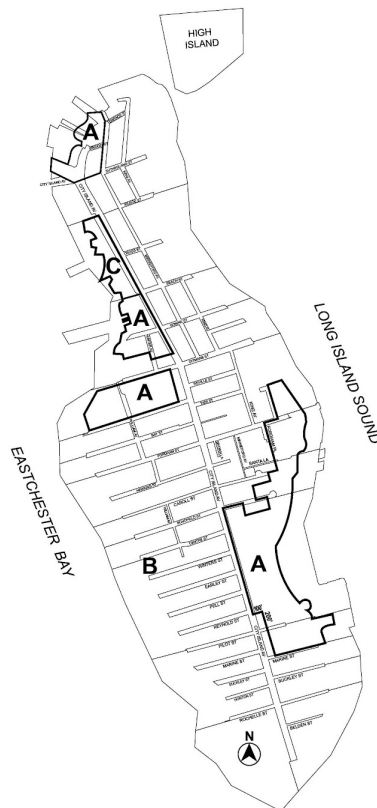
Such sitting area shall be accessible by means of either a direct connection to a public sidewalk or a public way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such public way shall be comprised of a planting strip of at least four feet in width containing one 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



Height Areas

- | | |
|----------|---|
| A | 35 ft./3 Story Limit or
50 ft./5 Story Limit by Special Permit |
| B | 35 ft./3 Story Limit |
| C | Existing Regulations |



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 3 - Special Ocean Parkway District (OP)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

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

10/7/2021

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 Hazard Areas), 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 Inclusionary Housing Program provisions set forth in Sections [23-154](#) and [23-90](#), inclusive, #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 [113-57](#), 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 - SPECIAL LANDSCAPING REGULATIONS

LAST AMENDED
1/20/1977

Within the 30 foot #front yard# required along Ocean Parkway, landscaping in the form of grass, ground cover, trees or shrubs shall be provided at #curb level# or the natural grade level. Paving within the #front yard# shall be limited to the amount necessary for driveways or walkways. Fences are permitted along the #front# or #side lot line# provided that such fence is no higher than four feet above #curb level#.

113-31 - Tree Planting Requirements

LAST AMENDED
4/30/2008

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 [26-41](#) (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

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

8/3/1993

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.

113-502 - Special use regulations

LAST AMENDED

8/3/1993

Within the Subdistrict, #single-# and #two-family detached# and #semi-detached residences# and #uses# listed in Use Groups 3 or 4 are the only permitted #uses#. #Non-conforming single-# or #two-family residences# may be #enlarged# or #extended# pursuant to the provisions of the Subdistrict provided that a 30 foot #rear yard# is maintained. All other #non-conforming uses# shall be subject to the provisions of Article V, Chapter 2 (Non-conforming Uses).

113-503 - Special bulk regulations

LAST AMENDED

2/2/2011

For #single-# and #two-family# #detached# and #semi-detached residences#, and for #zoning lots# containing both #community facility# and #residential uses#, certain underlying district #bulk# regulations are set forth in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), except as superseded by those set forth in Sections [113-51](#) through [113-55](#), inclusive. The regulations applicable to a #predominantly built-up area# shall not apply in the Subdistrict.

For #community facility buildings#, the #bulk# regulations of Article II, Chapter 3, are superseded by those set forth in Sections [113-51](#) (Maximum Permitted Floor Area Ratio), [113-542](#) (Minimum required front yards), [113-543](#) (Minimum required side yards), [113-544](#) (Minimum required rear yards) and [113-55](#) (Height and Setback Regulations). The provisions of Sections [24-01](#) (Applicability of this Chapter), [24-012](#) (Exceptions to the bulk regulations of this Chapter), paragraph (a), and [24-04](#) (Modification of Bulk Regulations in Certain Districts), pertaining to R4-1 Districts, shall not apply in the Subdistrict.

113-51 - Maximum Permitted Floor Area Ratio

LAST AMENDED

8/3/1993

The maximum permitted #floor area ratio# shall be 1.50.

113-52 - Density Regulations

LAST AMENDED

7/26/2001

The regulations set forth in Section [23-22](#) (Maximum Number of Dwelling Units) pertaining to R4-1 Districts shall apply.

113-53 - Lot Area, Lot Width and Density Regulations

LAST AMENDED

2/2/2011

The regulations set forth in Section [23-32](#) (Minimum Lot Area or Lot Width for Residences) pertaining to R4-1 Districts shall apply to #residential uses#. The regulations set forth in Section [24-20](#) (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES), pertaining to R4 Districts, shall apply to #buildings# used partly for #residence# and partly for #community facility use#.

113-54 - Yard Regulations

LAST AMENDED

8/3/1993

113-541 - Permitted obstructions in required yards or rear yard equivalents

LAST AMENDED
2/2/2011

For permitted #residential uses#, the provisions of Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) 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 18-foot #front yard# in R4 or R5 Districts shall not be permitted; and
- (c) balconies shall not be a permitted obstruction in #rear yards# or #rear yard equivalents#.

113-542 - Minimum required front yards

LAST AMENDED
8/3/1993

The regulations set forth in Section [23-45](#) (Minimum Required Front Yards) pertaining to R4-1 Districts shall apply.

113-543 - Minimum required side yards

LAST AMENDED
2/2/2011

The regulations set forth in Section [23-461](#) (Side yards for single- or two- family residences) pertaining to R4A Districts shall apply to #detached buildings#. The regulations in that Section pertaining to R4-1 Districts shall apply to #semi-detached residences#.

For an existing #single-# or #two-family residence# with a #non-complying# #side yard#, an #enlargement# involving a straight line extension of the existing #building# walls facing such #non-complying# #side yard# is permitted, provided that:

- (a) the portion of the #building# which is #enlarged# complies with the height and setback regulations set forth in Section [113-55](#);
- (b) the minimum distance between such #building# wall and the nearest #building# wall, or prolongation thereof, on an adjoining #zoning lot# across the common #side lot line# is eight feet;
- (c) the #enlarged# #building# does not contain more than two #dwelling units#;
- (d) there is no encroachment on the existing #non-complying# #side yard#, except as set forth in this Section; and
- (e) the #enlargement# does not otherwise result in the creation of a new #non-compliance# with the applicable #bulk# regulations.

113-544 - Minimum required rear yards

LAST AMENDED
8/3/1993

One #rear yard# with a depth of not less than 20 feet shall be provided on any #zoning lot# except a #corner lot#. The provisions of Section [23-52](#) (Special Provisions for Shallow Interior Lots) shall be inapplicable. The provisions of Section [23-53](#) (Special Provisions for Through Lots) pertaining to R4 Districts shall apply except that the provisions in Section [23-532](#) (Required rear yard equivalents) shall be modified to require 40 feet instead of 60 feet in paragraph (a), or 20 feet instead of 30 feet in paragraphs (b) and (c).

113-545 - Special provisions for side lot line walls

LAST AMENDED
2/2/2011

The regulations set forth in Section [23-49](#) (Special Provisions for Side Lot Line Walls) pertaining to R4-1 Districts shall apply.

113-55 - Height and Setback Regulations

LAST AMENDED
3/22/2016

The height and setback regulations of a #building or other structure# in the Subdistrict shall be those applicable to R4A Districts in Section [23-631](#) (General provisions), except that paragraph (b)(2) shall be modified as follows:

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. (See Section [23-631](#), Figure B).

113-56 - Parking Regulations

LAST AMENDED
8/3/1993

113-561 - General provisions

LAST AMENDED
8/3/1993

Except as set forth in this Section, the regulations set forth in Article II, Chapter 5 (Accessory Off-street Parking and Loading Regulations), pertaining to R2X Districts, shall apply.

113-562 - Parking requirements

LAST AMENDED
2/2/2011

One #accessory# off-street parking space shall be provided for each #dwelling unit# created after August 3, 1993. This requirement may be waived for a #single-family residence# on an #interior zoning lot# that has a width of less than 25 feet along a #street#.

113-57 - Administration

LAST AMENDED
8/3/1993

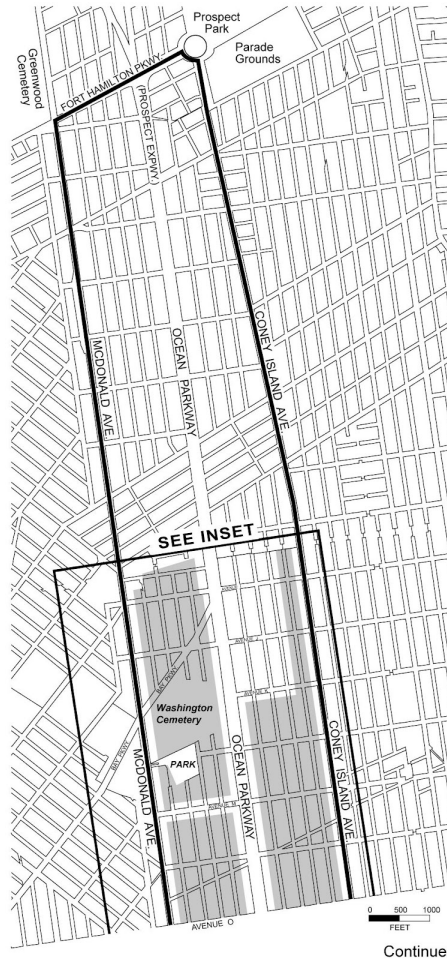
113-571 - Special provisions for zoning lots divided by district boundaries

LAST AMENDED
8/3/1993



For the purposes of applying the regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), the Subdistrict shall be considered an R4-1 District.

Appendix A - Special Ocean Parkway District

LAST AMENDED 8/3/1993





-  Special Ocean Parkway District
-  Subdistrict Area

Continued

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.

114-10 - 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

2/2/2011

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 only to a #building# that is used entirely for #community facility use#, 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 [24-04](#) (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
12/6/2023

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 (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts).

114-122 - Maximum building height and setback

†

LAST AMENDED
12/6/2023

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 #building or other structure# containing #community facility uses# 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](#), 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)

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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 purpose:

- (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
9/10/2007

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 | Street Wall Height |
| Map 5 | Maximum Building Height |
| Map 6 | 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.

115-10 - SPECIAL USE REGULATIONS

LAST AMENDED
9/10/2007

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 11B, are modified in Section [115-12](#). Special ground floor #use# and transparency regulations shall apply in the C4-5X and C6 Districts pursuant to Sections [115-13](#) (Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts) and [115-14](#) (Transparency Requirement in C4-5X and C6 Districts). The #use# regulations of the underlying M1-4 District, including Use Groups 3, 4, 6, 10, 16, 17 and 18, are modified as specified in Section [115-15](#).

115-11 - Public Parking Garages

LAST AMENDED
9/10/2007

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 [74-52](#) (Parking Garages or Public Parking Lots in High Density Central Areas).

115-12 - Use Group 11B in C6-4 Districts

LAST AMENDED
9/10/2007

In C6-4 Districts, the provisions of Section [32-20](#) (Use Group 11), paragraph B (Wholesale or Similar Establishments), shall be modified to allow wholesale establishments with no limitation on #accessory# storage.

115-13 - Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts

LAST AMENDED
2/2/2011

On designated #streets#, as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, the special ground floor #use#, frontage and major #building# entrance regulations of this Section shall apply to any #building# or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, shall be limited to #community facility uses# without sleeping accommodations, as listed in Section [115-15](#) (Modification of Use Regulations in M1-4 Districts), and #uses# listed in Use Groups 5, 6A, 6B, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C. A #building#'s #street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with Section [37-33](#) (Maximum Width of Certain Uses). Such non-#residential uses# shall comply with the minimum depth provisions of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses).

For #buildings# #developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon such designated #street#, such #development# or #enlargement# shall provide a major #building# entrance onto such #street#. However, #developments# or #enlargements# on #zoning lots# with frontage on more than one designated #street#, may provide a major #building# entrance on only one designated #street#.

115-14 - Transparency Requirement in C4-5X and C6 Districts

LAST AMENDED
2/2/2011

For #buildings# #developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, each ground floor #street wall# shall be glazed in accordance with Section [37-34](#) (Minimum Transparency Requirements).

115-15 - Modification of Use Regulations in M1-4 Districts

†

LAST AMENDED
12/6/2023

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

Use Groups 3A and 4A

The following #community facility uses# as listed in Sections [22-13](#) (Use Group 3) and [22-14](#) (Use Group 4) shall be permitted as-of-right, provided that such #uses# are without sleeping accommodations:

From Use Group 3A:

College or universities, including professional schools but excluding business colleges or trade schools

Libraries, museums or non-commercial art galleries, without limitation

#Schools#

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Community centers or settlement houses

Non-commercial recreation centers

Philanthropic or non-profit institutions, without limitation on central office functions

Rectories and parish houses

Seminaries

Welfare centers

Use Groups 6 and 10

All #uses# listed in Sections [32-15](#) (Use Group 6) and [32-19](#) (Use Group 10), shall be permitted and shall not be subject to the limitations specified in Section [42-12](#) (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 8, 9B, 10A, 10B, 11, 12A, 12C, 12D, 13, 14 and 16).

Use Groups 16, 17 and 18

The following #uses# from Sections [32-25](#) (Use Group 16), [42-14](#) (Use Group 17) and [42-15](#) (Use Group 18) shall be permitted, provided that such #uses# are in #completely enclosed buildings#, except as specifically modified in this Section.

From Use Group 16A (Retail or Service Establishments):

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales

Building materials sales, limited to 10,000 square feet of #lot area# per establishment

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments

Fuel, ice, oil, coal or wood sales, limited to 5,000 square feet of #lot area# per establishment

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Motorcycle or motor scooter rental establishments

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die or pattern making establishments, or similar small machine shops

Trade schools for adults

From Use Group 16B (Automotive Service Establishments):

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C (Vehicle Storage Establishments):

Commercial or public utility vehicle storage, including #accessory# motor fuel pumps

From Use Group 16D (Heavy Service, Wholesale or Storage Establishments):

- Carpet cleaning establishments
- Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment
- Laundries, with no limitation on type of operation
- Linen, towel or diaper supply establishments
- Moving or storage offices, with no limitation as to storage or #floor area# per establishment
- Packing or crating establishments
- Photographic developing or printing, with no limitation on #floor area# per establishment
- Warehouses
- Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A (Service or Wholesale Establishments):

- Building materials or contractors' yards, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment
- Produce or meat markets, wholesale

From Use Group 17B (Manufacturing Establishments):

- Advertising displays
- Aircraft, including parts
- Apparel or other textile products from textiles or other materials, including hat bodies, or similar products
- Beverages, non-alcoholic
- Bottling work, for all beverages
- Brushes or brooms
- Cameras or other photographic equipment, except film
- Canvas or canvas products
- Carpets
- Ceramic products, including pottery, small glazed tile, or similar products
- Chemicals, compounding or packaging
- Cork products
- Cosmetics or toiletries
- Cotton ginning, or cotton wadding or linters
- Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances
- Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery
- Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies
- Film, photographic
- Food products, except slaughtering of meat or preparation of fish for packing
- Fur goods, not including tanning or dyeing
- Glass products from previously manufactured glass
- Hair, felt or feather products, except washing, curing or dyeing
- Hosiery
- Ice, dry or natural
- Ink or inked ribbon
- Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks, or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Scenery construction

Silverware, plate or sterling

Soap or detergents, packaging only

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wax products

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

From Use Group 17C (Miscellaneous #Uses#):

Public transit, railroad or electric utility substations, open or enclosed, subject to the special permit provisions of Sections [73-16](#) or [74-61](#) (Public Transit, Railroad or Electric Utility Substations)

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger

stations

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

115-16 - Modification of Article V, Chapter 2

LAST AMENDED
9/10/2007

Within the #Special Downtown Jamaica District#, for any #zoning lot# in a C8-1 District prior to September 10, 2007, the provisions of paragraph (b) of Section [52-332](#) (Other buildings or structures in Residence Districts) and the provisions of paragraph (b) of Section [52-35](#) (Manufacturing or Related Uses in Commercial Districts) shall be modified as follows: A #non-conforming use# listed in Use Group 16 may not be changed to a #use# listed in Use Group 17.

115-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
9/10/2007

115-21 - Floor Area Ratio, Open Space and Lot Coverage

LAST AMENDED
10/7/2021

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

In C6-2 and C6-3 Districts, the underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, 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, the underlying #floor area ratio# provisions shall apply to #community facility uses#. 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.

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).

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

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section [115-211](#) (Special regulations for Inclusionary Housing designated areas) or Section [115-212](#) (Special regulations for Mandatory Inclusionary Housing areas), as applicable, for the district. In addition, 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](#). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#).

(c) #Lot coverage#

In C4 and C6 Districts, for #residential buildings# or the #residential# portion of a #mixed building#, the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior# or #through lot#.

115-211 - Special regulations for Inclusionary Housing designated areas

LAST AMENDED
10/9/2013

(a) Applicability

Locations in R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts designated in APPENDIX F of this Resolution within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#) (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

(b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# set forth in the table in this Section, except that such base #floor area ratio# may be increased to the maximum #floor area ratio#, set forth in Section [23-154](#) (Inclusionary Housing), through the provision of #affordable

housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section [23-90](#), inclusive.

District	Base #Floor Area Ratio#
R7A C4-4A	3.45
R7X C4-5X	3.75
R8 C6-2	5.4
R9 C6-3	6.0
R10 C6-4	9.0

(c) Modification of location requirements

The requirements of paragraph (a) of Section [23-96](#) (Requirements for Generating Sites or MIH Sites) shall be modified as follows: a #generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback

The height and setback regulations of Sections [23-951](#) (Height and setback for compensated developments in Inclusionary Housing designated areas) and [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be modified by the special height and setback regulations of Section [115-23](#), inclusive.

115-212 - Special regulations for Mandatory Inclusionary Housing areas

LAST AMENDED 11/23/2021

(a) Applicability

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections [23-154](#) and [23-90](#), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Downtown Jamaica District# are shown on the maps in APPENDIX F of this Resolution.

(b) Height and setback

The height and setback regulations of Sections [23-952](#) (Height and setback for Mandatory Inclusionary Housing areas) and [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be modified by the special height and setback regulations of Section [115-23](#), inclusive.

115-22 - Modification of Rear Yard Regulations

LAST AMENDED
10/29/2007

#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

LAST AMENDED
10/29/2007

In M1-4 Districts, the underlying height and setback regulations shall apply except as modified in Section [115-231](#) (Permitted obstructions).

In C4 and C6 Districts, the underlying height and setback regulations are modified as set forth in Sections [115-231](#) through [115-235](#), 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

†

LAST AMENDED
12/6/2023

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 (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts).

115-232 - Street wall location

LAST AMENDED
2/2/2011

C4 C6

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

- (a) For all locations, except as specified on Map 3 (Street Wall Location) in Appendix A of this Chapter, the #street wall# of a #building# shall be located on the #street line# and extend along at least 70 percent of the #street# frontage of the #zoning lot#. No #street wall# location rules shall apply to the remaining portion of the #street frontage# of the #zoning lot#; however, any #street walls# provided in such portion shall be located on the #street line# or recessed within an #outer court#. All required #street walls# shall rise without setback to at least the minimum base height specified in Section [115-233](#) (Street wall height), or the height of the #building#, whichever is less. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall apply on all such #street lines#.
- (b) Map 3 (Street Wall Location) in Appendix A of this Chapter, specifies the #street# frontages where the regulations set forth in this paragraph (b) apply.
- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage as specified on Map 3, and shall rise without setback to at least the minimum base height specified in Section [115-233](#), or the height of the #building#, whichever is less. This requirement shall also apply along that portion of any #street line# that intersects such #street# frontage, specified on Map 3, within 50 feet of such intersection.
- (2) To allow articulation of #street walls# at the intersection of two #street lines# with mandatory #street wall# requirements, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines# may be unoccupied by a #building#.
- (3) Where corner articulation is specified on Map 3, the following regulations shall apply:
- (i) Where base corner articulation is specified, the #building# shall occupy, at every level up to the level of the setback provided pursuant to Section [115-233](#), not less than 50 percent and not more than 75 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines#.
- (ii) Where tower corner articulation is specified, no articulation is required where all portions of the #building# that exceed a height of 60 feet are located at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. Where a #building# rises without setback along those #street lines# where no setback is required, as specified on Map 4 (Street Wall Height), in Appendix A of this Chapter, the #building# shall cover, at every level above the setback provided pursuant to Section [115-233](#), not less than 50 percent and not more than 75 percent of the area bounded by:
- (a) the #street line# of the #street# where no setback is required;
- (b) a line 10 feet from and parallel to a #wide street# with a setback requirement or 15 feet from and parallel to a #narrow street# with a setback requirement; and
- (c) lines parallel to and 20 feet from such lines.
- (4) 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.
- (5) 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.
- (c) In all locations where #street walls# are required, 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 a height of 12 feet, up to 30 percent of the aggregate width of required #street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in this Section.

Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.

115-233 - Street wall height

LAST AMENDED

2/2/2011

C4 C6

Except in the locations indicated on Map 4 (Street Wall Height) in Appendix A of this Chapter, the minimum and maximum heights before setback of a #street wall# required pursuant to Section [115-232](#) (Street wall location), shall be as set forth in the following table:

District	Minimum #Street Wall# Height	Maximum #Street Wall# Height
C4-4A	40 feet	65 feet
C4-5X	40 feet	85 feet
C6	40 feet	60 feet

However, in C4-4A and C4-5X Districts, the maximum #street wall# height may be modified for #Quality Housing buildings# with #qualifying ground floors# in accordance with Section [23-662](#) (Maximum height of buildings and setback regulations) for the applicable residential equivalent set forth in the tables in Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). In addition, for #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum #street wall# heights may be modified in accordance with the provisions of paragraph (b) of Section [23-664](#) for the applicable residential equivalent of such districts.

Any portion of a #building# that exceeds the maximum height of a #street wall# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

In the locations indicated on Map 4, required #street walls# shall rise without setback to the minimum height specified for that location on Map 4 or the height of the #building#, whichever is less. Any portion of a #building# that exceeds the maximum #street wall# height specified for that location shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

However, in the locations indicated on Map 4 where no maximum #street wall# height or setback is required, #street walls# required pursuant to Section [115-232](#) shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less. Above a height of 40 feet, no setbacks are required for any portion of such #street wall#.

115-234 - Maximum building height

LAST AMENDED

2/2/2011

C4 C6

In C4-4A and C4-5X Districts, the maximum height of a #building# or other structure# and the maximum number of #stories# shall be as set forth in Section [23-662](#) (Maximum height of buildings and setback regulations) for the applicable residential equivalent set forth in the tables in Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). For #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section [23-664](#) for the applicable residential equivalent of such districts. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

In C6-2 and C6-3 Districts, no #building# or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building# or other structure# shall exceed a height of 290 feet. However, no maximum #building# height limitation shall apply on Block 9993, shown on Map 5 (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.

115-235 - Transition area

LAST AMENDED

2/2/2011

R6 R7 R8 R9 R10

In the districts indicated, and in #Commercial Districts# where such #Residence District# #bulk# regulations are applicable, that portion of a #building# located within 25 feet of an adjacent #zoning lot# in an R1, R2, R3, R4 or R5 District shall not exceed a maximum height of 35 feet. In addition, an open area not higher than #curb level# shall be provided within eight feet of such adjacent #zoning lot#. Such open area may be used for #accessory# parking.

115-30 - MANDATORY IMPROVEMENTS

LAST AMENDED

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.

115-32 - Refuse Storage, Recreation Space and Planting Areas

LAST AMENDED
2/2/2011

All #buildings# containing #residences# shall provide refuse storage space, recreation space and planting areas in accordance with the provisions of Sections [28-12](#) (Refuse Storage and Disposal) and [28-20](#) (RECREATION SPACE AND PLANTING AREAS), whether or not they are #Quality Housing buildings#.

115-40 - RESIDENTIAL CONVERSIONS

LAST AMENDED
2/2/2011

In all #Commercial Districts#, the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections [15-11](#) (Bulk Regulations), [15-12](#) (Open Space Equivalent) and [15-30](#) (MINOR MODIFICATIONS), paragraph (b).

#Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section [32-42](#) (Location Within Buildings).

115-50 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
9/10/2007

115-51 - Parking and Loading Regulations

LAST AMENDED
2/2/2011

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 6B (Offices), 10B (Wholesale Establishments) and 11B (Wholesale or Similar Establishments), with parking requirement category B1, 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](#) and [44-23](#) (Waiver of Requirements for Spaces Below Minimum Number) 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).
- (iii) The provisions of Sections [36-342](#) (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and [36-344](#) (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Downtown Jamaica District#.

(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 required #accessory# off-street parking space regulations of the underlying districts in the #Special Downtown Jamaica District# shall be modified as follows: The regulations set forth for an R6A District in Section [25-20](#) shall apply. The regulations set forth for an R6 District in Sections [25-50](#) (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES), inclusive, and [25-60](#) (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, shall apply except as modified in paragraphs (b)(3) and (b)(4) of this Section.
- (3) In all #Residence Districts#, the provisions of Section [25-26](#) (Waiver of Requirements for Small Number of Spaces) are modified, as follows:
 - (i) The provisions of Section [25-26](#) shall only apply to #zoning lots# existing both on September 10, 2007, and on the date of application for a building permit.
 - (ii) For all #developments# or #enlargements# containing #residences#, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.
- (4) The provisions of Section [25-52](#) (Off-site Spaces for Residences) and [25-521](#) (Maximum distance from zoning lot) shall be modified to permit the location of permitted or required 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#.
- (5) 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 permitted or required 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#.

(c) #MIH sites#

For #residential uses# on #MIH sites#, the provisions of paragraphs (a)(4), (b)(2) and (b)(3) of this Section shall not apply. In lieu thereof, the underlying off-street parking provisions shall apply.

115-52 - Location of Access to the Street

LAST AMENDED
9/10/2007

Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter specifies locations where curb cuts shall be prohibited within the #Special Downtown Jamaica District#.

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.

115-53 - Authorization for Curb Cut

LAST AMENDED 12/15/2021

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 [115-52](#) (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.

115-60 - 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.

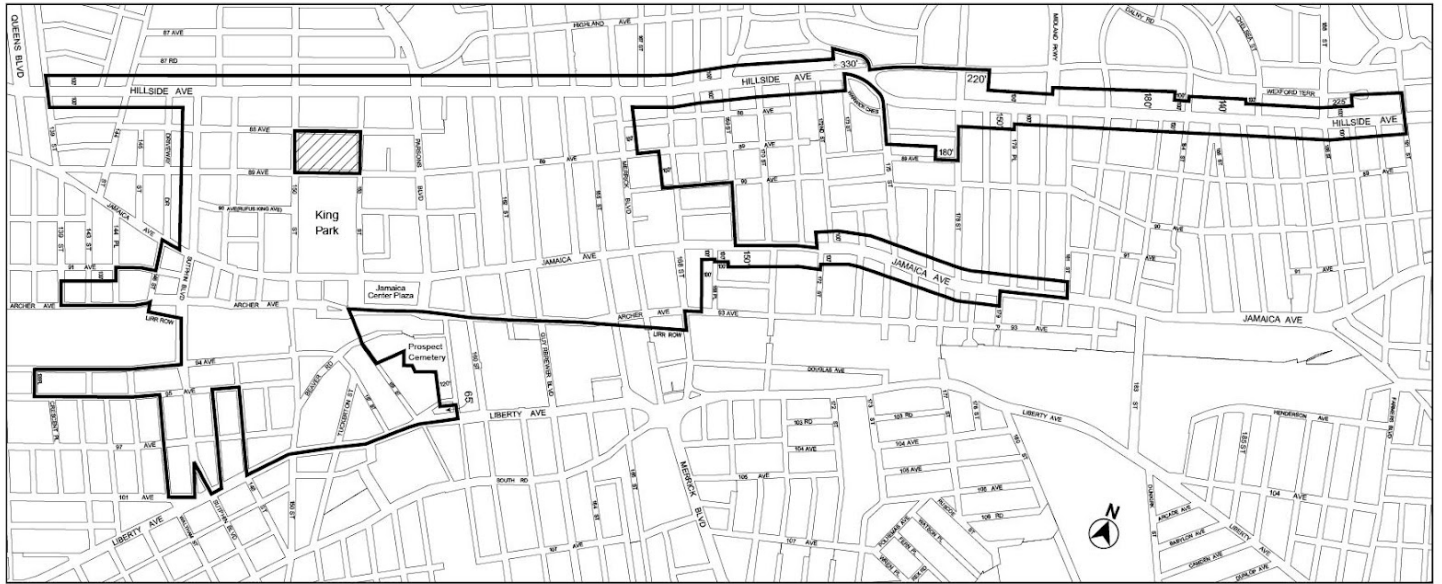
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix A - Special Downtown Jamaica District Maps

LAST AMENDED
4/9/2013

(11/23/21)

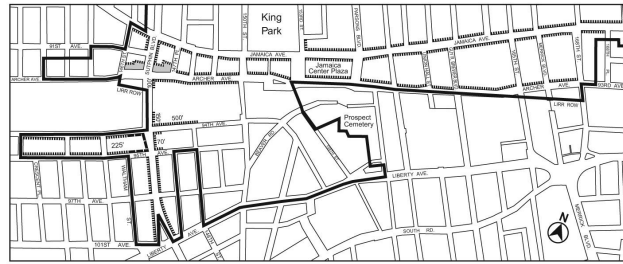
Map 1 — Special Downtown Jamaica District



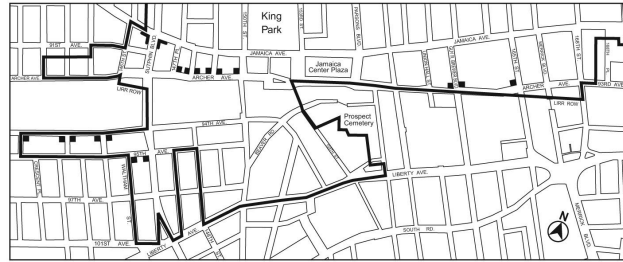
- Special Downtown Jamaica District
- ▨ Excluded area

(4/9/13)

Map 3 — Street Wall Location



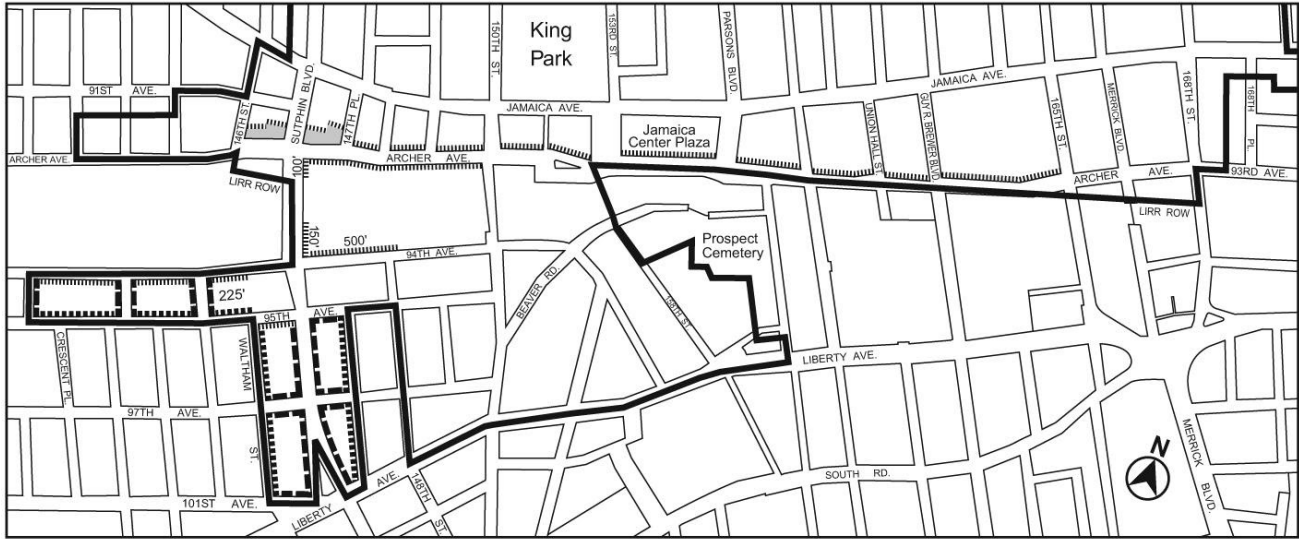
- Special Downtown Jamaica District
- - - Required Street Wall
- The street wall location requirements of Section 115-232(b)(1) and (2) shall apply unless developed pursuant to the Jamaica Gateway Urban Renewal Plan, in which case no street wall location requirements shall apply
- Public Place



- Required Tower Corner Articulation
- ▣ Required Corner Articulation at Base

(4/9/13)

Map 4 — Street Wall Height

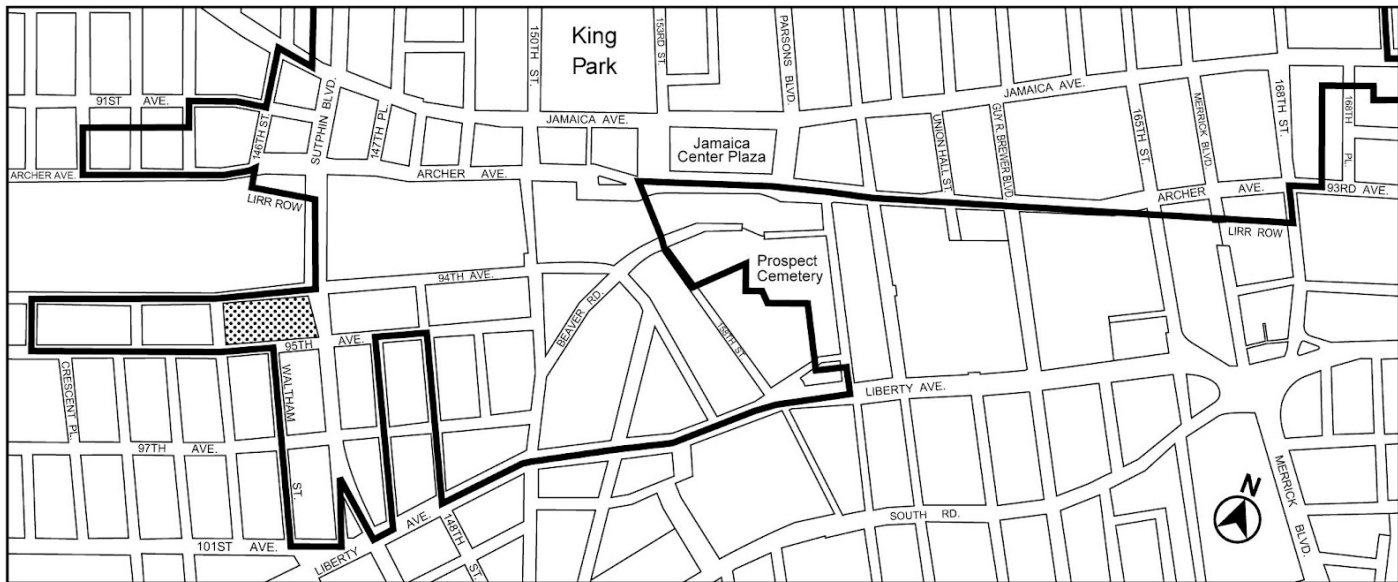


- Special Downtown Jamaica District
- 30' Minimum - 40' Maximum
- 40' Minimum - 60' Maximum

- No Maximum Street Wall Height or Setback Required
- Public Place

(9/10/07)

Map 5 — Maximum Building Height

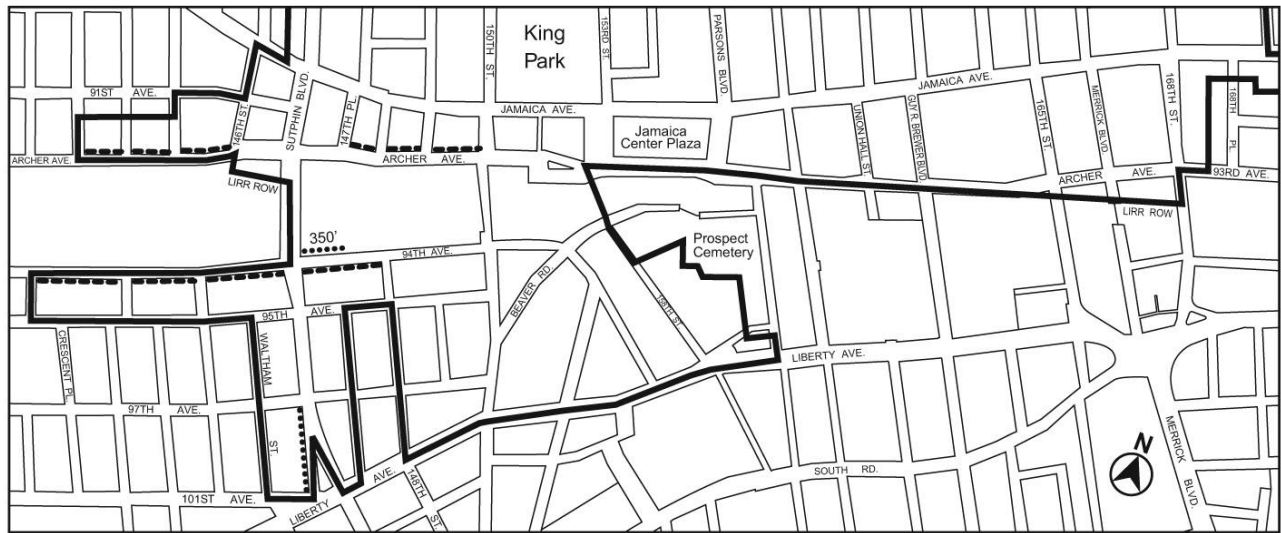


— Special Downtown Jamaica District

▨ No Building Height Limit

(4/9/13)

Map 6 — Sidewalk Widening



- Special Downtown Jamaica District
- 2' Sidewalk Widening
- - - - 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)

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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

7/20/2017

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

LAST AMENDED

7/20/2017

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

LAST AMENDED

7/20/2017

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

LAST AMENDED

5/12/2021

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

7/20/2017

In Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#, the following special #use# regulations shall apply. The #use# regulations of the underlying C4-2A District shall be modified by Sections [116-101](#) through [116-13](#), inclusive.

116-101 - Use Groups 12 and 14

LAST AMENDED

7/20/2017

The #uses# listed in Section [32-21](#) (Use Group 12) shall not be permitted in Subarea C.

The #uses# listed in Section [32-23](#) (Use Group 14) shall be permitted in Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#; boat storage, repair or painting, however, shall be allowed without restriction relating to boat length.

116-102 - Supplementary use regulations

LAST AMENDED

10/25/2006

The provisions of Section [32-41](#) (Enclosure within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section [32-423](#) (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section [32-18](#) (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#.

116-11 - Special Sign Regulations

LAST AMENDED

7/20/2017

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#.

116-12 - Mandatory Ground Floor Use and Frontage Requirements

LAST AMENDED

7/20/2017

The provisions of Section [32-433](#) (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply in Subareas A, B and C. However, on designated #streets# and #mandatory front building wall lines# in Subareas B3 and C, as shown on Map 2 in Appendix A of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building# #developed# or #enlarged# after October 25, 2006.

Uses located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk shall be exclusively limited to the permitted non-**residential uses** as modified by the special **use** provisions of this Chapter. Such ground floor **uses** shall extend along the entire width of the **building**, except for lobbies or entrances to **accessory** parking spaces and shall have a depth provided in accordance with Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses).

In no event shall lobbies and entrances to **accessory** parking spaces occupy more than 50 percent of the **building's** total frontage along such **street** or **mandatory front building wall line**, or 35 feet, whichever is less. However, the total length of such frontage occupied by such lobbies and entrances need not be less than 25 feet.

116-13 - Transparency Requirements

LAST AMENDED
7/20/2017

In Subareas A, B and C, the transparency requirements of Section [37-34](#) (Minimum Transparency Requirements) shall apply to any **development** or an **enlargement** where the **enlarged** portion of the ground floor of the **building** is within eight feet of the **street line** and where non-**residential uses** are located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk.

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** 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
10/25/2006

The maximum **floor area ratio** for all **uses** shall be 2.0.

However, 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
12/6/2023

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings or other structures# in Subareas A, B and C, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts).

116-232 - Street wall location

LAST AMENDED
2/2/2011

Within the #Special Stapleton Waterfront District#, the #street wall# location regulations shall be modified as follows:

- (a) Subareas A and B1

In Subareas A and B1, the underlying #street wall# location regulations shall apply, except that the provisions of paragraph (a)(1) of Section [35-651](#) (Street wall location) shall be modified to require that at least 70 percent of the #aggregate width of street wall# be located within 15 feet of the #street line# and extend to the minimum base heights

specified in Section [116-233](#) (Height and setback), or the height of the #building#, whichever is less.

(b) Subareas B2 through B5 and C

In Subareas B2 through B5 and C, the underlying #street wall# location regulations of a C4-2A District or an R6B District, as applicable, shall be modified as set forth in this Section. Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, specifies locations in Subareas B2 through B5 and C where #mandatory front building wall# requirements apply as follows:

- (1) Type 1: Front #building# walls shall be coincident with and extend along the entire length of the #mandatory front building wall line#, except, to allow articulation at the intersection of two such lines, the front #building# wall may be located anywhere within 15 feet of their point of intersection.
- (2) Type 2: Front #building# walls shall be located within eight feet of and extend along at least 70 percent of the length of the #mandatory front building wall line#. For phased #development#, this requirement may be satisfied by more than one #building#, provided that upon completion 70 percent of the length of the #mandatory front building wall line# is occupied by such front #building# walls.
- (3) Wherever Map 3 does not indicate a #mandatory front building wall line#, the underlying #street wall# location rules shall apply.

If more than one #building# is #developed# in Subareas B2, B3 or B4, the first #building# shall be located along a Type 1 #mandatory front building wall line#. Subsequent #buildings# shall locate along a Type 2 #mandatory front building wall line# until 70 percent of the length of the #mandatory front building wall line# is occupied.

All #mandatory front building walls# shall rise without setback to the minimum base height specified in Section [116-233](#), or the height of the #building#, whichever is less. Recesses shall be permitted on the ground floor where required to provide access to the #building#. Above the ground floor, up to 30 percent of the aggregate width of the front #building# wall may be recessed.

116-233 - Height and setback

†

LAST AMENDED
12/6/2023

Within the #Special Stapleton Waterfront District#, 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)	Maximum Number of #Stories#
40	65	85	125	12

(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 with a depth of at least 10 feet shall be provided from the front #building# wall.

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.

(3) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section [23-623](#) (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 lower.

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.

(c) Subareas B3 through B5 and Subarea C

In Subareas B3 through B5 and Subarea C the minimum base height shall be 35 feet and the maximum base height shall be 40 feet. At a height not lower than the minimum base height or higher than the maximum base height, a setback with a depth of at least 10 feet shall be provided, as measured from the front #building# wall.

The maximum height of a #building or other structure# shall not exceed 50 feet. However, where the ground floor level of a #building# provides a #qualifying ground floor# in accordance with the supplemental provisions set forth in paragraph (b)(2) of Section [35-652](#) (Maximum height of buildings and setback regulations), the maximum height of a #building or other structure# may be increased to 55 feet.

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

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 Required Accessory Off-Street Parking Space Regulations for Certain Commercial Uses

LAST AMENDED

4/22/2009

The following #uses# listed in Section [32-23](#) (Use Group 14) shall be subject to the parking requirements applicable to a C4-2 District pursuant to Section [62-43](#) (Parking Requirements for Commercial Docking Facilities):

Boat rentals, open or enclosed [PRC-H]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour [PRC-H]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#

Docks or mooring facilities for non-#commercial# pleasure boats [PRC-H].

116-32 - Modification of Waiver of Requirements

LAST AMENDED

10/25/2006

The provisions of Section [36-362](#) (In other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply.

All other waivers of parking requirements shall only apply to #zoning lots# existing both on October 25, 2006, and on the date of application for a building permit.

116-33 - Modification of Location of Parking Spaces

LAST AMENDED

10/25/2006

For all #zoning lots# with frontage on Front Street, no #accessory# off-street parking spaces shall be located in any open area that is between the #street wall# of the #building# and the Front Street #street line#, except that such spaces may be located between the #street wall# of the #building# and the Front Street #street line# in Subarea B5.

116-34 - Location and Width of Curb Cuts

LAST AMENDED

7/20/2017

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.

116-35 - Screening and Tree Planting Requirements for Parking Facilities

LAST AMENDED

4/22/2009

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

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

LAST AMENDED
7/20/2017

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

LAST AMENDED
4/30/2008

116-511 - Design requirements for upland connections

LAST AMENDED

4/22/2009

(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

LAST AMENDED

7/20/2017

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.

116-53 - Refuse Storage Areas

LAST AMENDED
7/20/2017

Refuse shall be stored within a #completely enclosed building#.

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
7/20/2017

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

- (a) the provisions of Section [32-433](#) (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and
- (b) the provisions of Section [62-29](#) (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are 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

LAST AMENDED
7/20/2017

Subarea E of the #Special Stapleton Waterfront District# shall be a #Mandatory Inclusionary Housing area# for the purpose of applying the Inclusionary Housing Program provisions of Section [23-90](#) (INCLUSIONARY HOUSING), inclusive.

The #floor area# regulations of Article VI, Chapter 2, shall not apply. In lieu thereof, the #floor area# regulations of Section [23-154](#) (Inclusionary Housing), as applicable to #Mandatory Inclusionary Housing areas#, shall apply, except 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

LAST AMENDED
7/20/2017

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

LAST AMENDED
7/20/2017

The provisions of Section [62-341](#) (Developments on land and platforms) shall apply, except as modified in this Section.

- (a) #Initial setback distance#

The provisions of paragraph (a)(2) of Section [62-341](#) 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 such #initial setback distance# 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 (a)(3) of Section [62-341](#) 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 paragraphs (a)(4)(i) and (ii) of Section [62-341](#) shall not apply. Dormers and penthouse portions of a #building# shall not be considered permitted obstructions above a maximum base height.

- (d) Maximum base height

The maximum base height provisions of paragraph (c)(1) of Section [62-341](#) 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 (c)(4) of Section [62-341](#) 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# or 12 #stories#, whichever is less. The height of any other #building# with tower portions shall not exceed a height of 110 feet above the #base plane#, or 11 #stories#, whichever is less. 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 or nine #stories#, whichever is less, shall not exceed a gross area of 8,100 square 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) #Floor area# distribution

The provisions of paragraph (c)(3) of Section [62-341](#) shall not apply.

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

The provisions of paragraph (c)(5) of Section [62-341](#) 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.

(h) Streetscape provisions

The streetscape provisions of paragraph (c)(6) of Section [62-341](#) shall not apply. In lieu thereof, the following provisions shall apply:

(1) 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.

(2) 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

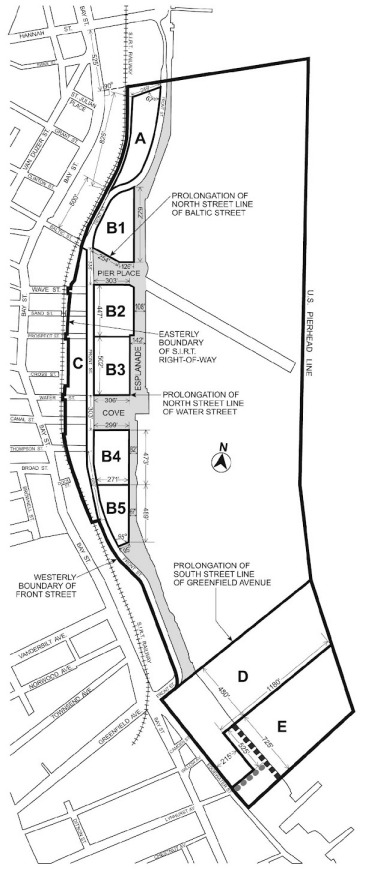
LAST AMENDED
7/20/2017

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

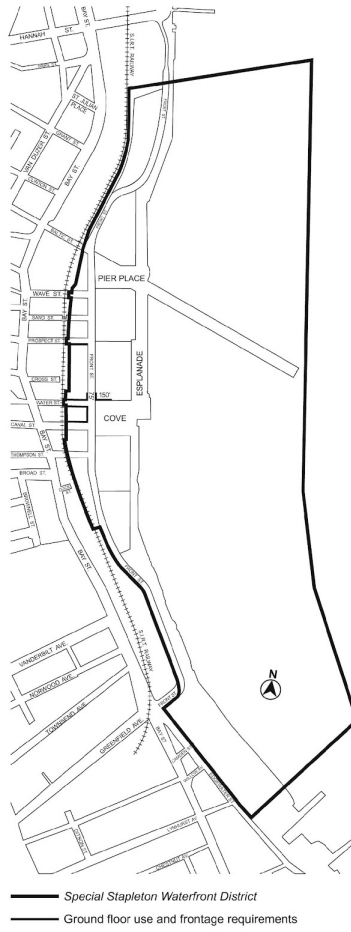
LAST AMENDED
10/25/2006

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

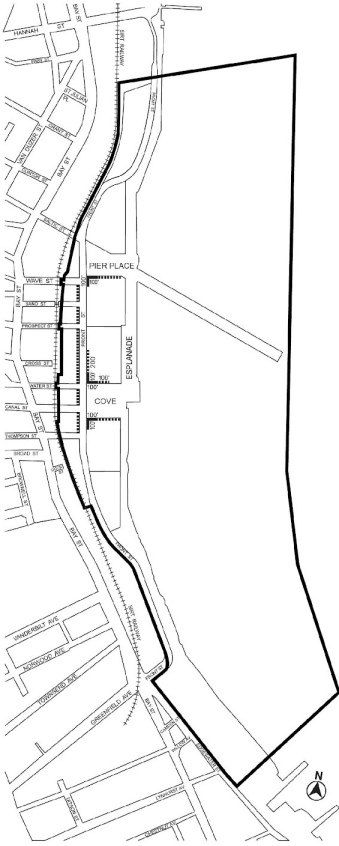


- Special Stapleton Waterfront District
- District Subareas
- Public Open Space
- Shore Public Walkway
- Upland Connection

Map 2. Ground Floor Use and Frontage Requirements



Map 3. Mandatory Front Building Wall Lines

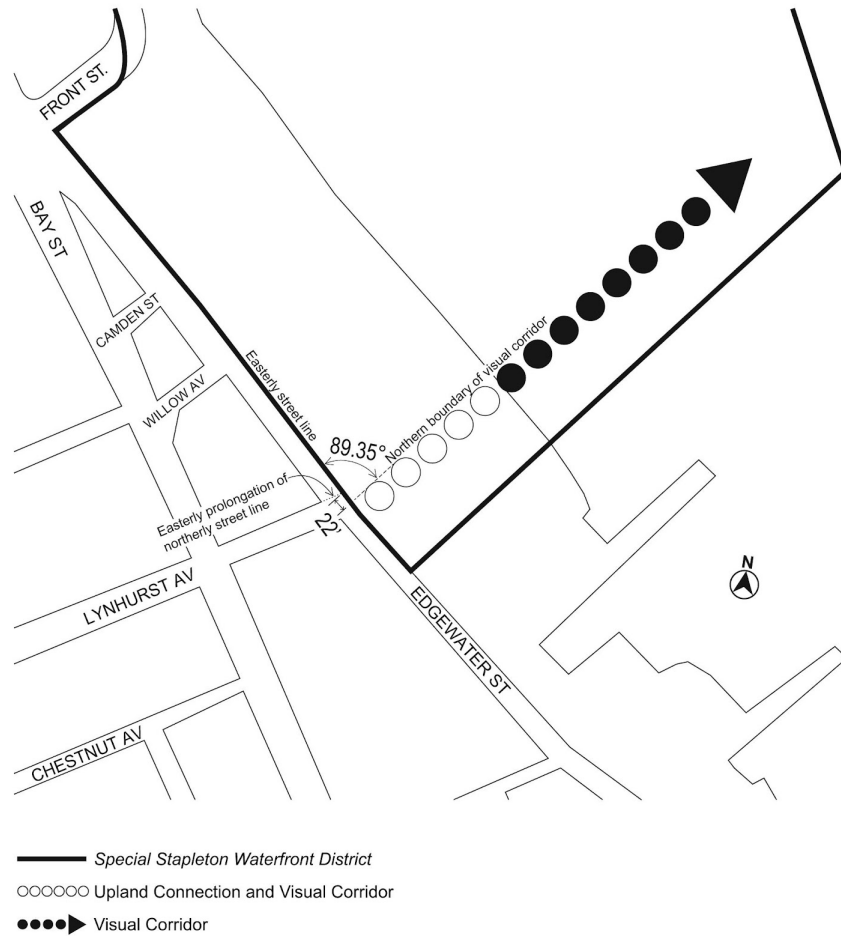


- Special Stapleton Waterfront District
- Type 1 Mandatory Front Building Wall Line
- Type 2 Mandatory Front Building Wall Line

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



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)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

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

10/7/2021

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 the #commercial# or #manufacturing uses#:
 - (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) are not located directly over any portion of the #building# 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 Inclusionary Housing Program

†

LAST AMENDED

10/12/2022

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections [23-154](#) and [23-90](#), inclusive, #Inclusionary Housing designated areas# and #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 6A

†

LAST AMENDED

12/6/2023

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

The provisions of Section [42-12](#) (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 8, 9B, 10A, 10B, 11, 12A, 12C, 12D, 13, 14 and 16) pertaining to Use Group 6A shall be modified as follows:

Food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to #floor area# per establishment.

117-23 - Street Wall Location in Certain Designated Districts

LAST AMENDED

2/2/2011

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

In the districts indicated, the #street wall# of any #building# containing #residences# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#. However, the #street wall# of a #building# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet. Recesses, not to exceed three feet in depth from the #street line#, or eight feet in depth where ramps for the physically disabled are required, shall be permitted on the ground floor where required to provide access to the #building#.

Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location provisions of this Section.

117-30 - SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS

LAST AMENDED
10/25/1995

117-31 - Special Use Regulations

LAST AMENDED
2/2/2011

For #buildings# containing #residences#, #uses# on the ground floor shall be limited to non-#residential uses# and lobby space. Not more than 8,000 square feet of the ground floor shall be devoted to #uses# listed in Use Group 6B.

117-32 - Special Bulk Regulations

LAST AMENDED
2/2/2011

All #street walls# shall be built coincident with the #street line#.

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

6/26/2019

- (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 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

LAST AMENDED
5/28/2003

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

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

LAST AMENDED
5/11/2023

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

LAST AMENDED
5/11/2023

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

LAST AMENDED
2/2/2011

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# and Section [12-10](#) (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) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;
- (b) such #home occupation# may occupy more than 500 square feet of #floor area#; and
- (c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

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

7/26/2001

The following #uses# as listed in Section [42-30](#) (USES PERMITTED BY SPECIAL PERMIT) shall be permitted as-of-right in the Queens Plaza Subdistrict with no limitation on #floor area# per establishment:

Carpet, rug, linoleum or other floor covering stores;

Clothing or clothing accessory stores;

Department stores;

Dry goods or fabric stores;

Food stores;

Furniture stores;

Television, radio, phonograph or household appliance stores;

Variety stores.

117-512 - Ground floor use and frontage regulations

LAST AMENDED

2/2/2011

On designated #streets# in the Queens Plaza Subdistrict, as shown on Map 2 in Appendix C of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building# or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited exclusively to permitted #commercial#, #manufacturing# or #community facility uses# as modified by the special #use# provisions of Sections [117-51](#) and [117-511](#), except for lobby space or entrance space.

In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed in total 50 percent of the #building's# total #street# frontage or 30 feet, whichever is less. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 25 feet.

117-513 - Transparency requirement

LAST AMENDED

2/2/2011

Within the Queens Plaza Subdistrict, the transparency requirements of Section [37-34](#) (Minimum Transparency Requirements) shall apply to all #developments# and to #enlargements# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line#. However, the provisions establishing the maximum width of ground floor level #street wall# without transparency shall not apply. In lieu thereof, any portion of such #building# wall that is 50 feet or more in length and contains no transparent element between #curb level# and 14 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 14 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2

feet, 6 inches, and a minimum width of 24 inches.

The transparency requirements of this Section shall not apply to any #building# where the ground floor is occupied by #uses# listed in Use Groups 16 or 17.

117-514 - Special sign regulations

LAST AMENDED

4/30/2012

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

5/11/2023

All #buildings and other structures# within the Queens Plaza Subdistrict shall comply with the #bulk# regulations of this Section. The regulations of the designated #Residence# and M1 Districts shall apply as set forth below.

In Areas A-1, A-2, B, C and D of the Queens Plaza Subdistrict, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure# in accordance with the regulations of the designated #Residence District#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and #community facility uses# in a #building or other structure# in accordance with the regulations of the designated M1 District, except as modified in the special #bulk# regulations of Sections [117-522](#) through [117-533](#), inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

117-522 - Floor area regulations

LAST AMENDED
5/11/2023

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

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).

117-523 - Lot coverage and open space ratio requirements

LAST AMENDED

2/2/2011

(a) #Lot coverage# requirements for #residential buildings#

In the Queens Plaza Subdistrict, where the designated #Residence District# is an R7 or R9 District, the provisions of Section [23-151](#) (Basic regulations for R6 through R9 Districts), regulating minimum required #open space ratios#, and maximum #floor area ratios#, shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #Quality Housing buildings#, shall comply with the #lot coverage# requirements set forth for the designated district in Section [23-153](#) (For Quality Housing buildings).

Where the designated district is an R7-3 District, the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

(b) #Lot coverage# and #open space ratio# requirements for #mixed use buildings#

#Lot coverage# and #open space ratio# requirements shall not apply to any portion of a #mixed use building# in the Queens Plaza Subdistrict.

117-524 - Floor area bonus for a public plaza or arcade

LAST AMENDED

10/17/2007

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.

117-525 - Special yard regulations

LAST AMENDED

2/2/2011

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

(a) #Mixed use buildings#

For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#.

(b) #Manufacturing# or #commercial buildings#

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

(c) #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#.

- (d) 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

7/26/2001

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions pursuant to Sections [23-62](#) 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

5/11/2023

- (a) On a #wide street#, and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# shall be located on the #street line# and extend along the entire width of the #street frontage# of the #zoning lot# and rise without setbacks up 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. 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#.
- (b) On a #narrow street# between 50 and 100 feet of its intersection with a #wide street#, the #street wall# of a #building# shall extend along the entire width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.

Beyond 100 feet of the intersection of a #wide street#, #street walls# shall extend along at least 70 percent of the width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.

Beyond 50 feet of the intersection of a #wide street#, all #street walls# required pursuant to this paragraph (b) shall be located within eight feet of the #street line#.

- (c) On a #wide street# above the ground floor level, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, in compliance with #outer court# regulations.
- (d) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate length of such recesses shall not exceed 50 percent of the length of the entire #street wall# at any level. However, not more than 30 percent of the aggregate length of such recesses shall exceed a depth of eight feet.
- (e) 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) through (d) 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 [117-554](#), and located adjacent to a public sidewalk or mandatory sidewalk widening.

- (f) 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.

- (g) 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
5/11/2023

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#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

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).
- (c) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

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
5/8/2013

- (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).

- (d) For #public parking garages# permitted on #Block# 420 pursuant to Section [74-50](#) (OFF-STREET PARKING ESTABLISHMENTS), 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](#).

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

LAST AMENDED

7/26/2001

117-551 - General provisions

LAST AMENDED

8/13/2015

Within the Queens Plaza Subdistrict, the provisions of Section [117-552](#) (Central refuse storage area) shall apply to any #development#, #enlargement#, alteration or change of #use#, except where more than 50 percent of the #floor area# of such #development#, #enlargement#, alteration or change of #use# is occupied by a #use# listed in Use Groups 16 or 17.

The provisions of Sections [117-553](#) (Mandatory sidewalk widening) and [117-554](#) (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

117-552 - Central refuse storage area

LAST AMENDED

4/30/2008

The provisions of Section [28-12](#) (Refuse Storage and Disposal) shall apply.

117-553 - Mandatory sidewalk widening

LAST AMENDED

8/13/2015

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.

117-554 - Mandatory sidewalk widening design requirements

LAST AMENDED

2/2/2011

- (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

12/6/2023

In the Dutch Kills Subdistrict, the provisions of Section [42-12](#) (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 8, 9B, 10A, 10B, 11, 12A, 12C, 12D, 13, 14 and 16) shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

117-63 - Special Bulk Regulations in the Designated Districts

LAST AMENDED

10/7/2008

Maximum #floor area ratio#, #lot coverage# and #street wall# provisions in the designated districts are modified as set forth in Sections [117-631](#) through [117-633](#), inclusive.

117-631 - Floor area ratio and lot coverage modifications

LAST AMENDED

2/2/2011

(a) 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# and #lot coverage# for #residential uses#

(1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for the #residential# portion of a #building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(2) M1-3/R7X designated district

(i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

(ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0, as set forth in Section [23-154](#) (Inclusionary Housing), through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section [23-90](#).

(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 the following #uses#: photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section [123-22](#) (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults.

117-632 - Street wall location

LAST AMENDED

2/2/2011

In the Dutch Kills Subdistrict, the #street wall# of any #residential# or #mixed use building# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# of a #building# need not be located further from the #street line# than 15 feet.

117-633 - Maximum street wall height

LAST AMENDED

10/7/2008

In M1-2/R5B designated districts, for #residential buildings#, the maximum height of a #street wall# above the #base plane# shall be 33 feet or three #stories#, whichever is less.

117-634 - Maximum building height for mixed use buildings in designated R5 Districts

LAST AMENDED

10/7/2008

The provisions regarding the maximum height of #mixed use buildings# within 25 feet of a #street line#, as set forth in Section [123-661](#) (Mixed use buildings in Special Mixed Use

Districts with R3, R4 or R5 District designations), shall be modified in the Dutch Kills Subdistrict, where the designated Residence District is an R5 District, as follows:

- (a) in designated R5B Districts, no #building or other structure# shall exceed a height of 33 feet within 25 feet of a #street line#;
- (b) in designated R5D Districts, no #building or other structure# shall exceed a height of 45 feet within 25 feet of a #street line#.

117-64 - Special Parking Regulations

LAST AMENDED

2/2/2011

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 5. 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 5.
 - (2) For Use Group 5 #uses#, the provisions of Section [44-23](#) (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#
 - (1) The provisions of Section [25-241](#) (Reduced requirements) shall not apply in the designated M1-3/R7X District.
 - (2) In the applicable designated #Residence Districts#, the provisions of Section [25-26](#) (Waiver of Requirements for Small Number of Spaces) are modified, as follows:
 - (i) in the designated M1-2/R6A and M1-3/R7X Districts, the provisions of Section [25-26](#) shall only apply to #zoning lots# existing both on October 7, 2008, and on the date of application for a building permit.
 - (ii) for all #developments# or #enlargements# in the designated M1-3/R7X District, the maximum number

of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.

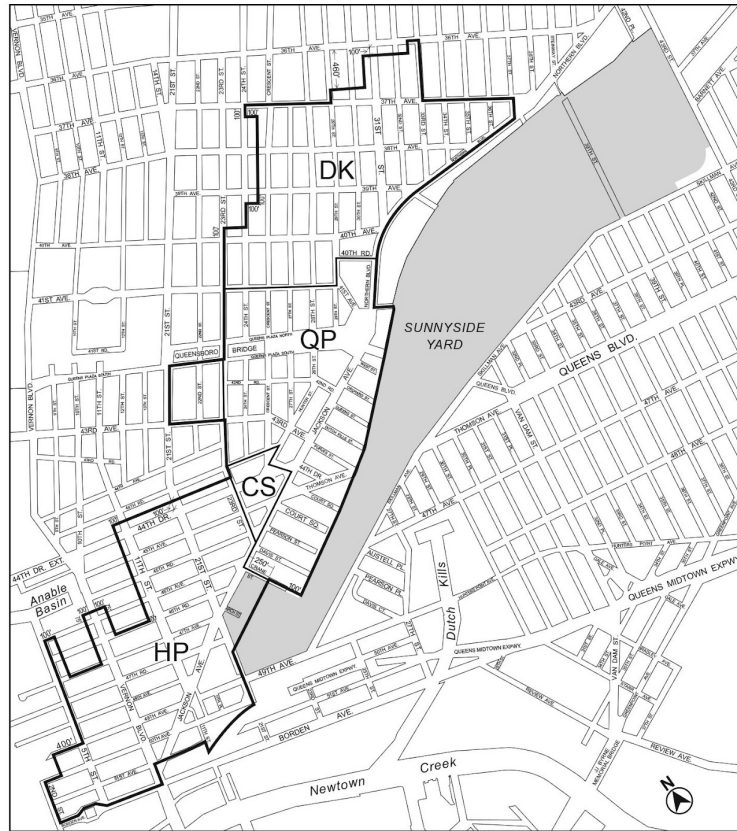
- (3) Where the designated district is a M1-2/R5B District, the provisions of paragraph (c) of Section [25-631](#) (Location and width of curb cuts in certain districts) shall not apply.

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

LAST AMENDED

5/11/2023

District and Subdistricts

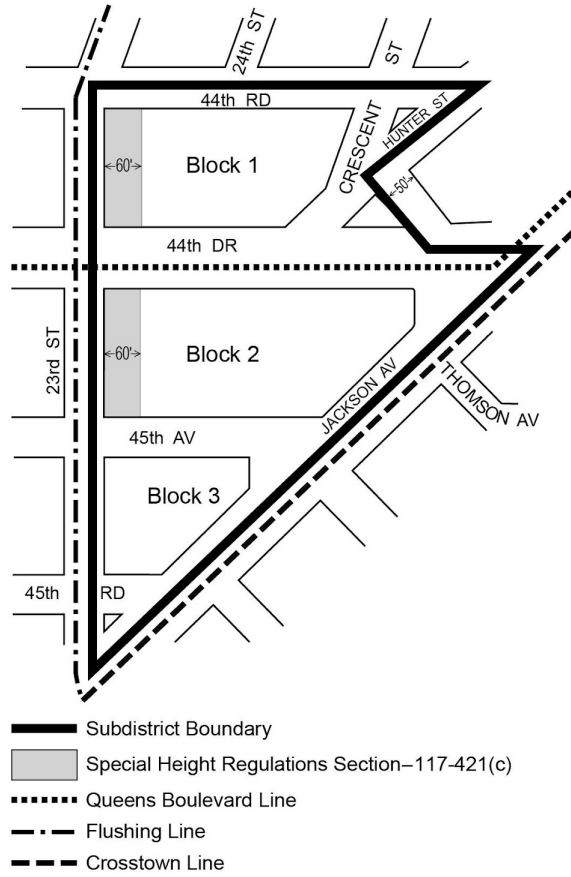


Special Long Island City Mixed Use District	CS Court Square Subdistrict	QP Queens Plaza Subdistrict
Subdistrict Boundary	DK Dutch Kills Subdistrict	HP Hunters Point Subdistrict
Sunnyside Yard		

Appendix B - Court Square Subdistrict Plan Map and Description of Improvements

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

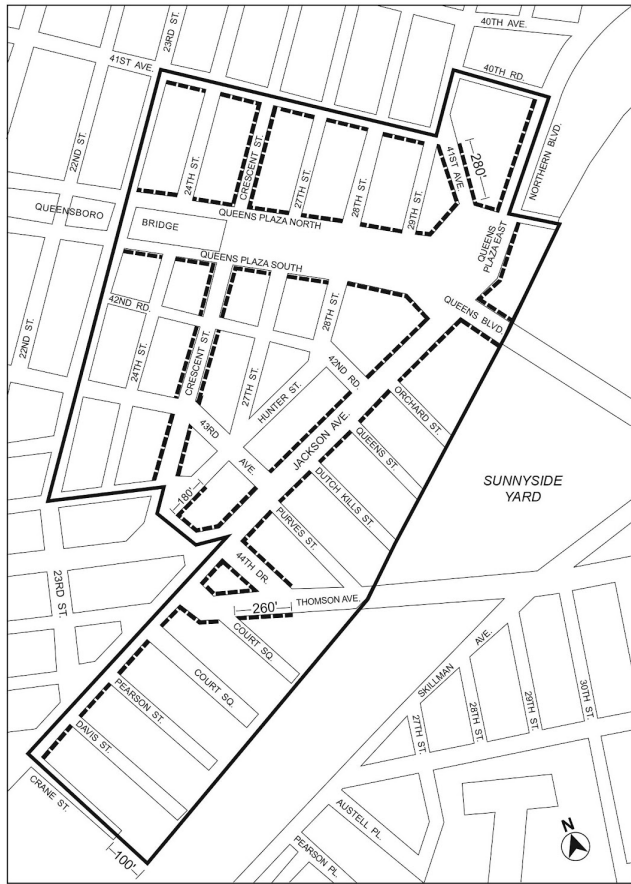
LAST AMENDED
8/13/2015

(5/11/23)

Map 1: Designated Districts within the Queens Plaza Subdistrict

(8/13/15)

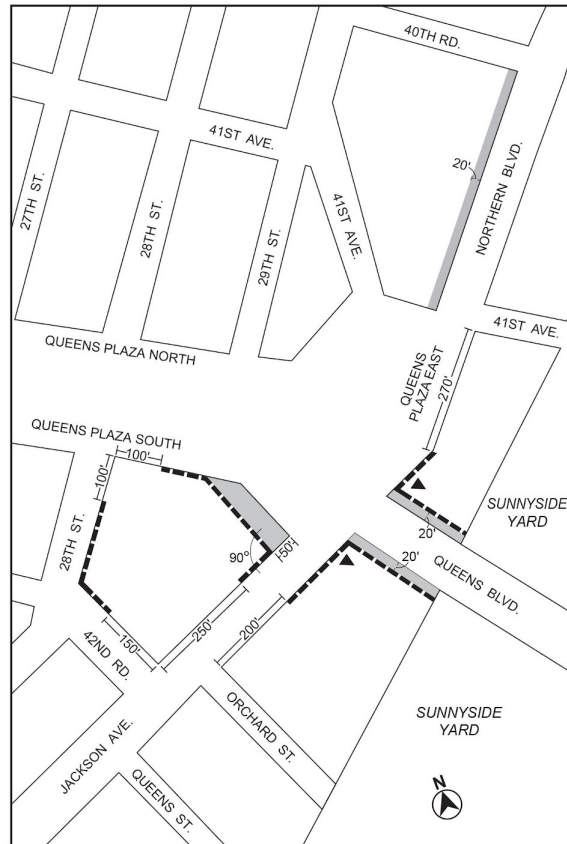
Map 2: Ground Floor Use and Frontage



- Queens Plaza Subdistrict Boundary
- - - Street Frontages where Ground Floors are Restricted to Non-Residential Uses

(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 3/22/2024

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 - Ground Floor Uses

LAST AMENDED
2/2/2011

#Uses# within #stories# that have a floor level within five feet of #curb level# along 14th Street shall be limited to the #uses# listed in this Section, except that entrances to above-grade or below-grade #uses# are permitted, subject to the regulations set forth in Section [118-41](#) (Entrances on 14th Street).

These regulations shall apply to #developments#, #enlargements#, #extensions# and changes of #use#.

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile rental offices

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Banks

Barber shops

Beauty parlors

Bicycle sales, rental or repair shops

Book stores

Candy or ice cream stores

Carpet, rug, linoleum, or other floor covering stores, with no limitation on #floor area# per establishment

Cigar or tobacco stores

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Clothing rental establishments, limited to 10,000 square feet on #floor area# per establishment

Department stores

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to

2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and a total aggregate load capacity of machines shall not exceed 60 pounds

Dry goods or fabric stores, with no limitation of #floor area# per establishment

Eating or drinking establishments including those which provide outdoor table service, or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or fewer

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or fewer

Eating or drinking places without restrictions on entertainment or dancing, but limited to locations in hotels

Fishing tackle or equipment, rental or sales

Florist shops

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Furniture stores, with no limitation on #floor area# per establishment

Furrier shops, custom

Gift shops

Hardware stores

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Medical or orthopedic appliance stores

Millinery shops

Music stores

Newsstands, open or enclosed

Office or business machine stores with no limitations on #floor area# per establishment

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic developing or photographic printing establishments limited to 2,500 square feet per establishment

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Telegraph offices

Television, radio, phonograph or household appliance stores with no limitation on #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Variety stores, with no limitation on #floor area# per establishment

Wallpaper stores

Watch or clock stores or repair shops

118-12 - Sign Regulations

LAST AMENDED

10/17/2007

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 paragraph (e) of Section [32-435](#) (Ground floor use in high density Commercial Districts).

#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
10/7/2021

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; 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.

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 - Residential Density Regulations

LAST AMENDED
2/2/2011

The density regulations of Section [23-20](#) shall not apply. Instead, for every 750 square feet of #residential# #floor area# permitted on a #zoning lot#, there shall be no more than one #dwelling unit#.

However, the conversion of non-#residential buildings# to #residential use# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).

118-30 - STREET WALL, HEIGHT AND SETBACK REGULATIONS

†

LAST AMENDED
12/6/2023

The location and height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown in the District Plan (Appendix A). However, if a #development# or #enlargement# is adjacent to one or more existing #buildings# fronting on the same #street line#, the #street wall# of such #development# or #enlargement# shall be located neither closer to nor further from the #street line# than the front wall of the adjacent #building# which is closest to the same #street line#.

#Street wall# recesses are permitted below the level of the second #story# ceiling for subway stair entrances required under Section [118-50](#) (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.

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#.

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

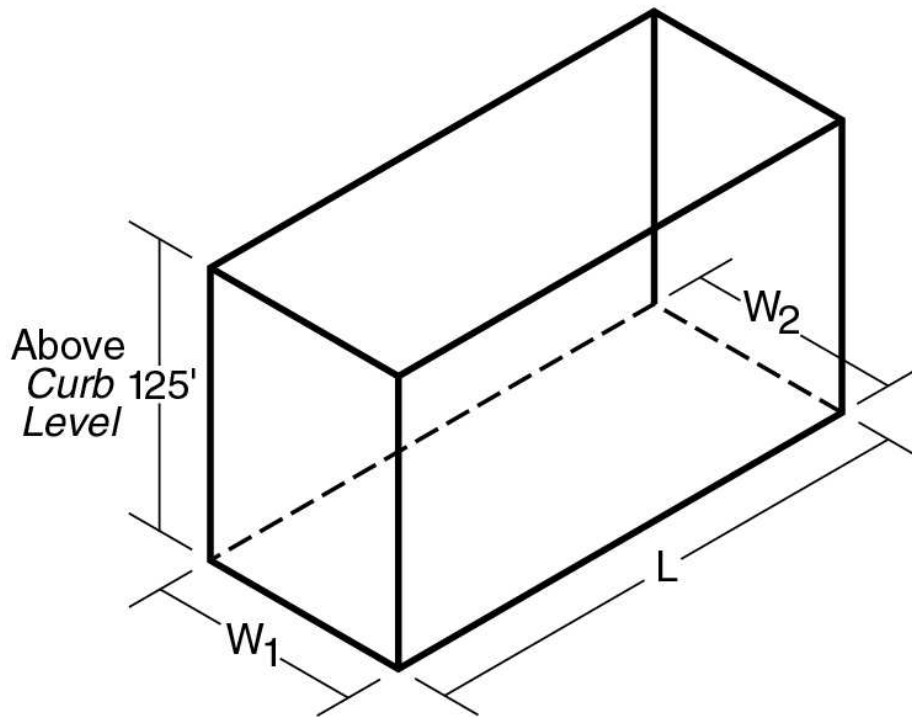
118-31 - Modification of Street Wall Requirements

LAST AMENDED

2/2/2011

- (a) 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# (W_2), the #front lot line# (W_1), 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*

W_1 - *Front lot line*

W_2 - *Rear wall of existing building*

EXISTING BUILDING VOLUME FOR

MODIFICATION OF STREET WALL REQUIREMENTS

- (b) 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 (a) of this Section.

118-40 - ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS

LAST AMENDED

2/2/2011

All #buildings# #developed# or portions of #buildings# #enlarged# after January 10, 1985, that front on 14th Street, Union Square East, Union Square West or 17th Street shall be subject to the requirements set forth below.

118-41 - Entrances on 14th Street

LAST AMENDED

2/2/2011

Each permitted #use# within a #story# that has a floor level within five feet of #curb level# in #buildings# or portions of #buildings# with frontage on 14th Street, shall be entered directly from 14th Street. Entrances to #uses# located above or below such #stories# are permitted, provided that such entrances, in aggregate, shall not exceed 30 linear feet of #street wall# frontage on 14th Street.

118-42 - Entrances on Union Square East, Union Square West and 17th Street

LAST AMENDED

2/2/2011

If a #use# occupies at least 40 percent of the #floor area# of a #building# or portion of a #building#, as applicable, pursuant to Section [118-40](#) (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS), that fronts on Union Square East, Union Square West or 17th Street between Broadway and Park Avenue South, then the principal entrance to that #use# shall be located on such #street#. However, if more than one #use# meets these criteria, the principal entrance to only one of them is required to be so located.

118-43 - Street Wall Transparency

LAST AMENDED

2/2/2011

When the #street wall# of any #development# or #enlargement# is located on 14th Street, Union Square East, Union Square West or 17th Street, such #street wall# shall be glazed in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

118-50 - OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

LAST AMENDED

1/10/1985

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet which fronts on a

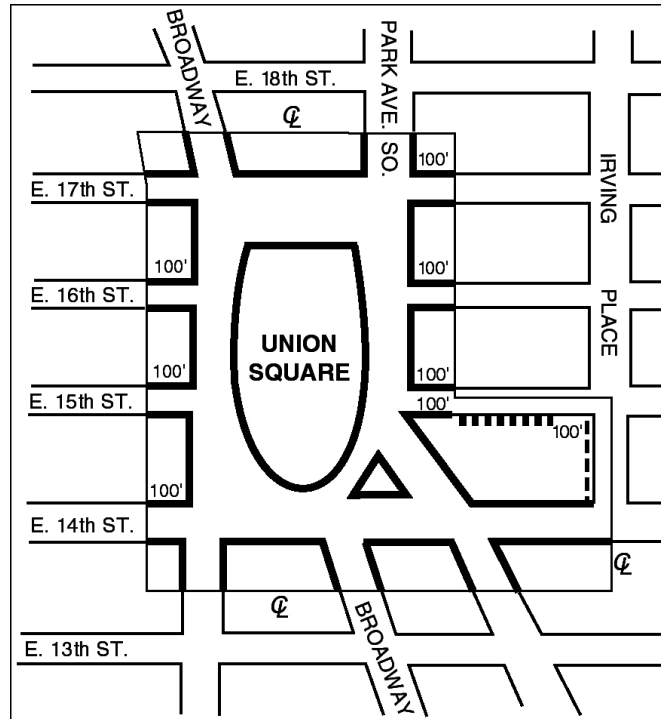
portion of sidewalk containing a stairway entrance or entrances into the 14th Street/Union Square Station, the #development# or #enlargement# shall be subject to the regulations of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

Appendix A - UNION SQUARE DISTRICT PLAN

LAST AMENDED

1/10/1985

#Street walls# shall be coincident with #street lines#.



- Mandatory Street Walls
85'-125' Above Curb Level
- - - Permitted Street Walls
125' Above Curb Level
- Permitted Street Walls
85' Above Curb Level
- Special Union Square District



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 3/22/2024

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

12/6/2023

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:

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

Where:

S - average percent of slope

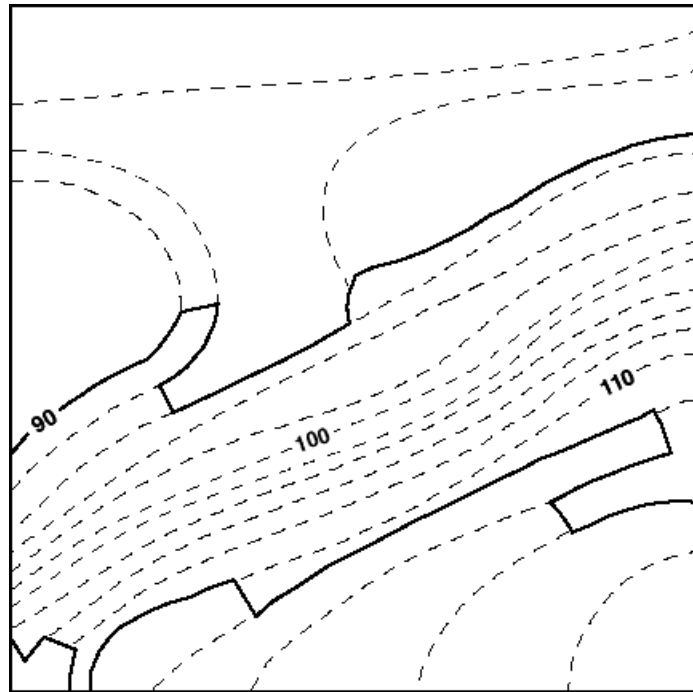
I - contour interval in feet

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

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

119-111 - Tier I tree preservation requirements

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

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

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
1/18/2011

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable requirements of Sections [23-14](#) (Open Space and Floor Area Regulations in R1 Through R5 Districts) or [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts) as modified by this Section, and Sections [23-21](#) (Required Floor Area per Dwelling Unit) and [33-10](#) (FLOOR AREA REGULATIONS). 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 #zoning lot# or 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
2/2/2011

The height and setback regulations set forth in Sections [23-63](#) (Height and Setback Requirements in R1 Through R5 Districts), [23-64](#) (Basic Height and Setback Requirements), [34-24](#) (Modification of Height and Setback Regulations), [35-62](#) (Commercial Districts With an R1 Through R5 Residential Equivalent) and [35-63](#) (Basic Height and Setback Modifications) shall not apply to #buildings or other structures# on #Tier II sites# within the #Special Hillside Preservation District#. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

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#
R1 R2 R3 R4**	36 feet
R5**	60 feet
R6	70 feet

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

** #buildings# that utilize the regulations of Section [23-143](#), applying to a #predominantly built-up area#, shall not exceed a maximum height of 32 feet above the #base plane#.

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

2/2/2011

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 [26-31](#) through [26-34](#) 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 [26-31](#), 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
2/2/2011

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 Section [119-217](#), paragraph (b), 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

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

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, amphitheatres 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> (<i>A. altissima</i>)	Autumn bent-grass
<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
<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
<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

<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
<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
<i>Rhododendron viscosum</i>	Swamp azalea
<i>Rhus aromatica</i>	Fragrant sumac, Sweet scented sumac/Lemon sumac
<i>Rhus copallina</i>	Winged sumac
<i>Rhus glabra</i>	Smooth sumac

<i>Rhus typhina</i>	Staghorn sumac
<i>Rosa blanda</i>	Smooth rose, Meadow rose
<i>Rubus allegheniensis</i>	Common blackberry, Allegheny blackberry
<i>Salix humilis</i>	Prairie willow
<i>Salix lucida</i>	Shining willow
<i>Sambucus canadensis</i>	American elderberry
<i>Spirea tomentosa</i>	Hardhack spirea
<i>Vaccinium angustifolium</i>	Lowbush blueberry
<i>Vaccinium corymbosum</i>	Highbush blueberry
<i>Viburnum acerifolium</i>	Maple leaf viburnum
<i>Viburnum alnifolium</i> (<i>V. Lantanoides</i>)	Hobble bush
<i>Viburnum dentatum</i>	Arrowwood viburnum
<i>Viburnum lentago</i>	Nanny-berry
<i>Viburnum prunifolium</i>	Black-haw

Appendix B - Selection List for On-site Trees

LAST AMENDED
12/7/1999

Small Trees

BOTANICAL NAME	COMMON NAME
<i>Amelanchier laevis</i>	Serviceberry

<i>Betula nigra</i>	River birch
<i>Betula populifolia</i>	Grey birch
<i>Carpinus caroliniana</i>	Hornbeam
<i>Cercis canadensis</i>	Eastern redbud
<i>Cornus florida</i>	Flowering dogwood
<i>Crataegus crus-galli inermis</i>	Thornless cockspur hawthorn
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Hamamelis virginiana</i>	Witch hazel
<i>Ilex opaca</i>	American holly
<i>Juniperus virginiana</i>	Eastern red cedar
<i>Populus tremuloides</i>	Quaking aspen
LARGE TREES	
BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Betula lenta</i>	Black/Sweet birch
<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
<i>Quercus palustris</i>	Pin oak
<i>Quercus phellos</i>	Willow oak
<i>Quercus prinus</i>	Chestnut oak

Quercus rubra	Red oak
Tilia americana	Basswood