

**PROPOSED ZONING TEXT AMENDMENT ADDING THE
DUTCH KILLS SUBDISTRICT TO THE SPECIAL
LONG ISLAND CITY MIXED USE DISTRICT AND MODIFYING
ARTICLE IV**

Matter in double underline italics is added by City Council
Matter in ~~double-strikeout-italics~~ is deleted by City Council
Matter in Graytone or Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

**12-10
DEFINITIONS**

Special Little Italy District (2/3/77)

* * *

Special Long Island City Mixed Use District (~~7/26/01~~)

The "Special Long Island City Mixed Use District" is a Special Purpose District designated with the letters "LIC" in which regulations set forth in Article XI, Chapter 7, apply. There are ~~three~~ four special subdistricts within the #Special Long Island City Mixed Use District#: the Hunters Point Subdistrict, the Court Square Subdistrict, ~~and~~ the Queens Plaza Subdistrict and the Dutch Kills Subdistrict. The #Special Long Island City Mixed Use District# and its regulations supplement, modify and supersede those of the districts on which it is superimposed.

Special Lower Manhattan District (8/27/98)

* * *

~~10/17/06~~

**43-12
Maximum Floor Area Ratio**

M1 M2 M3

In all districts, as indicated, for any #building# on any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

* * *

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Maximum Permitted #Floor Area Ratio#	Districts
1.00	M1-1
2.00	M1-2* M1-4 M2-1 M2-3 M3
5.00	M1-3 M1-5 M2-2 M2-4
10.00	M1-6

* In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet

southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to ~~3~~ 4.0 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.

In #buildings# used partly for #community facility use# and partly for #manufacturing# or #commercial use#, the total #floor area# used for #manufacturing# or #commercial use# shall not exceed the amount permitted in the preceding table or by the bonus provisions in Sections 43-13 or 43-14.

Notwithstanding any other provisions of this Resolution, the maximum #floor area ratio# in an M1-6 District shall not exceed 12.0.

* * *

~~7/26/01~~

Article XI - Special Purpose Districts

Chapter 7 Special Long Island City Mixed Use District

~~7/26/01~~

117-00
GENERAL PURPOSES

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, to:

- (a) ~~to~~ support the continuing growth of ~~a~~ mixed residential, commercial and industrial neighborhoods by permitting expansion and new 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) encourage the development of affordable housing;
- (~~d~~ e) ~~to~~ promote the opportunity for people to work in the vicinity of their residences;
- (~~e~~ f) ~~to~~ retain jobs within New York City;
- (~~f~~ g) ~~to~~ provide an opportunity for the improvement of Long Island City; and
- (~~g~~ h) ~~to~~ promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

~~7/26/01~~

117-01

Definitions

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#.

~~Special Long Island City Mixed Use District
(repeated from Section 12-10)~~

~~The "Special Long Island City Mixed Use District" is a Special Purpose District designated with the letters "LIC" in which regulations set forth in Article XI, Chapter 7, apply. There are three special subdistricts within the #Special Long Island City Mixed Use District#: the Hunters Point Subdistrict, the Court Square Subdistrict, and the Queens Plaza Subdistrict. The #Special Long Island City Mixed Use District# and its regulations supplement, modify and supersede those of the districts on which it is superimposed.~~

~~7/26/01~~

117-02

General Provisions

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 the #Special Long Island City Mixed Use District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Long Island City Mixed Use District#, except as otherwise provided in this Chapter. 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.

- (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 #developments# or #enlargements# containing both #residential# and non-#residential uses#, or for changes in #use# that would result in a #building# occupied by #residential# and non-#residential uses#, the #residential use# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a non-#residential use#. Non-#residential uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #residential uses#, provided that the non-#residential 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 ~~#Special Long Island City Mixed Use District#~~ Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and in Portions of Community Districts 1 and 2 in the Borough of Queens).

- (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.

~~7/26/01~~

117-03

District Plan and Maps

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	Map of the #Special Long Island City Mixed Use District# and Subdistricts
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, Street Wall Location and Ground Floor Use.

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.

~~8/12/04~~

117-04

Subdistricts

In order to carry out the purposes and provisions of this Chapter, ~~three~~ four subdistricts are established within the ~~#Special Long Island City Mixed Use District#~~. In each of these subdistricts ~~certain~~ special regulations apply that do not apply elsewhere within ~~the remainder of the #Special Long Island City Mixed Use District#~~ and supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive. ~~The Special District and Subdistricts are shown in Appendix A of this Chapter.~~

~~Special regulations set forth in~~ Sections 117-10 through 117-30, inclusive, shall apply to

the Hunters Point Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.

~~The Court Square Subdistrict Plan Map is shown in Appendix B of this Chapter. Special regulations set forth in Sections 117-40 through 117-45, inclusive, shall apply to the Court Square Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.~~

~~The Queens Plaza Subdistrict Plan Maps are included in Appendix C of this Chapter. Special regulations set forth in Sections 117-50 through 117-57, inclusive, shall apply to the Queens Plaza Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.~~

Sections 117-60 through 117-64, inclusive, shall apply to the Dutch Kills Subdistrict.

117-05
Applicability of Article I, Chapter 1

Within the #Special Long Island City Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, or noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for potential hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

* * *

117-60
DUTCH KILLS SUBDISTRICT

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

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 III, 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

In the Dutch Kills Subdistrict, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 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

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

(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 a #residential 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 (Inclusionary Housing Program), 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 #building# 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 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING).

(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

In the Dutch Kills Subdistrict, the #street wall# of any #residential# or #mixed use development# or #enlargement# 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

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

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 40 feet within 25 feet of a #street line#.

117-64

Special Parking Regulations

The provisions of Section 123-70 (Parking and Loading) and the underlying #accessory# off-street parking and loading regulations for the designated districts, 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 5 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 (date of amendment adoption) and on the date of application for a building permit.
 - ii) for all new #residential 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 Section 25-633 (Prohibition of curb cuts in certain districts) shall not apply.

APPENDIX A

Special Long Island City Mixed Use District and Subdistricts

