

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts Chapter 6: Special Forest Hills District

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(3/24/09)

Article VIII - Special Purpose Districts

**Chapter 6
Special Forest Hills District**

(3/24/09)

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**86-00
GENERAL PURPOSES**

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

- (a) ensure that the form of new buildings is compatible with and relates to the built character of the Forest Hills neighborhood;
- (b) preserve, protect and promote the special character of Austin Street as a regional shopping destination;
- (c) create a graduated transition from the lower-scale character of Austin Street to the higher-scale character of Queens Boulevard;
- (d) support a broad and vibrant mix of commercial and residential uses throughout the Special District;
- (e) enhance the pedestrian setting of Austin Street through appropriate ground floor uses and structural requirements;
- (f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

(2/2/11)

86-01

Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

(2/2/11)

86-02

General Provisions

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. 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.

Any special permit granted by the Board of Standards and Appeals before March 24, 2009, 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).

(3/24/09)

86-03

District Plan and Maps

The regulations of this Chapter are designed to implement the District Plan for the #Special Forest Hills District#. The District Plan includes the map of the #Special Forest Hills

District#, which is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

(3/24/09)

86-10

SPECIAL USE REGULATIONS

(3/22/16)

86-11

Ground Floor Uses Along Designated Streets

Along the portions of Austin Street and 71st Avenue specified on the map in the Appendix to this Chapter as Retail Continuity Streets, #uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial# or #community facility uses# permitted by the underlying district and the provisions of Section 86-12 (Modification of Uses Along Austin Street) and shall extend to a minimum depth in accordance with the provisions set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

Such ground floor #street# frontage of a #development# or #enlargement# constructed after March 24, 2009, shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations and #accessory# parking spaces provided in accordance with applicable provisions of Section 37-33 (Maximum Width of Certain Uses).

(3/24/09)

86-12

Modification of Uses Along Austin Street

The #use# regulations in the #Special Forest Hills District# shall be modified to permit Use Groups 10A, 10C, 12A, 12B, 12D and 12E within C2 Districts fronting on Austin Street.

The provisions of Section 32-423 (Limitation on ground floor location) shall not apply to #uses# located along Austin Street.

(3/22/16)

86-13

Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial uses# are not located directly over any #dwelling units#.

Such #commercial uses#, however, may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that there is sufficient separation of #residential uses# from #commercial uses# within the #building#.

(3/22/16)

86-14

Transparency Requirements

For #developments# or #enlargements# constructed after March 24, 2009, the ground floor #street wall# bounding any #commercial# or #community facility use#, other than a #school#, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

(3/24/09)

86-20

SPECIAL BULK REGULATIONS

The applicable #bulk# regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

(3/24/09)

86-21

Special Floor Area Regulations in C4-5X Districts

In C4-5X Districts within the #Special District#, the underlying #floor area ratio# for #commercial uses# shall not apply. In lieu thereof, the provisions of Section 33-122 (Commercial buildings in all other Commercial Districts) shall be modified to permit a maximum #floor area ratio# of 5.0.

(3/24/09)

86-22

Waiver for Rear Yards

No #rear yards# shall be required for any #commercial# or #community facility use# permitted within a C2-3 District in the #Special Forest Hills District#.

(3/22/16)

86-23

Height and Setback Regulations

#Buildings or other structures# within the Special District shall comply with the height and setback regulations of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), except as modified by this Section.

(a) In C4-4A Districts

Within the C4-4A District, the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building or other structure# within the C4-4A District shall be 70 feet.

(b) In C4-5X Districts

Within the C4-5X District west of 70th Road, the minimum

base height of the #street wall# shall be 40 feet and the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building or other structure# within the C4-5X District shall be 120 feet, except that within 60 feet of the northerly side of Austin Street between Yellowstone Boulevard and 70th Avenue, the maximum height for #buildings or other structures# shall be 80 feet.

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

(2/2/11)

86-30

SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

For any #zoning lot# within the #Special Forest Hills District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, other than #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 Austin Street;
- (c) modification is the only practicable way to achieve the programmatic requirements of the development;
- (d) modification will enhance the distribution of #bulk# on the #zoning lot#;
- (e) modification of #bulk# will permit adequate access of light and air to surrounding #streets# and properties; and
- (f) #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.

(3/24/09)

86-40

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The applicable parking and loading regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

(3/24/09)

86-41

Parking Regulations for Commercial Uses

For all #commercial uses# located within the #Special Forest Hills District# in parking requirement category (PRC) A, B, B1 or C, the requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified to provide one parking space per 400 square feet of #floor area# for all such #uses#.

In the Special District, hotels (PRC-H) shall be required to provide one parking space per 12 guest rooms or suites, or one parking space per 12 persons rated capacity, whichever is greater. Places of assembly (PRC-D) shall be required to provide one parking space per 12 persons rated capacity.

(2/2/11)

86-42

Location of Off-Site Accessory Parking Spaces for Residential Uses

The applicable regulations for the location of permitted or required off-site #accessory# parking spaces for #residential uses# in Sections 36-42 (Off-Site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall not apply in the #Special Forest Hills District#. In lieu thereof, such off-site parking spaces, which are #accessory# to a #residential use#, may also be located on any #zoning lot# within the Special District other than the #zoning lot# to which they are #accessory#.

(3/22/16)

86-43

Modification of Parking Requirement Waivers

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#, as follows:

- (a) For any #development# or #enlargement# containing #residences#, the waiver modification provisions set forth in Section 36-362 (In other C1 or C2 Districts or in C4, C5 or C6 Districts), inclusive, shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS), inclusive, shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the applicable regulations of Section 36-30, inclusive, is five spaces or fewer.

For any #commercial# or #community facility use# permitted in the Special District, the modification waiver provisions for a C4-4 or C4-5 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-21 (General Provisions) shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the regulations of Section 36-21, is fewer than 40 spaces.

- (b) 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 Forest Hills District#.
- (c) Within the #Special Forest Hills District#, the provisions of paragraph (a) of this Section and Sections 36-23 (Waiver of Requirements for Spaces Below Minimum Number) and 36-36 (Waiver of Requirements for Small Number of Spaces) shall apply only to #zoning lots# existing both on March 24, 2009, and on the date of application for a building permit.

(3/24/09)

86-44

Location of Access to the Street

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), pertaining to location of access shall be modified within the #Special Forest Hills District#, as follows:

- (a) curb cuts for permitted or required #accessory# off-street parking and loading spaces along Austin Street from 70th Avenue to Ascan Avenue and along 71st Avenue from Austin Street to Queens Boulevard, as shown on the map in the Appendix to this Chapter, shall not be allowed. The Chairperson of the City Planning Commission, however, may certify to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that a curb cut in that location would not be hazardous to traffic safety and would, if granted, be no wider than 20 feet; and
- (b) an application 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 Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

