THE CITY OF NEW YORK

ZONING HANDBOOK

J.S.
ZONING HANDBOOK
A Guide to the Zoning Resolution of The City of New York
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INTRODUCTION

New York City's new Zoning Resolution has been acclaimed as a "mandate for a better City." It represents a giant stride forward in the City's efforts to meet the compelling problems imposed by a modern metropolis. It frees the City from the shackles of the past as embodied by the old code.

The City's first Zoning Resolution, passed in 1916 and hailed as a pioneering achievement then, has become hopelessly inadequate. Complicated by a three-map system with more than 2,500 map and text amendments, and antique and unwieldy provisions, it impeded rather than encouraged logical planning progress. It failed to provide a rational guide to the growth and future development of the City, and equally serious, failed to protect existing development from encroachment by incompatible or undesirable uses.

A great number of new uses and new problems have come into being since the passage of the 1916 Resolution. Modern construction techniques and a multitude of new materials have been developed. The automobile has demonstrated an insatiable appetite for space — for parking, for highways, for garaging — in an era when our old zoning code was hatched to the horse and buggy.

The demands of these technological and social changes have been met by the new Resolution. More open space and less overcrowding in residential areas are insured by a carefully worked out set of interrelated controls. New factories and commercial buildings are required to provide off-street parking. Appreciable amounts of sterile commercial strip zones are rezoned for productive use. Requirements for off-street parking of autos and off-street loading of trucks are built into the Resolution. More open space and less overcrowding in residential areas are insured by a carefully worked out set of interrelated controls. New factories and commercial buildings are required to provide off-street parking. Appreciable amounts of sterile commercial strip zones are rezoned for productive use. Requirements for off-street parking of autos and off-street loading of trucks are built into the Resolution. The Resolution is the sum and distillation of nearly a half-century of thought and study. Five years in preparation, it contains much material which cannot be abbreviated without the risk of distortion. Thus, it is manifestly impossible in a guidebook to match the Resolution's scope or magnitude. As a guide to a technical document, every effort has been made to be accurate. However, this booklet does not have the status of an enactment.

This booklet is intended to serve as a guide to the new Zoning Resolution. It contains, in summary, its major provisions and outlines the principles upon which they are based. In many instances regulations are discussed in detail. Where possible, charts and diagrams have been used to illustrate the text.

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December 1961
THE STRUCTURE OF THE RESOLUTION

The modern Zoning Resolution can be neither simple nor brief. It can, however, be convenient to use and easy to understand while dealing with complex problems.

Zoning Maps

A single set of maps records the zoning structure for the entire City. For easy reference, the maps have been drawn in a series of 35 sections. Each section is divided into four quarters, marked A, B, C, and D. There are 126 quarter-sections. The remaining fourteen quadrants are not mapped because they cover area which extends either beyond pierhead lines or beyond City boundaries.

The single-map system replaces the old three-map system which was drawn to accommodate the separate height, use, and area Districts of the old code.

HOW TO READ THE ZONING MAPS

1. Find the Map

Locate the property in question on the "Index Map of The City of New York" and note the section and quarter in which it lies. Then, turn to that map quarter-section.

2. Determine Zoning District Boundaries

Heavy solid lines on the zoning maps indicate the boundaries of zoning Districts.

Where these boundary lines occur within a block, a figure giving the zoning depth is sometimes shown. If no figure is given and the line runs down the length of the block, the zoning boundary is the center line of the block. If no figure is given and the zoning line runs parallel to the width of the block, the depth of zoning is generally 100 feet, except in certain Commercial Districts as noted:

<table>
<thead>
<tr>
<th>District</th>
<th>Depth of Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cl-1, C4-1, C4-2, C4-4</td>
<td>200 feet from nearest street within the district</td>
</tr>
<tr>
<td>Cl-2, Cl-3, C2, C2-2, C2-3, C4-3, C7</td>
<td>150 feet from nearest street within the district</td>
</tr>
</tbody>
</table>

3. Identify the District

Each District is designated by one letter plus one or two numbers. The letter shows the general use classification: "R" for Residence; "C" for Commercial; and "M" for Manufacturing. Most Residence Districts have only one number, which indicates permitted use, bulk, and required parking. Most Commercial and all Manufacturing Districts have two numbers, the first indicating permitted uses and the second, permitted bulk, required parking or both. A second number is used in R1 and R3 Districts to indicate use restrictions or bulk variations, and in RY Districts to indicate differing parking requirements.

Local Retail (C1-1 through C1-5) and Local Service (C2-1 through C2-5) areas within Residence Districts are designated by easily identifiable patterns. A key to these patterns is located on each zoning map.

Text of the Resolution

The Resolution is divided into seven Articles:

I. GENERAL PROVISIONS, including definitions and provisions relating to vested rights

II. RESIDENCE DISTRICT REGULATIONS

III. COMMERCIAL DISTRICT REGULATIONS

IV. MANUFACTURING DISTRICT REGULATIONS

V. NON-CONFORMING USES AND NON-COMPLIING BUILDINGS, including provisions relating to continuance, change of use and termination

VI. SPECIAL HEIGHT REGULATIONS APPLYING AROUND MAJOR AIRPORTS

VII. ADMINISTRATION, including provisions relating to enforcement, appeals, variances, special permits and amendments.

Use, bulk, and parking regulations for Articles II, III, and IV are self-contained within each of these Articles. A columnar chart along the right hand margin in these Articles singles out those Districts to which each section of the Resolution applies. This makes it possible to find all pertinent sections for a particular District by reading down the appropriate columns. Where sections apply to more than one of these Articles, they are generally repeated in each.

Each section of the text is identified by a number. The first two digits indicate the Article and Chapter. The remaining digits indicate the section or subsection. Major sections have four digits (e.g. 43-12), and subsections have five (e.g. 43-121). For example, 43-121 identifies Article IV, Chapter 3, subsection 121 (a subsection within section 12).

Throughout the Resolution, all words specifically defined in the text are italicized. Definitions of those words, such as basement, cellar, dwelling unit, floor area ratio, are given in Article I and, for convenience, key definitions are repeated in other Articles as necessary. In addition, to make the ordinance as easy as possible to use, many regulations are outlined in tables and are supplemented by drawings and diagrams.
HOW TO DETERMINE WHAT MAY BE BUILT ON A SPECIFIC PIECE OF LAND

1. Identify the District

Identify the District in which the site is located (see the directions on "How to Read the Zoning Maps"). Then, turn to the Article which corresponds to the letter in the zoning designation: R (Residence), Article II; C (Commercial), Article III; or M (Manufacturing), Article IV.

2. Find Out Which Uses Are Permitted in the District

To determine the uses permitted in a District, check the Use Group chart in the appropriate Article. A Use Group is a list of compatible uses; and combinations of Use Groups are specified for each District. Sections in Articles II, III, and IV list the uses included in the various Use Groups in the chart. If a Use Group is permitted in a District, then any use listed in the Use Group is permitted in the District as a matter of right.

Index of Uses

As an aid to use of the ordinance, a comprehensive alphabetical Index of Uses has been placed in Appendix A. The Index identifies the Use Group in which a use is located, Districts in which it is permitted and, if applicable, its parking requirement category. The Index is intended to serve as a basic reference guide, but it is not an integral part of the text of the Resolution and has no legal status.

HOW TO DETERMINE WHERE A SPECIFIC USE MAY BE LOCATED

1. Identify Districts in Which the Use May Be Located

Turn to the "Index of Uses" in Appendix A to determine the Districts in which the use may locate. In Districts listed but not asterisked, a use is permitted as a matter of right. In Districts marked with a single asterisk, a Special Permit from the Board of Standards and Appeals is required. In Districts marked with a double asterisk, a Special Permit from the Planning Commission is required.

2. On the Zoning Maps, Locate Districts in Which the Use Is Permitted

3. Determine the Applicable Regulations

Read the regulations which apply to uses in those Districts. Note that the parking requirement category for each use is given, when applicable, in the Index of Uses.

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### Table: Index of Uses

<table>
<thead>
<tr>
<th>Use/Group</th>
<th>Parking Requirement Category</th>
<th>Districts Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adhesive manufacture, excluding manufacture of basic components</td>
<td>17</td>
<td>R1 M1 M2 M3</td>
</tr>
<tr>
<td>Advertising displays manufacture</td>
<td>17</td>
<td>R1 M1 M2 M3</td>
</tr>
<tr>
<td>Advertising signs (See Sections 32-63 and 42-52)</td>
<td>17</td>
<td>R1 M1 M2 M3</td>
</tr>
<tr>
<td>Agricultural machinery manufacture, including repairs</td>
<td>18</td>
<td>R1 M1 M2 M3</td>
</tr>
<tr>
<td>Agriculture Without nuisance or sales limitations</td>
<td>4</td>
<td>R1 M1 M2 M3</td>
</tr>
<tr>
<td>Without nuisance or sales limitations</td>
<td>17</td>
<td>R1 M1 M2 M3</td>
</tr>
<tr>
<td>Aircraft manufacturing (including parts)</td>
<td>17</td>
<td>R1 M1 M2 M3</td>
</tr>
<tr>
<td>Airports Amusement parks, children's (See children's amusement parks)</td>
<td></td>
<td>R1 M1 M2 M3</td>
</tr>
</tbody>
</table>

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8

9
USE

A primary consideration of zoning is the determination of how land shall be used, and where the every-day activities of city life are to be carried out. The guiding use principles in the Zoning Resolution are:

- Safeguarding residential, commercial, industrial and other urban land needs;
- Placing each use in harmonious surroundings where it can give maximum performance and service; and
- Defining clearly all uses permitted in any area.

Use Groups and Special Permit Uses

Every known use is listed in the Zoning Resolution. Compatible uses have been grouped in 18 "Use Groups," and appropriate combinations of Use Groups determine the uses permitted in a District as a matter of right. Uses which require Special Permits from the Planning Commission or Board of Standards and Appeals for inclusion in a particular District are specified in both the Article relating to that District and the Article on Administration (Article VII).

Uses not specifically listed for inclusion in a District are forbidden. When a new use comes into being, the Zoning Resolution will be amended to provide for its location in the appropriate Districts.

<table>
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<td>Group 15</td>
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<td>Group 16</td>
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<td>Group 17</td>
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<td>Group 18</td>
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</tbody>
</table>

DESCRIPTION OF USE GROUPS

Use Group 1
Single-family detached residential development.

Use Group 2
All other types of residential development designed for permanent occupancy.

Use Group 3
Community facilities such as schools, libraries, or museums, which serve educational or other essential neighborhood needs or can function best in a residential environment, and are not objectionable in residential areas.

Use Group 4
Other community facilities, such as churches, community centers, or hospitals, which provide recreational, health, or other essential services for residential areas or can function best in a residential environment, and are not objectionable in residential areas.

Use Group 5
Transient hotels, permitted in all Manufacturing and Commercial Districts, except C3, but not in Residential Districts.

Use Group 6
Retail and service establishments, such as food and small clothing stores, beauty parlors, and dry cleaners, which are needed to serve local shopping needs.

Use Group 7
Home maintenance and repair services such as plumbing and electrical shops which are needed to serve nearby residential areas. These uses would be incompatible in prime retail shopping areas, because they interrupt the continuity of retail frontage.

Use Group 8
Amusement establishments such as small bowling alleys, and service uses such as upholstery and appliance repair shops, which appropriately serve nearby residential areas. Suitable in secondary and major centers, they are not appropriate in local shopping areas or in the highly restricted central commercial areas.

Use Group 9
Services to business establishments and other services which depend on trade from a large area. They are therefore appropriately located in secondary, major, and central commercial areas and their peripheral service areas.

Use Group 10
Large retail establishments, such as department stores, which serve a large area. Appropriate in secondary, major and central shopping areas, but not in local shopping or local service areas because of the harmful effects of a large volume of traffic attracted from outside the neighborhood.

Use Group 11
Custom manufacturing activities, such as art needlework and jewelry manufacturing from precious metals, which have no significant objectionable effects and generate very little truck traffic. These establishments can best serve their customers from a central location, and are therefore appropriate in the central commercial areas.

Use Group 12
Large entertainment facilities, such as arenas and indoor skating rinks, which draw large numbers of people from a wide service area and generate high traffic volumes. Appropriate in secondary, major and general central commercial areas but not in local commercial areas nor in the restricted central commercial areas.

Use Group 13
Low coverage or open uses such as golf driving ranges, children’s small amusement parks, and gasoline service stations. These are all uses which attract customers for special purposes not associated with retail shopping.

Use Group 14
Facilities for boating and related activities which are suitable in waterfront recreation areas.

Use Group 15
Large commercial amusement establishments, including the typical Coney Island attractions. They generate considerable noise and traffic and are appropriate only in a few designated areas like Coney Island or the Rockaways.

Use Group 16
Semi-industrial uses, including automotive and other services, such as custom woodworking shops, and
welding shops, which typically involve offensive noise and other objectionable influences. They are required to serve residential and commercial areas throughout the City, but are not compatible with residential uses or with other types of commercial development. Use Group 17
Manufacturing uses which can normally conform to high performance standards by controlling objectionable influences and in so doing become compatible to adjacent residential areas.

Use Group 18
Industrial uses which either involve considerable danger of fire, explosion, or other hazards, or cannot be designed without appreciable expense to conform to high performance standards with respect to the omission of objectionable influences.

Use Districts

RESIDENCE DISTRICTS

With the exception of R1 and R2 Districts (single-family detached Residence Districts) and R3-1 Districts (single- and two-family detached Residence Districts), all Residence Districts permit the same uses. They are distinguished from one another by differences in permitted bulk and required parking.

R1 and R2
SINGLE-FAMILY DETACHED RESIDENCE DISTRICTS. Permit single-family detached residences; community facilities serving residential areas of.

COMMERCIAL DISTRICTS

Commercial Districts range from local shopping areas to heavy service areas. Uses permitted in Residence Districts are permitted in all Commercial Districts except C8.

C1 LOCAL RETAIL DISTRICTS. Local shopping. Include a wide range of retail stores and personal service establishments. Typical uses: food stores, barber shops, beauty parlors, dry cleaners, shoe or hat repair shops, small clothing or dry goods stores.

C2 LOCAL SERVICE DISTRICTS. Wide range of local service establishments not regularly visited in day-to-day shopping. Typical uses: small contractors' establishments, small moving or storage offices, exterminators, small sign painting shops, window shade or awning shops.

C3 WATERFRONT RECREATION DISTRICTS. Pleasure boating and fishing including the renting, servicing and storage of boats in appropriate waterfront areas, usually adjacent to residential development.

C4 GENERAL COMMERCIAL DISTRICTS. Occasional family shopping and essential business services, characterized by a substantial number of large stores generating considerable traffic. Typical uses: department stores, furniture, appliance, and carpet stores; theaters; commercial parking lots and garages.

C5 RESTRICTED CENTRAL COMMERCIAL DISTRICTS. Office buildings, department stores, and other related retail and wholesale activities of a wide, or national significance; a few high-value custom manufacturing uses, such as custom clothing manufacturing, jewelry or watch making, and the making of precision instruments and optical goods; and a great variety of services essential to the needs of such an area.

C6 GENERAL CENTRAL COMMERCIAL DISTRICTS. In addition to uses allowed in C5 Districts, permit full range of commercial activities requiring a central location, including all amusement, service, and repair uses permitted in C2, and the large entertainment uses allowed in C4.

C7 COMMERCIAL AMUSEMENT DISTRICTS. Provide for large, noisy, traffic-generating uses such as large amusement parks of the type found in The Rockaways and Coney Island. Such uses would be objectionable in all other Commercial Districts, and a special District is needed.

C8 GENERAL SERVICE DISTRICTS. Furnish services creating noise, truck traffic, and other objectionable effects, although needed in proximity to residences and businesses they serve. Typical uses: automobile service stations, small welding and machine shops, large laundries, and dry cleaning establishments.

MANUFACTURING DISTRICTS

Manufacturing Districts have been established for high (M1), medium (M2), and low (M3) levels of industrial performance. Residential and community facility uses are excluded from all Manufacturing Districts, except that in M1 Districts, uses in Use Group 4 (hospitals, churches, welfare centers, etc.) are permitted. All commercial uses are permitted in Manufacturing Districts, except large open commercial amusement establishments (Use Group 16) which are excluded from M1 Districts. New manufacturing or related uses must meet the performance standards set for the District in which they are located. An industry permitted in an M3 District may be permitted in an M2 or M1 District if it can meet the applicable performance standards.

M1 LIGHT MANUFACTURING DISTRICTS (HIGH PERFORMANCE). Activities (except storage) within completely enclosed buildings. Often provide buffers between residences or Commercial Districts and M2 or M3 Manufacturing Districts. Typical uses include research laboratories, manufacturing of apparel or textiles, electronic equipment, pharmaceutical and wholesale service facilities.

M2 MEDIUM MANUFACTURING DISTRICTS (MEDIUM PERFORMANCE). Manufacturing and related uses with performance characteristics less desirable than those permitted in M1 but not as objectionable as M3 Districts permit. Enclosure of activities in buildings is normally not required except along the boundary of a Residence District. Industries permitted in M1 Districts but unable to meet M1 performance standards might well be appropriate in M2, as would heavy industries which can upgrade their performance to M2 levels.

M3 HEAVY MANUFACTURING DISTRICTS (LOW PERFORMANCE). Essential heavy industries which cannot reasonably be expected to conform to performance standards appropriate for most other types of industrial activity. Typical uses include chemical manufacturing, power plants, foundries, and junk yards.

Industrial Performance Standards (Manufacturing Districts)

The Zoning Resolution classifies manufacturing operations by an industry's actual performance and impact on surrounding uses. This is achieved through a series of regulations which impose performance requirements that must be met in order for an industry to qualify for a particular Manufacturing District. Compliance with performance standards is determined by the direct measurement of eight characteristics incidental to industrial operations. These include:

- Radiation
- Toxic or noxious matter
- Fire and explosive hazards
- Humidity, heat, or glare

In general, separate standards have been established for the three Manufacturing Districts. The most exacting standards have been set for light (M1) Districts, with heavy (M3) Districts subject to the least restrictive controls. Any use in Group 11A, 16, 17, and 18 can qualify for authorization as a permitted use in any Manufacturing District, as long as it complies with the District standards for each performance characteristic.
COMMERCIAL DISTRICTS

In Commercial Districts "Supplementary Use Regulations" provide for the complete enclosure of all uses, restrict auto access onto zoning lots near schools, parks and playgrounds; regulate the location of certain uses within buildings; and determine the number of doors they may occupy. "Special Provisions Applying Along District Boundaries" limit the placement of primary business entrances, show windows and signs.

Enclosure

In all Districts but C7, uses must be located within completely enclosed buildings. Open storefronts and store windows are allowed, however, in C2, C3, C4, C6-1 through C6-4, C6-6, and C8 Districts.

Ground Floor Location

Asterisked uses in commercial use group lists may not be located on the ground floor of a building in certain Districts, unless located at least 60 feet from the building wall which faces the street. For asterisked uses in group C2, C3, C4, C6-1 through C6-4, C6-6, C8, they apply in C5 Districts, and between districts to which they refer.

Auto Access Restrictions and Boundary Provisions

The same auto access restrictions and boundary provisions apply in all Commercial Districts.

MANUFACTURING DISTRICTS

In Manufacturing Districts, the "Supplementary Use Regulations" require complete enclosure of all uses in C1 Districts and restrict auto access onto zoning lots near schools, parks and playgrounds in all Districts. The "Special Provisions Applying Along District Boundaries" call for enclosure of manufacturing and commercial activities and enclosure or screening of storage facilities. They also limit business entrances, show windows and signs. Boundary regulations are uniform for all Districts, except those which relate to enclosure or screening of storage. Storefronts and store windows open to customers outside the building, are permitted for all the commercial uses in all Manufacturing Districts.

Signs

SIGN DIMENSIONS AND PLACEMENT REGULATIONS

| District | Maximum Size or Individual Sign | Surface Area Per Lot | Maximum Height Above Roof | Wall Sign
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C1, C2</td>
<td>NR</td>
<td>In Street Frontage</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>C1</td>
<td>NR</td>
<td>50</td>
<td>50</td>
<td>P</td>
</tr>
<tr>
<td>C5-1 to C6-5</td>
<td>In Street Frontage</td>
<td>300</td>
<td>30</td>
<td>P</td>
</tr>
<tr>
<td>C6-6</td>
<td>In Street Frontage</td>
<td>500</td>
<td>50</td>
<td>P</td>
</tr>
</tbody>
</table>

NON-RESIDENTIAL USES

In all Manufacturing Districts, the code permits "business signs" - signs erected on the side or rear of premises that are businesses to which they refer.

Permitted advertising signs may be illuminated or flashing, except in C8 Districts, where they may be non-illuminated or illuminated indirectly, with residences and streets shielded from the light source.

SIZE, SURFACE AREA, HEIGHT, AND PROJECTION

For non-residential signs in Commercial or Manufacturing Districts, the limits on size, total surface area per lot, and height are indicated below:

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Total Surface Area of Signs Per Lot (in square feet)</th>
<th>With Which Less Must Be Measured</th>
<th>Maximum Height (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1, C2</td>
<td>150</td>
<td>In Street Frontage</td>
<td>50</td>
</tr>
<tr>
<td>C5-1 to C6-5</td>
<td>300</td>
<td>300</td>
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</tr>
<tr>
<td>C6-6</td>
<td>500</td>
<td>500</td>
<td>50</td>
</tr>
</tbody>
</table>

NR = No Restrictions
P = Prohibited

Non-illuminated signs or signs with indirect illumination may extend to a maximum height of 58 feet.

Non-illuminated or illuminated business signs may not exceed 150 square feet.

INDIVIDUAL and FOR EACH ABOVE

The same auto access restrictions and boundary provisions apply in all Commercial Districts.

RESTRICTED USES

In all Manufacturing Districts, the code permits "business signs" - signs erected on the side or rear of premises that are businesses to which they refer.

Permitted advertising signs may be illuminated or flashing, except in C8 Districts, where they may be non-illuminated or illuminated indirectly, with residences and streets shielded from the light source.

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<tr>
<td>C5-1 to C6-5</td>
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<tr>
<td>C6-6</td>
<td>500</td>
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NR = No Restrictions
P = Prohibited

Non-illuminated signs or signs with indirect illumination may extend to a maximum height of 58 feet.

Non-illuminated or illuminated business signs may not exceed 150 square feet.
Applicable to all kinds of buildings.

Applicable only to buildings which contain residential uses.

Applicable only to buildings whose floor area is more than 20,000 square feet.

Applicable only to buildings which contain community facility uses, and only in Residence Districts.

**Floor Area Ratio**

The Floor Area Ratio is the principal control on the intensity of development on a zoning lot. Expressed as a formula:

\[
\text{FAR} = \frac{\text{Floor Area}}{\text{Lot Area}}
\]

Thus a building permitted a Floor Area Ratio of 5 could have five times as much floor area as lot area, while a Floor Area Ratio of .5 would permit a floor area equal to only half the lot area.

**Floor Area**

The term “floor area” used in determining the Floor Area Ratio (and the Open Space Ratio as well, see below), is defined as the sum of the gross areas of all the floors in a building, excluding certain floors and other building areas.

Areas excluded are:

1. Attics with headroom of less than eight feet.
2. Ceilings - space whose height is more than half below curb level.
3. The lowest story of a residence containing a portion of the ground below grade.
4. Uncovered steps.
5. An open space on the lot.
6. Room or rooms, with each additional room counting as one.

**Open Space Ratio**

For buildings containing residential uses, the primary device assuring adequate open space is the Open Space Ratio. This fixes the open space required on a lot as a percentage of the total floor area of all buildings on the lot. Expressed as a formula:

\[
\text{OSR} = 100 \times \frac{\text{open space}}{\text{floor area}}
\]

The relationship of Floor Area Ratio, Height Factor, and Open Space Ratio in Districts R5 through R9 is summarized in the following chart:

<table>
<thead>
<tr>
<th>Floor Area Ratio</th>
<th>Height Factor</th>
<th>Open Space Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5</td>
<td>2.0</td>
<td>50</td>
</tr>
<tr>
<td>1.0</td>
<td>1.0</td>
<td>20</td>
</tr>
<tr>
<td>1.5</td>
<td>0.5</td>
<td>10</td>
</tr>
<tr>
<td>2.0</td>
<td>0.25</td>
<td>5</td>
</tr>
</tbody>
</table>

Where the Open Space Ratio is 20, for example, a building whose floor area is 20,000 square feet calls for open space of 4,000 square feet - 20 per cent of 20,000.

**Open Space**

"Open space" is that part of a zoning lot which, in general, must be open and unobstructed to the sky. It must be accessible to all residents of a building (except in R8 and R9 Districts, where roof area used as required open space need not be accessible or open to the sky). Roof area can be counted as open space if it is not over building areas devoted to residential use, and only if certain restrictions and design standards are met. Certain obstructions are permitted, and up to 50 per cent of the required open space may be used for off-street parking.

**Required Lot Area per Room or Dwelling Unit**

The number of people who can live in a given area is limited indirectly by the number of dwelling units or rooms permitted in a residential building on a lot of a given size. These restrictions are set in terms of lot area required per dwelling unit or room.

**Room**

For the purpose of these regulations, "room" has a meaning similar to that of "rental room," familiar to architects and builders. In this definition, the basic living space in an apartment — living room, dining area, and kitchen — counts as two rooms, with each additional room counting as one.

Supplementing these limitations in R1 through R5 Districts are regulations which forbid renting units ("rooms," for example) and restrict dwelling unit occupancy to a single family or a common household of up to four unrelated persons.

**Other Density Controls**

Buildings occupied by residential and non-residential uses must meet the lot area requirements for both uses. Requirements for the non-residential portion of floor area devoted to such non-residential use limits, however, this provision of additional open space and privacy through the control of minimum lot size for residential buildings, and maximum lot coverage for buildings which contain community facility uses in Residence Districts.

**Bonus Provisions**

Bonuses for Open Space

In R5 through R9 Districts, the higher the building, the greater the Open Space Ratio required. Within limits, however, this provision of additional open space is rewarded by more floor area, by more rooms per lot area, or a combination of both.

\[
\frac{1}{\text{FAR}} = \frac{1}{\text{OSR}} + \frac{1}{\text{Height Factor}}
\]

The relationship between Floor Area Ratio, Height Factor, and Open Space Ratio in District R5 through R9 is summarized in the following chart:

For buildings containing community facility uses, the primary device assuring adequate open space is the Open Space Ratio. This fixes the open space required on a lot as a percentage of the total floor area of all buildings on the lot. Expressed as a formula:

\[
\text{OSR} = 100 \times \frac{\text{open space}}{\text{floor area}}
\]
### Minimum Required Open Space Ratio and Maximum Floor Area Ratio — B3 Through B5 Districts

<table>
<thead>
<tr>
<th>Type of Building or Use</th>
<th>Districts in Which Bonuses May Be Granted</th>
<th>Minimum Required Open Space Ratio</th>
<th>Minimum Maximum Floor Area Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential B10 C6.5 C6.7 C6.8 C7 C8 C9</td>
<td>R1 to 92</td>
<td>0.52</td>
<td>1.60</td>
</tr>
<tr>
<td>Commercial C6.9 C7.5 C8 C9</td>
<td>R10 to 92</td>
<td>0.70</td>
<td>2.20</td>
</tr>
</tbody>
</table>

**Bonuses for Districts B10 Through B5 — Areas Covered and Arcades**

In addition to the bonus for residential and commercial districts, bonuses are also given for the provision of plazas, plaza-connected open areas, and arcades.

The bonuses are awarded in the value of the bonuses in the Districts indicated:

<table>
<thead>
<tr>
<th>Minimum Maximum Floor Area Ratio</th>
<th>Minimum Required Open Space Ratio</th>
<th>Type of Building or Use</th>
<th>Districts in Which Bonuses May Be Granted</th>
<th>Districts in Which Bonuses May Be Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.52</td>
<td>1.60</td>
<td>Residential B10 C6.5 C6.7 C6.8 C7 C8 C9</td>
<td>R1 to 92</td>
<td>R10 to 92</td>
</tr>
<tr>
<td>0.70</td>
<td>2.20</td>
<td>Commercial C6.9 C7.5 C8 C9</td>
<td>R10 to 92</td>
<td>R10 to 92</td>
</tr>
</tbody>
</table>

### ROOFS BONUS

In Districts B3 through B5, the equivalent in the **Open Space Ratio** also results in an increase in the number of rooms permitted on the lot. For each one point rise in the **Open Space Ratio** over an **Open Space Ratio base figure**, there is a uniform reduction in the required lot area per room, until a minimum requirement is reached.

### Types of Populations permitted on lots in each District, given the Open Space Ratio and Height Factor:

1. **The Floor Area Ratio** permissible on lots in each District, given the **Open Space Ratio** and Height Factor:

2. The lot coverage permissible on lots in each District, given the Open Space Ratio and Height Factor:

3. The lot area required per room and the resulting number of rooms per acre permitted on lots in each District, given the Open Space Ratio.

### Residential Bulk Regulations

<table>
<thead>
<tr>
<th>District</th>
<th>Typical Height (Stories)</th>
<th>Maximum Floor Area Per Lot</th>
<th>Minimum Required Open Space Ratio</th>
<th>Per Dwelling Unit per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1-1</td>
<td>1 and 2</td>
<td>0.50</td>
<td>10.00</td>
<td>3.00</td>
</tr>
<tr>
<td>R1-2</td>
<td>1 and 2</td>
<td>0.50</td>
<td>15.00</td>
<td>2.00</td>
</tr>
<tr>
<td>R2-1</td>
<td>1 and 2</td>
<td>0.50</td>
<td>15.00</td>
<td>2.00</td>
</tr>
<tr>
<td>R2-2</td>
<td>1 and 2</td>
<td>0.50</td>
<td>15.00</td>
<td>2.00</td>
</tr>
<tr>
<td>R3-1</td>
<td>1 and 2</td>
<td>0.50</td>
<td>15.00</td>
<td>2.00</td>
</tr>
<tr>
<td>R3-2</td>
<td>1 and 2</td>
<td>0.50</td>
<td>15.00</td>
<td>2.00</td>
</tr>
<tr>
<td>R4-1</td>
<td>1 and 2</td>
<td>0.50</td>
<td>15.00</td>
<td>2.00</td>
</tr>
<tr>
<td>R4-2</td>
<td>1 and 2</td>
<td>0.50</td>
<td>15.00</td>
<td>2.00</td>
</tr>
</tbody>
</table>

### Commercial and Manufacturing Bulk Regulations

<table>
<thead>
<tr>
<th>Minimum Floor Area Ratio</th>
<th>Commercial Bulk Regulations</th>
<th>Manufacturing Bulk Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.50</td>
<td>C9</td>
<td>M1-6</td>
</tr>
<tr>
<td>1.00</td>
<td>C4</td>
<td>M1-1</td>
</tr>
<tr>
<td>2.00</td>
<td>C4-4</td>
<td>M1-4</td>
</tr>
<tr>
<td>3.00</td>
<td>C4-6</td>
<td>M1-6</td>
</tr>
<tr>
<td>4.00</td>
<td>C5</td>
<td>M2-1</td>
</tr>
<tr>
<td>5.00</td>
<td>C8</td>
<td>M2-5</td>
</tr>
<tr>
<td>6.00</td>
<td>C8-2</td>
<td>M2-6</td>
</tr>
<tr>
<td>7.00</td>
<td>C8-3</td>
<td>M2-6</td>
</tr>
<tr>
<td>8.00</td>
<td>C8-4</td>
<td>M2-6</td>
</tr>
<tr>
<td>9.00</td>
<td>C8-5</td>
<td>M2-6</td>
</tr>
<tr>
<td>10.00</td>
<td>C8-6</td>
<td>M2-6</td>
</tr>
<tr>
<td>11.00</td>
<td>C8-7</td>
<td>M2-6</td>
</tr>
</tbody>
</table>

### Notes:

1. For a range of **floor area ratios**, the lower is the maximum required at the lower floor area ratio shown, and the higher is the minimum required at the **height ratio** shown.
2. When a range of required lot areas per room, or rooms per acre, is shown, the first number is the density permitted at the lowest open space ratio shown, and the second is the maximum density permitted in the District.
3. The **minimum lot area requirements are reduced 6 per cent, but not more than 17 per cent in all.**
Design Controls

While floor area, open space, and density regulations prevent over-development and overcrowding, they cannot alone prevent buildings from cutting off air circulation and blotting out light. To provide light and air and still allow builders and architects maximum flexibility in planning and placing buildings on a zoning lot, the Zoning Resolution uses:

- **HEIGHT AND SETBACK REGULATIONS**—Applicable only to all kinds of buildings
- **YARD REGULATIONS**—Applicable to all kinds of buildings
- **REGULATIONS PERTAINING TO SPACING BETWEEN BUILDINGS ON THE SAME LOT**—Applicable only to residential buildings
- **REGULATIONS PERTAINING TO BUILDING HEIGHTS AROUND MAJOR AIRPORTS**—Applicable to all kinds of buildings

**HEIGHT AND SETBACK REGULATIONS**

**Basic Provisions**

The new code limits the height of front walls at or near the street line. Above that specified height, no wall may rise within the initial setback distance and no building part may penetrate the sky exposure plane.

**Initial Setback Distance**

The "initial setback distance" is measured horizontally from the street line. This distance varies—one figure for parts of buildings which front on "narrow streets" (streets under 75 feet wide), and another figure for parts of buildings which front on "wide streets" (streets over 75 feet wide, or streets adjoining unserved public parks between one and fifteen acres in size).

**Sky Exposure Plane**

In all Districts but R1 through R5, the "sky exposure plane" slopes up and back from an imaginary line above the street line, at a specified height. The "sky exposure plane" in Districts R1 through R5 begins above the front yard line.

**Minimum Lot Size**

<table>
<thead>
<tr>
<th>District</th>
<th>Area (in square feet)</th>
<th>Width (in feet)</th>
<th>Area (in square feet)</th>
<th>Width (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1-1</td>
<td>9,500</td>
<td>100</td>
<td>Single-family residence only</td>
<td></td>
</tr>
<tr>
<td>R1-2</td>
<td>7,500</td>
<td>100</td>
<td>Other types of residences</td>
<td></td>
</tr>
<tr>
<td>R2</td>
<td>3,800</td>
<td>60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R3 to R10</td>
<td>3,800</td>
<td>40</td>
<td>1,700</td>
<td>18</td>
</tr>
</tbody>
</table>

**Alternate Provisions**

In all Districts not governed by R1 through R5 bulk regulations, if a lot-width open area of specified depth ("depth of optional front open area") is provided, alternate regulations permit higher front walls, establish a steeper "sky exposure plane" and prescribe no initial setback distance. In R1 through R2 Districts, too, because front yards are mandatory, no initial setback distance is required.

**Tower Provisions**

A tower is the portion of a building which penetrates a sky exposure plane. Thus, the regulations which govern towers are exceptions to the usual rules. If towers are set back specified distances from the street line, they must, in certain Districts, rise to any height, provided the Floor Area Ratio is not exceeded. On lots of over 20,000 square feet, permitted towers may cover no more than 40 per cent of their lots; but on lots under 20,000 square feet, they may cover a greater percentage of the lot—up to 50 per cent for lots of 10,800 square feet or less.

**Alternate Tower and Setback Regulations**

If a tower is the portion of a building which penetrates a sky exposure plane, a tower is the portion of a building which penetrates a sky exposure plane. Thus, the regulations which govern towers are exceptions to the usual rules. If towers are set back specified distances from the street line, they may, in certain Districts, rise to any height, provided the Floor Area Ratio is not exceeded. On lots of over 20,000 square feet, permitted towers may cover no more than 40 per cent of their lots; but on lots under 20,000 square feet, they may cover a greater percentage of the lot—up to 50 per cent for lots of 10,800 square feet or less.

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**Setback Provisions**

For non-residential buildings in C3-2, C3-8 and C6-2—the highest bulk Commercial Districts—alternate tower and setback regulations progressively relax lot coverage and/or setback requirements, if the floor area is reduced below the permitted maximum. These alternate regulations apply only where a non-tower lot is bounded by two or more streets.

**Side or Rear Setback Regulations**

For buildings that contain residential or community facility uses, side or rear setbacks are sometimes required.
### Residential Height and Setback Requirements

<table>
<thead>
<tr>
<th>District</th>
<th>Initial setback distance (in feet)</th>
<th>Maximum height of front wall or building within setback distance (in feet)</th>
<th>Sky Exposure Plane</th>
</tr>
</thead>
<tbody>
<tr>
<td>M1-1</td>
<td>20</td>
<td>250</td>
<td>Street level</td>
</tr>
<tr>
<td>M1-2</td>
<td>20</td>
<td>155</td>
<td>Street level</td>
</tr>
<tr>
<td>M1-3</td>
<td>20</td>
<td>85</td>
<td>Street level</td>
</tr>
<tr>
<td>M1-4</td>
<td>20</td>
<td>45</td>
<td>Street level</td>
</tr>
<tr>
<td>M1-5 and M1-6</td>
<td>20</td>
<td>85</td>
<td>Street level</td>
</tr>
<tr>
<td>M2-1</td>
<td>20</td>
<td>155</td>
<td>Street level</td>
</tr>
<tr>
<td>M2-2</td>
<td>20</td>
<td>85</td>
<td>Street level</td>
</tr>
<tr>
<td>M2-3</td>
<td>20</td>
<td>45</td>
<td>Street level</td>
</tr>
<tr>
<td>M2-4</td>
<td>20</td>
<td>85</td>
<td>Street level</td>
</tr>
<tr>
<td>M2-5 and M2-6</td>
<td>20</td>
<td>45</td>
<td>Street level</td>
</tr>
</tbody>
</table>

### Alternate Regulations (R5 to R10)

<table>
<thead>
<tr>
<th>District</th>
<th>Initial setback distance (in feet)</th>
<th>Maximum height of front wall or building within setback distance (in feet)</th>
<th>Sky Exposure Plane</th>
</tr>
</thead>
<tbody>
<tr>
<td>R5 and R7</td>
<td>20</td>
<td>155</td>
<td>Street level</td>
</tr>
<tr>
<td>R8 to R10</td>
<td>20</td>
<td>155</td>
<td>Street level</td>
</tr>
</tbody>
</table>

### Sky Exposure Plane

- Height above street line or front yard line (in feet)
- Slope over zoning lot (vertical distance to horizontal distance)

### Sky Exposure Plane

- Initial setback distance (in feet)
- Height above street line or front yard line (in feet)
- Slope over zoning lot (vertical distance to horizontal distance)

### Optional Regulations

- **Height and Setback Requirements**
  - **Residential Buildings**
  - **Commercial Buildings**
  - **Manufacturing Buildings**
  - **Setback Requirements**

### Yard Regulations

**Front and Side Yards**

Front and side yards are required for all buildings in R1 through R5 Districts. Special provisions reduce side yard requirements for existing narrow lots.

Where side yards are not required, any open areas along the side lot line must be at least 8 feet wide.

To accommodate row houses, provisions for existing narrow lots.

**Yard Requirements**

- For community facility buildings, 85 feet.
- For community facility buildings, 6 stories.

---

1. For community facility buildings, 85 feet and 2 stories.
2. For community facility buildings, 6 stories.
3. For community facility buildings, 65 feet and 3 stories.
4. For community facility buildings, 65 feet and 2 stories.
5. For community facility buildings, 6 stories.
6. For community facility buildings, 6 stories.
the length of those portions of the street which are opposite sections of walls within 50 feet of the street line. The maximum aggregate width of street wall allowed for residences is 135 feet in R3 Districts; the maximum is 185 feet in R4 and R5 Districts.

Floor area bonuses are given to buildings which contain community facility uses in certain Residence Districts, when the buildings provide deep front and side yards, and in certain Commercial Districts, for deep front yards.

Rear Yards

Rear yards are required in all Districts for all zoning lots except the following: corner lots, lots occupying an odd lot block, lots less than 50 feet deep, lots fronting on two streets (through lots), and Manufacturing lots with railroad rights of way at the rear lot line. The requirement is reduced for lots less than 75 feet deep. Through lots over 110 feet from street to street must have rear yard equivalents for community facility uses in R1 through R3 Districts and for all uses in R4 through R10, Cl through C4-1, C7 and all Manufacturing Districts.

Rear Yard Equivalent

A "rear yard equivalent" may be:

1. An open area through the lot, either midway between streets or linking adjoining rear yards — 50 feet deep in Residence Districts and 40 feet deep in Commercial or Manufacturing Districts.
2. A lot-width open area at each street line — 30 feet deep in Residence Districts and 20 feet deep in Commercial or Manufacturing Districts.
3. A lot-length open area at each side lot line — 30 feet deep in Residence Districts and 20 feet deep in Commercial or Manufacturing Districts.

Special Provisions Along District Boundaries

For buildings which are situated along Residence District boundaries, special provisions apply:

In Residence Districts:
- In R6 through R10 Districts all buildings must have a side yard next to an R1 through R5 boundary.
- In Commercial Districts: Buildings with residences on the first story must have a front yard if the side lot line coincides with the side lot line of a lot in an R1 through R5 District.
- All buildings must have an open area along a lot line that coincides with the side lot line of an adjoining R1 through R5 lot, and commercial and community facility buildings must have an open area along the side or rear lot line if it coincides with the rear lot line of any adjoining Residence District lot.
- In Manufacturing Districts:
  - All buildings must have a front yard if they face streets whose center line marks the boundary of a Residence District.
  - All buildings must have an open area along a lot line that coincides with the side lot line of an adjoining R1 through R5 lot or along the side or rear lot line if it coincides with the rear lot line of any adjoining Residence District lot.

Permitted Obstructions and Activities

Yards and open areas differ primarily with regard to the obstructions and activities permitted in each.

For each type of use, the Zoning Resolution lists obstructions permitted in front yards, side yards, rear yards and rear yard equivalents, as well as additional obstructions which are permitted in rear yards and rear yard equivalents only. In open areas along Residence District boundaries, the regulations restrict leading, storage and processing. Parking is permitted in all open areas except those parts of community facility buildings which contain living accommodations with required windows.

COURT AND WINDOW REGULATIONS

The Zoning Resolution controls the size and shape of courts and the distance of certain windows to walls or lot lines. The regulations relate to outer courts, inner courts, court recesses and required windows. Only residential buildings (except for one- and two-family detached residences), parts of buildings devoted to residential use and those parts of community facility buildings which contain living accommodations with required windows are covered.

Outer Court

An "outer court" is one that opens to the front on a required yard or on the street line; to the side on a lot-length open area at least 30 feet deep; or to the rear on a required yard or a lot-length open area that is at least 50 feet deep.

Inner Court

An "inner court" is either completely enclosed by walls, open to the side or rear on lot lines; or opens to the side or rear on an open area with a minimum dimension of less than 50 feet.

Legally Required Window and Required Window

A "legally required window" is a window required by law for a "living room" as defined in the Multiple Dwelling Law. "Required windows," used only in connection with community facility buildings, are windows required by law for any living or sleeping room (except hospital patient rooms).
### OUTER COURTS, INNER COURTS, WINDOWS, AND COURT RECESSES

<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>Residential Buildings and Parts of Buildings Containing Residential Uses</th>
<th>Parts of Community Facility Buildings Containing Living Accommodations with Required Windows</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outer Courts</strong></td>
<td>x depth (if less than 30 feet wide)</td>
<td>x depth (if less than 20 feet wide)</td>
</tr>
<tr>
<td><strong>Minimum Width</strong></td>
<td>2 x depth (if more than 30 feet wide)</td>
<td>1 x depth (if more than 20 feet wide)</td>
</tr>
<tr>
<td><strong>Maximum</strong></td>
<td><strong>Minimum</strong></td>
<td><strong>Maximum</strong></td>
</tr>
<tr>
<td></td>
<td>20 feet (minimum dimension)</td>
<td>40 feet (minimum dimension)</td>
</tr>
<tr>
<td><strong>Inner Courts</strong></td>
<td>x depth (if under 30 feet wide)</td>
<td>x depth (if more than 30 feet wide)</td>
</tr>
<tr>
<td><strong>Minimum Requirements</strong></td>
<td>x depth (if more than 20 feet wide)</td>
<td>Maximum requirement: 40 feet</td>
</tr>
<tr>
<td></td>
<td>20 feet (minimum dimension)</td>
<td>Maximum requirement: 40 feet</td>
</tr>
</tbody>
</table>

### WINDOWS

<table>
<thead>
<tr>
<th>Minimum Distance from Opposite Wall</th>
<th>Required Windows</th>
</tr>
</thead>
<tbody>
<tr>
<td>x depth</td>
<td>x depth</td>
</tr>
<tr>
<td>Maximum requirement: 60 feet</td>
<td>Maximum requirement: 60 feet</td>
</tr>
</tbody>
</table>

### BUILDING HEIGHTS AROUND MAJOR AIRPORTS

(New York International, LaGuardia, Floyd Bennett Field)

Buildings over 30 feet tall near New York's major airports are subject to zoning limitations based on FAA regulations. In the area below the flight path of aircraft landing or taking off (the Airport Approach District), these buildings cannot pierce the lowest of four imaginary surfaces, the horizontal surface, the conical surface, the approach surface, and the transitional surface. In the area below the flight path of aircraft circling the airport (the Airport Circling District), these buildings cannot pierce the horizontal surface or the conical surface.

#### Horizontal Surface

The "horizontal surface" is an imaginary surface 150 feet above the highest point in the airport. Its center is established on special airport maps. Its radius is different for each airport.

#### Conical Surface

The "conical surface" is an imaginary surface which slopes upward from the edges of the horizontal surface at roughly three degrees to the horizontal. Its radius is different for each airport.

### SPACING BETWEEN BUILDINGS ON THE SAME LOT

The Zoning Resolution introduces a flexible system for spacing residential buildings on a single lot. By formula, the distance between buildings depends on the heights and lengths of building walls where the buildings are opposite each other. However, a minimum distance of 30 feet between buildings is required.

Letters used in the formulas that determine these distances are defined as follows:

- \( s \) — the required minimum spacing between a wall of building A and a wall of building B
- \( La \) — the length of the portion of building A directly opposite building B
- \( Lb \) — the length of the portion of building B directly opposite building A
- \( Ha \) — the full height of building A where it is directly opposite building B
- \( Hb \) — the full height of building B where it is directly opposite building A
- \( D \) — the minimum required distance between buildings

Where window opens on Inner Court:

- \( 1 \times \text{depth} \) if more than 20 feet wide
- \( 1 \times \text{depth} \) if more than 20 feet wide

#### Formula Regulations

These formula regulations do not apply to buildings on a through lot separated, under the yard provisions, by a rear yard equivalent. Nor do they apply to the separation of a one- or two-family detached residence from its accessory garage.

#### Approach Surface

The "approach surfaces" are trapezoid-shaped imaginary surfaces that fan out from points 200 feet beyond the end of each runway, in the path used by aircraft to land or take off. Over the first 10,000 feet of ground (referred to as the "inner section" in the Zoning Resolution), an approach surface rises at a slope roughly one and one-quarter degrees to the horizontal and increases in width from 1,000 to 4,000 feet. Over the next 15,000 feet (referred to as the "outer section" in the Zoning Resolution), it rises at a slope roughly one and one-half degrees to the horizontal and increases in width from 4,000 to 8,500 feet.

#### Transitional Surface

The "transitional surfaces" are imaginary surfaces that rise upward and outward from imaginary lines on either side of a runway, 500 feet from its center line, and beyond the runway from the edges of the approach surfaces. They slope at an angle of roughly eight degrees to the horizontal, and they intersect the horizontal or conical surfaces.
<table>
<thead>
<tr>
<th>District</th>
<th>Type of Building or Use</th>
<th>Maximum Floor Area Ratio</th>
<th>Required Open Space Ratio</th>
<th>Maximum Per Cent of Lot Coverage</th>
<th>Required Lot Area per Room or per Dwelling Unit</th>
<th>Minimum Lot Area and Lot Width</th>
<th>Yard Regulations</th>
<th>Height and Setback Regulations and Towers</th>
<th>Spacing between Buildings on Single Lot</th>
<th>Court Regulations and Distance between Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community Facility</td>
<td>24-10 to 24-16, and 24-18</td>
<td>24-10 to 24-12</td>
<td>24-30 to 24-39</td>
<td>24-40 to 24-48</td>
<td>24-50 to 24-56</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residential and Community Facility</td>
<td>24-15 to 24-17, 24-15 to 24-12, and 24-18</td>
<td>24-20 to 24-23</td>
<td>24-30 to 24-39</td>
<td>24-40 to 24-48</td>
<td>24-50 to 24-56</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>Commercial</td>
<td>33-10 to 33-17</td>
<td>33-10 to 33-17</td>
<td>33-20 to 33-23</td>
<td>33-30 to 33-34</td>
<td>33-40 to 33-48</td>
<td>33-50 to 33-56</td>
<td></td>
<td>33-60 to 33-66</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Facility</td>
<td>33-10 to 33-17</td>
<td>33-10 to 33-17</td>
<td>33-20 to 33-23</td>
<td>33-30 to 33-34</td>
<td>33-40 to 33-48</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Facility and Commercial</td>
<td>34-10 to 34-17, 34-10 to 34-10, and R.D.</td>
<td>34-10 to 34-12, and R.D.</td>
<td>34-10 to 34-12, and R.D.</td>
<td>34-10 to 34-12, and R.D.</td>
<td>34-10 to 34-12, and R.D.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residential and Commercial Facility</td>
<td>35-10 to 35-17, 35-10 to 35-17, 35-10 to 35-17, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mixed (Residential and Commercial Facility)</td>
<td>35-10 to 35-17, 35-10 to 35-17, 35-10 to 35-17, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td>35-10 to 35-12, and R.D.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

R.D. or C.D. — See sections indicated above for this use in Residence Districts or Commercial Districts, respectively.
PARKING AND LOADING

Parking

Parking regulations are guided by the requirement that establishments provide off-street parking facilities in direct proportion to the degree of car and truck use they generate. Only in the central areas of the City (Manhattan south of 110th Street, and downtown Brooklyn) are commercial, manufacturing and most community facility uses exempt. There, required off-street parking would be impractical and would add to traffic congestion by attracting more cars.

In general, parking provisions differ for each type of District. In Commercial Districts, however, residents must for the most part conform to Residence District requirements, as follows:

RESIDENTIAL PARKING REQUIREMENTS IN COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Residence Parking Requirements Which Apply</th>
<th>Commercial Districts in Which They Apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1 to R4</td>
<td>C3</td>
</tr>
<tr>
<td>R5</td>
<td>C4-1 C4-3</td>
</tr>
<tr>
<td>R6</td>
<td>C4-2 C4-8</td>
</tr>
<tr>
<td>R7-1</td>
<td>None</td>
</tr>
<tr>
<td>R7-2</td>
<td>C1-6 C2-6 C4-4 C5-1</td>
</tr>
<tr>
<td>R8, R9, R10</td>
<td>C1-7 C2-7 C4-6 C5-2 C6-2 C6-4 C8-1 C9-4</td>
</tr>
</tbody>
</table>

Off-street parking regulations for Residence Districts are set forth in Article II, Chapter 5; for Commercial Districts in Article III, Chapter 6; and for Manufacturing Districts in Article IV, Chapter 4. Regulations requiring action by the Board of Standards and Appeals are found in Article VII, Chapter 3, and by the City Planning Commission in Article VII, Chapter 4. Provisions relating to lots divided by District boundaries are found in Article VII, Chapter 7.

NUMBER OF SPACES REQUIRED

Minimum Requirements

Regulations setting minimum requirements for parking facilities apply to new developments, to enlargements and, where R1 through R7-1 regulations apply, to the additional dwelling units created by conversions on lots over 5,000 square feet.

RESIDENTIAL USE

For residences, the number of parking spaces required is set as a percentage of the dwelling units on the lot. In Districts governed by R1 through R5 regulations, these requirements can normally be satisfied by open area on the lot. Parking requirements are reduced or waived for smaller lots where R6 through R10 regulations apply, and are modified for public housing developments.

COMMERCIAL AND COMMUNITY FACILITY USES

Parking requirements for commercial and community facility uses are highly detailed. Different establishments have different needs, and density of development and means of transportation vary in different parts of the City. Thus, requirements are determined by a combination of three factors: the establishment's location, size and use.

1. Location. In areas of the City characterized by low density and high auto ownership, there are high parking requirements. In congested central areas, there are low requirements or exemptions.

2. Use. Community facility uses are listed individually, with different requirements for each. Commercial uses have been divided into nine categories, on the basis of their traffic generating characteristics. Letters from "A" to "H" designate each commercial parking requirement category, as noted below. The category assigned to each commercial use is indicated in the Use Group listing and is noted in the Index of Uses.

COMMERCIAL AND COMMUNITY FACILITY USES

<table>
<thead>
<tr>
<th>District</th>
<th>Per Cent of Dwelling Units</th>
<th>Requirements Waived</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1 to R4</td>
<td>100 100</td>
<td>Small Lots Other Lots</td>
</tr>
<tr>
<td>R5</td>
<td>85 100</td>
<td></td>
</tr>
<tr>
<td>R6</td>
<td>70 100 10,000 50</td>
<td></td>
</tr>
<tr>
<td>R7-1</td>
<td>60 100 10,000 35</td>
<td></td>
</tr>
<tr>
<td>R7-2</td>
<td>50 15,000 30 10,000 15</td>
<td></td>
</tr>
<tr>
<td>R8, R9, R10</td>
<td>40 15,000 30 10,000 15</td>
<td></td>
</tr>
</tbody>
</table>

1 Maximum waivers for conversions: 20 spaces, unless additional waiver by Board of Standards and Appeals.
2 For definition of Group Parking Facility see page 33.
the basis for the second type
warehousing and storage establishments differ from
"C"
and M3-2) according to location. The requirements for
good faith and does not change to a
those for other manufacturing establishments because
uses on the same lot are unused and available.
Uses in parking requirement "B1" may conform to
"C" group standards, so long as the owner shows
proof of good faith and does not change to a "B" category use.

MANUFACTURING USE
Parking requirements for manufacturing uses vary
good according to size and use, but not (exclusive of the
exempt Districts—M1-4 through M1-6, M2-3 and M3-2) according to location. The requirements for
warehousing and storage establishments differ from
those for other manufacturing establishments because of
differences in traffic-generating potential.

MANUFACTURING PARKING REGULATIONS

| Manufacturing and Related Uses | 1 space per 1,000 square feet of
| area |
| or |
| 1 space per 3 employees |
| Warehouse and Other Storage Establishments |
| 1 space per 2,000 square feet of
| area |
| or |
| 1 space per 3 employees |

Waiver of Requirements
Parking requirements may generally be waived in
two instances:
1. If the number of spaces required under "mini­
imum requirements" is less than the minimum
specified in waiver provisions.
2. If the entrances and exits cannot possibly con­
form to the access regulations.

WAIVER OF REQUIREMENT FOR SPACES
UNDER A MINIMUM NUMBER

The minimum number of parking spaces required
the basis for the first type of waiver— is given for
residential uses in the chart on page 31, and is
given for most other uses in the chart below:

If Fewer than Following

Then Requirements are Waived in these Districts

| Number of
| Spacing |
| Required |
| 10 |
| 15 |
| 25 |
| 40 |

WAIVER WHERE ACCESS
WOULD BE FORBIDDEN

Access provisions— the basis for the second type
of waiver—are identical for all Districts. They
require that entrances and exits be located more than
50 feet from any street intersection, unless the
facility has less than 10 spaces or unless the Com­
missioner of Buildings certifies that safety hazards
or congestion will not result.

OTHER
Requirements for manufacturing and storage uses
and for certain commercial uses are waived if the
number of employees or the amount of floor space is
below specified levels.

MAXIMUM NUMBER OF SPACES PERMITTED

Without specially granted modifications or excep­
tions, the size of off-street parking facilities can
in no case exceed net limitations.

In all Districts, group parking facilities are
limited to 150 spaces, except where accessory to resi­
dences in Residence Districts, when a maximum of
200 spaces is allowed.

Group Parking Facility
A "group parking facility" contains two or more
spaces, serves more than one dwelling unit when
accessory to a residence, and has an access to
the street common to all spaces.

In Residence Districts only, additional parking
density controls apply. For residences, the maximum
permitted number of spaces is determined by the
number of dwelling units on the lot or by the lot size,
and varies (aside from one-family detached residences)
by District. For non-residential uses, maximum allow­
ances are determined by lot size alone.

Under certain circumstances, maximum standards
may be relaxed through modifications, exceptions
and waivers. For group parking facilities, the maxi­
imum size specified may be increased up to 50 per cent
under a modification from the Department of Build­
ings, and, in certain cases, an even greater increase
may be permitted under an exception from the Board of Standards and Appeals. For a single-family
attached residence in a Residence District, maximum
standards are waived if the lot area exceeds
10,000 square feet. For all other uses in Residence Districts, parking density controls may be modified by the
Department of Buildings.

LOCATION

For residences in R1 and R2 Districts, without
exception, and for non-residential uses in R1 through
R4 Districts, except by Board of Standards and
Appeals Special Permit, parking facilities must be
on the same lot as the buildings they serve. In all other
cases, off-site parking is permitted, as outlined below,
and joint facilities may be provided to serve two or
more zoned lots. When parking is off-site, ownership
of the parking area and the primary lot must be in the
same hands, deed restrictions must be filed, and dis­
tance and District requirements must be adhered to.

Residential Use
Off-site parking for residences must in general be

located in Commercial or Manufacturing Districts,
not in Residence zones. Exception is made for a joint
facility in any Residence District but R1 or R2,
provided it is on the site of the other use which
shares the facility. The permitted maximum distance
between all off-site parking spaces and the nearest
boundary of the lot occupied by the principal use is
as follows:
than joint off-site facilities in R3 through R4 by

Commercial, Community Facility and Manufacturing Districts, and distance limitations can be stretched from 600 to 1,200 feet and from 1,000 to 1,500 feet by Special Permit of the Board of Standards and Appeals.

### Maximum Distance to Off-Site Parking (Residential Use)

<table>
<thead>
<tr>
<th>Maximum Distance</th>
<th>If the Principal Use is in one of the following districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>600 feet</td>
<td>R3 R4 R5 R6 R7 R7-1 CI-1 CI-2 CI-3 CI-4 CI-5 CI-6 CI-7 CI-8 CI-9</td>
</tr>
<tr>
<td>1000 feet</td>
<td>R7-2 R8 R9 R10 CI-1 CI-2 CI-3 CI-4 CI-5 CI-6 CI-7 CI-8 CI-9</td>
</tr>
</tbody>
</table>

District restrictions can be modified to allow other than joint off-site facilities in R3 through R10 Districts, and distance limitations can be stretched from 600 to 1,200 feet and from 1,000 to 1,500 feet by Special Permit of the Board of Standards and Appeals.

### Commercial, Community Facility and Manufacturing Use

Off-site parking for a commercial, community facility or manufacturing use may be in the same District as the use it serves, or in certain cases in an adjoining District. If the principal use is in a Residence District, it's parking facility may be in any adjoining District other than R1 through R4, or in R1 through R4 by Special Permit of the Board of Standards and Appeals. If the principal use is in a Commercial or Manufacturing District, the parking facility may be in any adjoining Commercial or Manufacturing District. And if the principal use is in a Manufacturing District, the parking facility may be in any adjoining Manufacturing District. Off-site parking facilities for non-residential uses in Residence Districts may be permitted upon special findings by the Commissioner of Buildings.

The maximum permissible distance between all off-site parking spaces and the nearest boundary of the lot occupied by the principal use is 200 feet if the parking facility is in a Residence District, or 600 feet if the parking facility is in a Commercial or Manufacturing zone. A Special Permit from the Board of Standards and Appeals may allow off-site parking for community facility uses in Residence Districts at a distance of up to 600 feet, and may sanction an increase in permissible distance from 600 to 1,200 feet for all non-residential uses where off-site parking is provided in Commercial or Manufacturing Districts.

### Other Controls

Special regulations apply to all Districts control the size of spaces, the location of access to the street, use of required open space for parking, and set requirements for surfacing and screening.

Regulations also restrict the use of accessory parking facilities and prescribe the services that may be provided there.

### Loading

In Residence Districts, accessory off-street loading berths are mandatory only for hospitals, and commercial uses in large-scale developments. In other Districts specific provisions cover most commercial, manufacturing and service uses.

Like commercial and community facility parking requirements, loading requirements vary according to:

1. **Location.**
   - **Residence Districts:**
     - **High Requirement Districts:** R1 through R6
     - **Low Requirement Districts:** R7 through R10
   - **Commercial Districts:**
     - **High Requirement Districts:** C3, C4-1 through C4-5, C7, C8-1 and C8-2, and C1 and C2 Districts mapped within R1 through R6
     - **Low Requirement Districts:** C1-4 through C1-9, C2-4 through C2-8, C4-4 through C4-7, C5, C6, C8-3 and C8-4, and C1 and C2 Districts mapped within R7 through R10
   - **Manufacturing Districts:**
     - **High Requirement Districts:** M1-1, M1-2 and M1-4, M2-1 and M2-9, and M3
     - **Low Requirement Districts:** M1-3, M1-5 and M1-6, M2-3 and M3

2. **Size of the establishment.
3. **Use.** Five types of establishments are distinguished. They are:**
   - Hospitals and related facilities, and prisons
   - Funeral establishments
   - Hotels, offices and courthouses
   - Commercial uses
   - Services, wholesale, manufacturing and storage uses.

Loading regulations include provisions relating to size of berths, surfacing, screening, access and waiver of requirements where access is forbidden. The size of berths depends on the principal use involved. Other provisions are generally similar to the corresponding provisions for off-street parking. In non-Residence Districts no open loading berth is permitted within 60 feet and no entrance is allowed within 80 feet of a Residence District boundary.

Special regulations for Commercial and Manufacturing Districts permit joint loading berths for adjoining buildings or zoning lots. Lots with uses subject to different loading requirements and lots divided by District boundaries are specially provided for.
LARGE-SCALE DEVELOPMENTS

A special chapter of the Resolution (Article VII, Chapter 8) deals with large-scale residential and community facility developments. While in the main permitted to make certain modifications of specified use, bulk and parking regulations.

In addition, should a new school or one or more other public facilities be needed in the neighborhood of a residential project, the issuance of a building permit may be delayed for a period not to exceed three months to give the City an opportunity to initiate action to reserve a site within the proposed development.

Large-Scale Development

A "large-scale development" is located on a single tract (exclusive of streets), is held under single ownership or under a 75-year lease (of which 25 years may be an option to renew) and falls within these size specifications: 3 acres for community facility developments; and 20 acres, or 3 acres with 600 or more dwelling units, for residential developments.

PLANNING COMMISSION MODIFICATIONS

Use Privileges

In residential developments, up to two per cent of the floor area may be developed for local shopping uses in Use Groups 6A and 6F. The floor area limitation for each establishment is 15,000 square feet.

Bulk Privileges

Zoning lot lines within the development may be disregarded in applying regulations on intensity of development. Regulations relating to front yards and heights and setbacks along interior streets may be modified should the Planning Commission deem it proper and advisable. These privileges extend to both types of large-scale developments.

Parking Privileges

Under certain conditions, the off-street parking in a large-scale community facility development may be located within the development without regard to zoning lot lines. In addition, for large-scale residential developments governed by B6 through R10 bulk regulations, parking requirements for accessory community facility uses may be waived.

Subdivision of Large-Scale Developments

If a large-scale residential development has been officially designated as an urban renewal project, its development plans approved, and if its land is wholly City-owned, it may be subdivided into two or more zoning lots even though bulk non-compliance is created. In such a case, limitations as to the degree of non-compliance must meet with Planning Commission approval and must be enforced through deed restrictions.

Otherwise, though large-scale developments may be subdivided into zoning lots, each lot must comply with the applicable zoning regulations.

NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Non-Conforming Uses

Existing uses which do not conform to the use regulations of the Zoning Resolution have not been made illegal. However, the Resolution does limit the expansion of existing non-conforming uses, but their ultimate elimination is not required save for extreme cases in Residence Districts.

Termination of Certain Non-Conforming Uses

In Residence Districts, certain non-conforming uses will be required to terminate at the end of an "amortization" period, as follows:

Certain semi-open uses (junkyards, coal storage, etc.) with improvements assessed at less than $20,000, must terminate in ten years; advertising signs in eight years; and open uses with ground level or subsurface improvements assessed at less than $20,000, in 3 years, or immediately if destroyed to 25 per cent of value of improvements.

In Residence and Commercial Districts, non-conforming signs on awnings or canopies will be required to terminate at the end of one year.

Preventing the Expansion or Entrenchment of Non-Conforming Uses

1. Change of Use

When a building occupied by a non-conforming use is vacated, it may either be changed to a conforming use, or to another non-conforming use as listed below. (A change of occupancy or ownership in itself is not a change of use.)

<table>
<thead>
<tr>
<th>PERMISSIBLE CHANGES OF USE</th>
<th>Non-Conforming Uses in the Following Use Groups</th>
<th>May Change to Uses in the Following Use Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing or Related Use</td>
<td>In Residence Districts (if building not designed for residential use)**</td>
<td>In All Commercial Districts</td>
</tr>
<tr>
<td>11A or 11A1, 16A or 65, 75, 85, 95, 105, 11B1, 14B</td>
<td>11A1 or 65, 75, 95, 105, 11B1, 14B</td>
<td></td>
</tr>
<tr>
<td>16 or 16A, 16B or 65, 75, 85, 95, 105, 11B1, 14B</td>
<td>11A1 or 65, 75, 95, 105, 11B1, 14B</td>
<td></td>
</tr>
<tr>
<td>17 or 18</td>
<td>11A1 or 65, 75, 85, 95, 105, 11B1, 14B</td>
<td>11A1 or 65, 75, 95, 105, 11B1, 14B</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>7, 8, 9, 10, 11B, 12, 13, 14, 15</td>
<td>6</td>
<td>6, 75, 85, 95</td>
</tr>
</tbody>
</table>

1. Provided performance standards and other controls are met.
2. Provided that a subsequent change of use conforms to regulations for commercial use in Commercial Districts.
3. Provided that a subsequent change of use conforms to regulations for commercial use in Commercial Districts.
4. In buildings designed for residential use in Residence Districts, a non-conforming manufacturing or related use may be changed only to a permitted use.
5. Except in C3 and CS Districts.
2. Discontinuance of Use
In general, a non-conforming use may not be reinstated if operations have lapsed for two years or more.

3. Damage or Destruction
Should a building occupied by a non-conforming use be damaged, it may be reconstructed to its original bulk to house a conforming use, or when less than 50 per cent of the floor area is damaged (less than 25 per cent in Residence Districts) to house the original non-conforming use. When more than 50 per cent of the floor area is damaged (more than 25 per cent in Residence Districts), the original non-conforming use may continue only if no more than incidental alterations are made. When reconstruction to original bulk is contemplated and non-conformity is to be continued, percentage of damage may be based upon reconstruction costs rather than floor area on application to the Board of Standards and Appeals.

4. Enlargement, Extension, Repairs, or Alterations
Regulations generally limit further investment in a non-conforming structure to normal maintenance and repairs. Enlargement of buildings occupied by non-conforming uses and expansion of a non-conforming use into existing floor area (“extension”) is strictly limited. An enlargement, when allowed, may be no greater than 25 per cent of the original area and must conform to applicable bulk, performance standard, parking and loading regulations. An extension, when allowed, is restricted to areas where the non-conforming use would be permitted under change of use provisions, if performance standard and loading requirements are fully met.

Non-Complying Buildings
Existing buildings that do not comply with the Resolution's bulk regulations need not be altered. They may be enlarged or converted, as long as there is no new or increased non-compliance.

Conversion
Residence buildings with less lot area than required under regulations governing lot area per dwelling or room may be converted to any combination of dwelling units or rooms as long as such lot area deficiency is no greater after conversion than before. For R5 through R9 Districts (where the lot area requirement depends on the minimum Open Space Ratio requirement) the lot area requirement for converted buildings non-complying because of failure to meet open space requirements should be determined as though the minimum Open Space Ratio requirement had in fact been met.

Reconstruction
All one- and two-family residences, regardless of the extent of damage, may be rebuilt to their original bulk. Other structures may be reconstructed to their original bulk only if less than 75 per cent destroyed, measured in terms of floor area or reconstruction costs.

Additional Provisions
Special regulations apply to those which conform to use regulations, but violate Supplementary Use Regulations and Special Provisions Along District Boundaries. In general, such violations may continue even when a use is changed, extended, or enlarged, as long as no additional violation is created. Any changed use, however, must meet Supplementary Use Regulations regarding enclosures or screening.

ADMINISTRATION

The Department of Buildings, the Board of Standards and Appeals, the City Planning Commission and the Board of Estimate bear the major responsibility for administering the Zoning Resolution. In addition, the Department of Air Pollution Control, the Department of Health and the Department of Marine and Aviation are each responsible for those enforcement and administrative functions which relate to their operation.

DEPARTMENT OF BUILDINGS

Enforcement of the Resolution
Enforcement of the Zoning Resolution is primarily the responsibility of the Department of Buildings.

BOARD OF STANDARDS AND APPEALS

Granting of Variances
Sometimes the peculiar shape, unusual topography or other unique physical characteristics of a lot cause the owner practical difficulty or unnecessary hardship if he is required to adhere to the strict letter of the Zoning Resolution in developing his land. In such cases, the Board of Standards and Appeals may grant variances from the use and bulk provisions of the zoning law to the extent necessary to permit a reasonable use of the land.

Before granting either use or bulk variances, however, the Board must find:

- That the practical difficulty or unnecessary hardship is caused by unique physical circumstances;
- That the practical difficulty or unnecessary hardship was not created by the present owner or by his predecessor;
- That a variance is necessary to realize a reasonable return;
- That the character of the neighborhood will not be impaired and public welfare will not be detrimentally affected by issuance of a variance; and
- That the variance given is the minimum necessary to provide relief.

Granting of Special Permits
The Board of Standards and Appeals may grant two kinds of Special Permits—one for Special Permit uses, and the other modifying zoning regulations.

PERMITS FOR SPECIAL PERMIT USES
The Board may permit a number of specified uses not allowed as of right to locate in certain Districts. Before granting a Special Permit of this kind, the Board must find that the facility is required to serve the needs of the neighborhood and that proper measures will be taken with regard to its design, location and operation.

PERMITS MODIFYING ZONING REGULATIONS
The Board may modify certain regulations within limits set in the Resolution. These include:

- Limited expansion of a building into a District where it would not be permitted by the regulations;
- Limited enlargement or conversion of a building to a bulk not permitted under the regulations;
- Modification of off-street parking requirements; or
- Construction of buildings in excess of height limitations around major airports.

CITY PLANNING COMMISSION

Granting of Special Permits
The City Planning Commission must approve the location of certain specified uses which generate heavy traffic or pose potential planning problems. Such uses include airports, railroad passenger stations and large amusement centers. Planning Commission Special Permits are subject to final action by the Board of Estimate. The Commission may impose safeguards to assure that the facility will not detrimentally affect its neighborhood.

Amending the Resolution
Under the City Charter, amendments of the Zoning Resolution become effective 60 days after adoption by the Planning Commission, unless modified or disapproved by the Board of Estimate.

The Grace Period and Vested Rights
The new code became effective December 15, 1961. Until then, during the “grace period,” all construction was governed by provisions of the old code.

After the effective date, construction under the old code may begin or continue only in certain cases. If a building permit for new construction or major enlargements was issued under the old code during
the grace period, or was issued after the grace period for an application filed prior to December 15, 1961, it may be used for construction for two years beyond the effective date, to December 15, 1963. Then, if construction has not been completed, the Board of Standards and Appeals may grant the following extensions:

One additional year for single buildings, for major enlargements involving foundations, and for certain developments of two or more buildings (developments of one- and two-family detached residences which do not comply with the new bulk regulations, and developments which do not conform to the new use regulations) if the Board finds that by December 15, 1963 substantial construction has been completed above the foundations;

One term of two additional years (applicable to the entire development) for developments of two or more buildings (other than one- or two-family detached residences) which do not comply with the new bulk regulations, if the Board finds that by December 15, 1963 substantial construction has been completed above the foundations for any one building. The Board may later grant a term of one year to complete any building for which substantial construction above the foundations has been completed by December 15, 1965.

For minor enlargements, alterations or conversions, building permits issued under the old code may be used for three months beyond the effective date, after which the Board may grant an additional three months if it finds that a substantial portion of the construction had been completed and substantial expenditures made.