

Zoning for Quality and Affordability

Summary of proposed changes to Article II, Chapter 3 – Residential Bulk Regulations in Residence Districts

Overview: Article II, Chapter 3 of the Zoning Resolution establishes the bulk regulations for residential zoning districts that collectively govern the size and shape of most residential buildings. The regulations for “Quality Housing” buildings, which are required in medium- and high-density contextual districts and optional in non-contextual districts, are primarily found here. In medium and higher-density districts, the proposal modifies the “Quality Housing” height and setback controls, as well as other regulations, to promote better urban design and building design. The proposal further specifies more-flexible rules for affordable senior housing and buildings that provide affordable housing through the Inclusionary Housing program. In lower-density zoning districts that permit multi-family housing, the proposal modifies height and setback regulations for affordable senior housing to more closely correlate with industry best practices and with the additional development rights permitted for such developments. Finally, the proposal reorganizes the chapter to make it clearer for the reader. More specifically, the proposals changes are grouped below.

Reorganization of Existing Provisions

- Reorganizes open space and floor area provisions in Section 23-10 to separate R1 through R5 Districts into Section 23-14, and R6 through R10 Districts into Section 23-15. Special rules for certain areas moved to Section 23-16. Introductory language added to make applicability clearer.
- Relocates Inclusionary Housing floor area regulations from Section 23-90 to Section 23-154 so that all floor area regulations are in the same Section.
- Separates regulations for height and setback in Section 23-60 into separate sections for lower density (R1-R5 districts) and higher density (R6-R10) districts: for R1 through R5 Districts (23-63), basic height and setback for non-contextual R6 through R10 Districts (23-64), tower regulations for non-contextual R9 and R10 districts (23-65) and Quality Housing buildings (23-66). Special rules for certain areas are consolidated and moved to Section 23-67. Created or supplemented introductory language at the beginning of each height and setback section to help readers navigate the section.
- Modifies the structure of the Quality Housing bulk regulations in Section 23-66 so that the majority of existing paragraphs become sub-sections.
- Relocates planting provisions for Quality Housing buildings to Article II, Chapter 8 where other Quality Housing elements are located.

Changes for Residential Buildings (R6 – R10)

- Modifies maximum corner lot coverage to 100% (court regulations will continue to apply).
- Modifies Quality Housing base heights and maximum building heights to better align with changes to building code and fire safety regulations, market trends and construction technologies. A new maximum

number of stories is added. For zoning districts with proposed increases in the maximum height, minimum ground floor height requirements are added to ensure the additional height is focused on the ground floor, or the height is reduced by 5 feet.

- Modifies rules for zoning lots in R6 through R10 districts adjoining a lower density district to allow a stepping up of height, or a transition, rather than a prolongation of the lower-density height into the high density district.
- Modifies street wall provisions to clarify permitted articulation. In some districts, street wall provisions for narrow streets beyond 50 feet of a wide street are established. Modifies threshold of applicability for line-up provisions in certain districts. Modifies setback regulations to allow a reduction in required upper story setback in step with ground level setbacks provided at the property line.
- Rear yard setbacks eliminated to facilitate more cost-effective construction (and avoid developments breaking the street wall continuity to avoid them). Front setbacks will continue to be required.
- Applies the dwelling unit factor of R6 and R7 districts to R8 through R10 districts to permit the same number of dwelling units per floor area.
- Revises density rules for buildings with community facility uses so all mixed buildings have the same means of calculating the maximum permitted dwelling units.
- Modifies the distance between building rules to separate rules for single- and two-family districts and higher density districts and to better align with the New York State Multiple Dwelling Law.
- Modifies inner and outer court regulations to relax the proportional requirements between width and depth (and thus make them easier to incorporate into building designs again). Introduces a new 'small' inner or outer court to provide natural light to spaces like kitchens and bathrooms where windows are not legally required.

Changes for Irregular Sites (R6 – R10)

- Modifies applicability of reduced rear yard regulations for shallow lots from 70 feet to 95 feet, so yards may be reduced on a proportional scale. Creates new provisions for shallow through lots as well. Clarifies that these rules may be applied to zoning lots created after 1961 as long as the shallow lot condition was in existence both in 1961 and thereafter.
- Creates new provisions for shallow interior and through lots with lot coverage increases to correlate with rear yard reductions.
- Separates rear yard equivalent regulations for Quality Housing buildings into a new section. New provisions added to give additional flexibility in locating rear yard equivalents on shallow through lots.
- Reduces minimum distance between legal windows and lot lines in instances where a rear yard is reduced through shallow lot provisions.

- Creates reference to new special permit to modify certain Quality Housing bulk regulations by special permit of the Board of Standards and Appeals for irregular sites.

Changes for Buildings Providing Affordable Senior Housing or Inclusionary Housing

- Replaces the term non-profit residences for the elderly with affordable independent residences for seniors. Removes the obsolete term rooming units.
- Creates new provisions for applying Quality Housing provisions to zoning lots with existing height factor of pre-1961 buildings where the new buildings are providing affordable independent residences for seniors or affordable housing through the Inclusionary Housing program.
- Adds the higher maximum floor area ratios for buildings containing affordable independent residences for seniors in R8 through R10 Districts, consistent with the higher floor area ratios that already exist for this use in R3 through R7 districts. Removes open space ratio and option to use sky exposure plane regulations.
- Eliminates density requirements for affordable independent residents for seniors.
- Adds a one-story buildings for accessory residential uses as a permitted obstruction in the rear yard of buildings providing affordable independent residence for seniors or affordable housing through the inclusionary housing program, except for buildings in B suffix districts.
- Creates new as-of-right building envelope for affordable independent residences for seniors in R3-2, R4 and R5 districts without a suffix, other than R5D districts (which have their own distinct envelope rules).
- Permits greater heights for Quality Housing buildings providing affordable independent residences for seniors or affordable housing through the inclusionary housing program to accommodate the additional floor area permitted for these uses.
- Modifies sliver law requirement to eliminate applicability for Quality Housing buildings providing affordable independent residences for seniors or affordable housing through the inclusionary housing program.

Other Changes and Clarifications

- Eliminates the Quality Housing study areas created in 1987 as there is little to no remaining applicability.
- Increases permitted height for R5D districts from 40' to 45' to allow current best building design practices.
- References to re-numbered or re-titled sections are updated. Terms removed or revised in the proposal are updated. Other edits for general clarity are also included.

If you would have comments or questions on this draft, please send them to ahousing@planning.nyc.gov.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article II - Residence District Regulations

Chapter 3

Residential Bulk Regulations in Residence Districts

23-00

APPLICABILITY AND GENERAL PURPOSES

23-01

Applicability of ~~This~~ this Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any ~~#building or other structure#, other than a #community facility building#~~ or the #community facility# portion of a #building# #residential building or other structure#, or to the ~~#residential# portion of a #building or other structure#~~ used for both #residential and #community facility uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to any #zoning lot# or portion of a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility uses#, except as set forth in Section 24-012 (Exceptions to the bulk regulations of this Chapter). In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961 or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions within Existing Buildings), unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

Commented [DCP1]: Re-phrasing in positive form for clarity.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

23-011
Quality Housing Program

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the applicable district #bulk# regulations for #Quality Housing buildings# set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings converted# pursuant to Article I, Chapter 5.

Commented [DCP2]: Clarifying requirements.

In R5D Districts, only certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:
- (1) the existing #buildings# contain no #residences# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to #Quality Housing buildings#; or
 - (2) the existing #buildings# contain #residences#, and:
 - (i) such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Sections 23-662, 23-633 or 35-24 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio#, and #lot coverage# ~~and density~~ standards applicable to #Quality Housing buildings#; or
 - (ii) for #developments# or #enlargements# on #zoning lots# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for senior#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#.

Commented [DCP3]: Updating cross reference.

Commented [DCP4]: Adding new provision, as an alternative to (i) above, to allow new developments and enlargements that are providing "affordable independent residences for seniors" or inclusionary housing on zoning lots in non-contextual districts with existing buildings to comply with the modified height and setback regulations for buildings providing those forms of housing in 23-664.

- a. the entire #zoning lot# will comply with the #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) or Section 23-155 (Affordable independent residences for seniors), as applicable;
- b. the entire #zoning lot# will comply with the #lot coverage# for the applicable zoning district set forth in Section 23-153 (For Quality Housing buildings); and either
- c. the entire #zoning lot# will comply with the height and setback requirements of the applicable zoning district set forth in paragraph (a) of Section 23-664 (Modified height and setback requirements for certain buildings); or
- d. in R6 through R8 districts, where the #zoning lot# is located within 150 feet of: an elevated rail line; open railroad right of way; a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land; or an elevated #street# located on a bridge that prohibits direct vehicular access, the entire #zoning lot# will comply with the height and setback requirements of the applicable zoning district set forth in paragraph (b) of Section 23-664. Such 150 foot measurement shall be measured perpendicular from the edge of such infrastructure.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

Commented [DCP5]: Clarifying applicability of additional provisions for Quality Housing buildings.

R6 R7 R8 R9 R10

- (c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:
 - (1) Article VII, Chapter 8 (Large Scale Residential Developments);
 - (2) Special Purpose Districts, ~~except the following:~~

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

Commented [DCP6]: Re-phrasing for greater clarity.

#Special 125th Street District#;

#Special Downtown Brooklyn District#;

* * *

(3) ~~zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single #, #two # or three #family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the #block# fronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #building# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.~~

The study areas are:

In the Borough of The Bronx:

~~Soundview Area~~

~~The area bounded by Story Avenue, the Bronx River, Westchester Avenue, Bronx River Avenue and Rosedale Avenue.~~

~~Castle Hill Area~~

~~The area bounded by Castle Hill Avenue, Westchester Avenue and East Tremont Avenue.~~

In the Borough of Brooklyn:

~~Midwood Area~~

~~The area bounded by Avenue M, Coney Island Avenue, Avenue O, and a line midway between East 10th Street and Coney Island Avenue.~~

~~Brighton Beach Area~~

~~The area bounded by Shore Parkway, NYCTA Brighton Right of Way, Brighton Beach Avenue and Ocean Parkway.~~

In the Borough of Queens:

~~Elmhurst/Corona Area~~

~~The area bounded by Roosevelt Avenue, 114th Street, 34th Avenue and 112th Street.~~

~~Forest Hills Area~~

~~The area bounded by Queens Boulevard, Union Turnpike, Austin Street and 76th Road.~~

Commented [DCP7]: Removing the Quality Housing study areas that restricted the use of the Quality Housing bulk regulations program in certain areas as most no longer have applicability.

Flushing Area

The area bounded by 35th Avenue, 149th Street, Northern Boulevard, 147th Street, Ash Avenue, Parsons Boulevard, Franklin Avenue, Bowne Avenue, Cherry Avenue, Kissena Boulevard, Elder Avenue, Main Street, Dahlia Avenue, Saull Street, Maple Avenue, Frame Place, 41st Avenue, College Point Boulevard, Roosevelt Avenue and Prince Street.

R6 R7 R8 R9 R10

(d) In the districts indicated, for #Quality Housing buildings#, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for Quality Housing buildings on irregular sites).

Commented [DCP8]: Adding reference to new BSA special permit to modify Quality Housing bulk regulations of this chapter for irregular sites.

R6 R7 R8 R9 R10

(e) In the districts indicated, where a Special Purpose District modifies the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, the additional provisions for #Quality Housing buildings# set forth in Article II, Chapter 8 shall continue to apply. In addition, where any Special Purpose District that requires elements of Article II, Chapter 8 to apply to non- #Quality Housing buildings#, all associated #floor area# exemptions shall apply.

23-012

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

* * *

Section 23-14 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts Open Space and Floor Area Regulations in R1 through R5 Districts)

Section 23-32 (Minimum Lot Area or Lot Width for Residences)

* * *

Section 23-462 (Side yards for all other residential buildings containing residences)

Section 23-532 (Required rear yard equivalents)

Section 23-63+ (Height and setback in R1 through, ~~R2, R3, R4~~ and R5 Districts)

Commented [DCP9]: Updating cross references.

* * *

**23-10
OPEN SPACE AND FLOOR AREA REGULATIONS**

Commented [DCP10]: Adding new introductory language below intended to make existing applicability of these sections clearer.

In all districts, as indicated, the #open space# and #floor area# for a #building or other structure# shall be as set forth in Section 23-10 (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive.

The regulations for permitted obstructions in required #open space# for all districts are set forth in Section 23-12. The regulations for balconies for all districts are set forth in Section 23-13.

#Open space# and #floor area# regulations applicable to R1 through R5 Districts are set forth in Section 23-14. #Open space# and #floor area# regulations applicable to R6 through R10 Districts are set forth in Section 23-15.

Special #open space# and #floor area# provisions are set forth in Sections 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for tower-on-a-base #buildings# in R9 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

* * *

23-14

**Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio
Open Space and Floor Area Regulations in R1 through R5 Districts**

Commented [DCP11]: Making a series of formatting changes to this Section for clarity. This section, inclusive of all the sub-sections, is being modified to only apply to R1 through R5 districts. All provisions pertaining to R6 through R10 districts are being moved to 23-15.

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

In the districts indicated ~~In all districts, as indicated, except as otherwise provided in Section 23-17 (Special Provisions for Zoning Lots Divided by District Boundaries),~~ for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

Commented [DCP12]: Relocating requirement to the introductory language of 23-10 for greater clarity.

In R1 and R2 Districts without a letter suffix, the #floor area# and #open space# provisions of Section 23-141 shall apply. In R1 and R2 Districts with a letter suffix, as well as R3, R4 and R5 Districts, the provisions of Section 23-142 shall apply.

In R4 and R5 Districts without a letter suffix, the provisions of Section 23-143 shall apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#. In R3-2, R4 and R5 Districts without a letter suffix, the provisions of Section 23-144 shall apply to #buildings# providing #affordable independent residences for seniors#.

Commented [DCP13]: Adding new introductory language below intended to make existing applicability of these sections clearer.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the sum of all #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-142 or 23-143, as applicable.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be proportionately attributed to such #uses#, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Commented [DCP14]: Adding provisions to clarify how to apply floor area regulations in mixed buildings and to common spaces serving multiple uses.

In addition to complying with the provisions of this Section, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units ~~or Rooming Units~~) as well as all other applicable #bulk# regulations as set forth in this Chapter.

Commented [DCP15]: Removing obsolete term.

23-141
Open space and floor area regulations ~~in R1, R2, R3, R4 or R5 Districts~~ in R1 and R2 Districts without a letter suffix

Commented [DCP16]: Modifying this section to only apply to non-contextual R1 and R2 districts. Requirements for other zoning districts are moved to 23-142.

R1 R2 ~~R3 R4 R5~~

In the districts indicated, except R1-2A, R2A and R2X Districts, the minimum required #open space ratio# shall be 150.0, and the maximum #floor area ratio# shall be 0.50.

Commented [DCP17]: Simplifying provision below in (a).

Except as otherwise provided in paragraph (a) of Section 23-147 (For non-profit residences for the elderly), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following tables:

(a)

District	Minimum Required #Open Space Ratio#	Maximum #Floor Area Ratio#
R1* R2*	150.0	0.50

* R1-2A, R2A and R2X are subject to the provisions of paragraph (b) of this Section

(b)

Commented [DCP18]: Relocating existing provisions for contextual R1 and R2 districts and R3 through R5 districts to 23-142 in order to provide greater clarity.

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R1-2A	30	70	.50
R2A	30	70	.50
R2X	governed by #yard# requirements		.85
R3-1 R3-2	35	65	.50
R3A-R3X	governed by #yard# requirements		.50
R4	45	55	.75
R4A-R4-1	governed by #yard# requirements		.75
R4B	55	45	.90
R5	55	45	1.25
R5A	governed by #yard# requirements		1.10
R5B	55	45	1.35
R5D	60*	40*	2.00

* For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

- (1) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this paragraph, (b), may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.

- (2) In R3, R4A and R4-1 Districts in lower density growth management areas, the floor area ratio in the table in this Section may be increased by up to 20 percent provided that any such increase in floor area is located in any portion of a building covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (3) In R3, R4 and R5 Districts, the permitted floor area of a single or two family detached or semi detached residence developed after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed accessory off street parking space is provided in a garage located, wholly or partly, in the side lot ribbon pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).
- (4) In R1-2A Districts and in R3, R4A and R4-1 Districts within lower density growth management areas, the permitted floor area of a single or two family detached or semi detached residence may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the side lot ribbon pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the side lot ribbon.
- (5) In R2A Districts, the permitted floor area may be increased by up to 300 square feet for a detached garage located in a rear yard, except where a parking space is provided within a building containing residences.
- (c) The maximum floor area ratio and lot coverage and the minimum required open space for any zoning lot utilizing the special optional regulations of a predominantly built up area are set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R4	55	45	1.35
R5	55	45	1.65

- (d) In R3 Districts, except for zoning lots containing single, two, or three family residences, 50 percent of the required open space on a zoning lot, except such open space in a front yard, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed accessory off street parking spaces or open or enclosed accessory off street loading berths.

(e) In R4 and R5 Districts, except for zoning lots containing single, two or three family residences, 33 percent of the required open space on a zoning lot, except such open space in a front yard or, in R5D Districts, open area between the street line and street wall of a building or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed accessory off street parking spaces, or open or enclosed accessory off street loading berths.

23-142

In R6, R7, R8 or R9 Districts

Open space and floor area regulations in R1 and R2 Districts with a letter suffix as well as R3 through R5 Districts

R6 R7 R8 R9 R1 R2 R3 R4 R5

In the districts indicated, except R1 and R2 Districts without a letter suffix, the maximum lot coverage, minimum open space and maximum floor area ratio shall be as set forth in the following table:

District	Maximum Lot Coverage# (in percent)	Minimum Required Open Space# (in percent)	Maximum Floor Area Ratio#
R1-2A	30	70	.50
R2A	30	70	.50
R2X	Not applicable, governed by yard requirements		.85
R3-1 R3-2	35	65	.50
R3A R3X	Not applicable, governed by yard requirements		.50
R4	45	55	.75
R4A R4-1	Not applicable, governed by yard requirements		.75
R4B	55	45	.90
R5	55	45	1.25
R5A	Not applicable, governed by yard requirements		1.10
R5B	55	45	1.35
R5D	60*	40*	2.00

Commented [DCP19]: Relocating existing provisions for contextual R1 and R2 districts and R3 through R5 regulations from 23-141 to this section.

* For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

- (a) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this Section, may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.
- (b) In R3, R4A and R4-1 Districts in #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (c) In R3, R4 and R5 Districts, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).
- (d) In R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.
- (e) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard#, except where a parking space is provided within a #building# containing #residences#.
- (f) In R3 Districts, except for #zoning lots# containing #single-#, #two-#, or three-#family residences#, 50 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces or open or enclosed #accessory# off-street loading berths.
- (g) In R4 and R5 Districts, except for #zoning lots# containing #single-#, #two-# or three-#family residences#, 33 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, or in R5D Districts, the open area between the #street line# and #street wall# of a #building# or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for

driveways, private streets, open or enclosed #accessory# off-street parking spaces, or open or enclosed #accessory# off-street loading berths.

Except as otherwise provided in the following Sections:

Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable)

Section 23-145 (For Quality Housing buildings)

Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn)

Section 23-147 (For non-profit residences for the elderly);

Section 23-148 (For tower on a base buildings in R9 Districts); and

Section 23-149 (Special floor area regulations for certain sites in Community District 9, Borough of Manhattan);

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.

MINIMUM REQUIRED OPEN SPACE RATIO
AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

	In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.99
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.95
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.85

Commented [DCP20]: Relocating provisions for R6 through R9 districts to 23-151.

Commented [DCP21]: Relocating provisions for R6 through R9 districts to 23-151.

4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.68
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.42
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.08
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.65
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.13
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.54
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.85
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.09
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.30
13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.41
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.52
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.52
16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.52
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.52
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.46
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.41
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.35
21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.25

23-143

For high buildings in R6, R7, R8 or R9 Districts

Optional regulations for predominantly built-up areas

R6 R7 R8 R9

R4 R5

Commented [DCP22]: Relocating provisions for predominantly built up area provisions from paragraph (c) of 23-141 to this section.

In the districts indicated without a letter suffix, the maximum #floor area ratio# and #lot coverage# and the minimum required #open space# for any #zoning lot# utilizing the special optional regulations of a #predominantly built-up area# are set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R4	55	45	1.35
R5	55	45	1.65

Except as otherwise provided in paragraph (a) of Section 23-147 (For non-profit residences for the elderly), in the districts indicated, for #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

Commented [DCP23]: Relocating below provisions for buildings in R6 through R9 districts to Section 23-151.

OPEN SPACE RATIO FOR HIGH BUILDINGS

District	Minimum Required #Open Space Ratio# at #Height Factor# of 21	Additional Required #Open Space Ratio# for each Additional #Height Factor#
R6	37.5	0.5
R7	25.5	0.5
R8	11.9	0.3
R9	9.0	0.4

For such #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{+}{\text{F.A.R.}} = \frac{\text{O.S.R.}}{-100} + \frac{+}{\text{H.F.}}$$

23-144

**In designated areas where the Inclusionary Housing Program is applicable
Affordable independent residences for seniors**

R3-2 R4 R5

In the districts indicated, except R4A, R4B, R4-1, R5A, R5B and R5D Districts, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in the following table. #Open space# and #lot coverage# shall be governed by the #yard# requirements of the applicable district.

In R5D Districts, the #open space# and #floor area# regulations set forth in Section 23-142 (Open space and floor area regulations in other R1 and R2 Districts and R3 through R5 Districts) shall apply to #affordable independent residences for seniors#.

MAXIMUM FLOOR AREA RATIO FOR
AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS
IN R3-2, R4 AND R5 DISTRICTS

<u>Districts</u>	<u>Maximum #Floor Area Ratio#</u>
R3-2	0.95
R4	1.29
R5	1.95

In #Inclusionary Housing designated areas#, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

23-145

For Quality Housing buildings

R6 R7 R8 R9 R10

Commented [DCP24]: Relocating provisions for “affordable independent residences for seniors” from paragraph (a) of Section 23-147 to this section. The term “affordable independent residences for seniors” is replacing ‘non-profit residence for the elderly’.

Commented [DCP25]: Relocating Inclusionary Housing provisions to Section 23-154.

Commented [DCP26]: Relocating provisions for Quality Housing to Section 23-153.

In the districts indicated, the maximum #residential lot coverage# and the maximum #floor area ratio# for a #zoning lot# where #Quality Housing buildings# are #developed# or #enlarged# shall be as set forth in the following table. The maximums for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO
FOR
QUALITY HOUSING BUILDINGS
(in percent)

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot#	#Interior Lot# or #Through Lot#	
R6	80	60	2.20
R6**	80	60	2.43
R6* R6A R7B	80	65	3.00
R6B	80	60	2.00
R7	80	65	3.44
R7* R7A	80	65	4.00
R7D	80	65	4.20
R7X	80	70	5.00
R8 R8A R8X	80	70	6.02
R8*	80	70	7.20
R8B	80	70	4.00
R9 R9A	80	70	7.52
R9D R9X	80	70	9.00

R10

100

70

10.00

23-146

Optional provisions for certain R5 and R6 Districts in Brooklyn

R5-R6

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community Board 12, in the Borough of Brooklyn, special optional regulations as set forth in this Section are applicable for #zoning lots# containing #buildings# used exclusively as one, #two# or three #family residences#, provided such #zoning lot# complies with all of the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

(a) — #Floor area#, #lot coverage#, #open space#, density and #height factor# regulations

The regulations of Article II, Chapter 3, relating to #floor area ratio#, #open space#, density and #height factor# are hereby made inapplicable. In lieu thereof, the maximum #floor area ratio# for a #corner lot# shall not exceed 1.65 and the maximum #floor area ratio# for an #interior# or #through lot# shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of #floor area# in Section 12-10, the lowest #story# shall be included in the definition of #floor area#, and floor space used for #accessory# off-street parking spaces shall be included in the definition of #floor area# unless such spaces are located in a #cellar#. The #lot coverage# for a #corner lot# shall not exceed 55 percent and the #lot coverage# for an #interior# or #through lot# shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

(b) — #Building# height

No #building# shall exceed a height of 35 feet above #curb level#, or three #stories#, whichever is less. The regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable.

(c) — #Front yards#

In R5 Districts, the following #front yard# regulations are applicable. A #front yard# shall be provided with a depth of not less than five feet, provided that for #corner lots#, one #front yard# with a depth of not less than 10 feet is required. If the depth of the #front yard# exceeds 10 feet, such #front yard# shall have a depth of not less than 18 feet. In R6 Districts, a #front yard# is not required.

(d) — #Side yards#

In R5 Districts, the following #side yard# regulations shall apply:

Commented [DCP27]: Relocating optional provisions for R5 and R6 districts in Brooklyn to Section 23-16 with other provisions for certain areas.

- (1) — Where an existing #building# on an adjacent #zoning lot# is located on the common #side lot line#, no #side yard# is required. However, if an open area extending along such common #side lot line# is provided, it shall be at least eight feet wide.
- (2) — Where an existing #building# on an adjacent #zoning lot# is located less than eight feet from, but not on, the common #side lot line#, a #side yard# at least four feet wide is required. However, in no case shall the distance between a new or #enlarged building# and an existing #building# across a common #side lot line# on an adjacent #zoning lot# be less than eight feet.
- (3) — Where an adjacent #zoning lot# is vacant or where an existing #building# on an adjacent #zoning lot# is located more than eight feet from the common #side lot line#, a #side yard# at least four feet wide is required.
- (4) — In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet in depth or more, an eight foot #side yard# or an #outer court# as set forth in paragraph (f) of this Section is required.
- (5) — Notwithstanding the provisions of paragraphs (d)(1) and (d)(3), #detached# one , #two # and three #family residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached# one , #two # and three #family residences# on #corner lots# shall provide one #side yard# of 20 feet.

(e) — #Rear yards#

#Single # or #two family residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to ten feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

(f) — #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section 23-84 are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent #zoning lot#, there may be a joint #outer court# across such common #side lot line# with a minimum width of 10 feet. The requirements of Section 23-86 are hereby made inapplicable.

(g) — Off street parking in R5 and R6 Districts

No #accessory# off street parking is required in R5 and R6 Districts.

For non-profit residences for the elderly

R3 R4 R5 R6 R7

(a) In the districts indicated, except R5D Districts, the minimum required #open space ratio# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#	Districts
0.95	66.5	R3
1.29	39.4	R4
1.95	23.1	R5
3.90	17.7	R6
5.01	12.8	R7

In R5D Districts, the #open space# and #floor area# regulations set forth in Section 23-141 shall apply to #non-profit residences for the elderly#.

However, in R6 or R7 Districts, the minimum required #open space ratio# shall not apply to #non-profit residences for the elderly# that are #Quality Housing buildings#. Such #buildings# shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in paragraph (b) of this Section.

R6A R6B R7A R7B R7D R7X

(b) In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO
FOR
NON-PROFIT RESIDENCES FOR THE ELDERLY
(in percent)

Maximum #Lot Coverage#		Maximum #Floor Area Ratio#	District
#Corner Lot#	#Interior Lot# or #Through Lot#		

Commented [DCP28]: Relocating R3 through R5 provisions for "affordable independent residences for seniors" to 23-144 and relocating higher density district provisions to Section 23-155.

80	65	3.90	R6A R7B
80	60	2.00	R6B
80	70	5.01	R7A R7D R7X

23-148

For tower on a base buildings in R9 Districts

In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower on a base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 80 percent on a #corner lot# and 70 percent on an #interior lot#.

Commented [DCP29]: Relocating special tower on a base provisions to Section 23-16 with other provisions for certain areas.

23-149

Special floor area regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).

Commented [DCP30]: Relocating special floor area regulations for CD9 to Section 23-16 with other provisions for certain areas.

23-15

Maximum Floor Area Ratio in R10 Districts

Open Space and Floor Area Regulations in R6 through R10 Districts

R10
R6 R7 R8 R9 R10

In the districts indicated, for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

Commented [DCP31]: Relocating provisions for R6 through R9 districts from Section 23-14 in this section. Adding new introductory language intended to make applicability of these sections clearer.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# shall comply with the #floor area ratio# and #lot coverage# regulations for #Quality Housing buildings# set forth in Sections 23-153 (For Quality Housing buildings).

In R6, R7, R8, R9 and R10 Districts without a letter suffix, #buildings# containing #residences# may be #developed# or #enlarged# pursuant to the basic #floor area# and #open space# regulations set forth in Section 23-151 (Basic regulations for R6 through R9 Districts) or 23-152 (Basic regulations for R10 Districts), as applicable, or the regulations for #Quality Housing buildings# set forth in Section 23-153.

All Quality Housing buildings shall also comply with additional provisions set forth in Article II, Chapter 8.

The applicable floor area ratio for the district may be increased for developments or enlargements providing affordable housing or affordable independent residences for seniors, pursuant to Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable.

Special lot coverage provisions for shallow zoning lots, and interior or through lots within one hundred feet of corners or located along the short dimension of the block are set forth in Sections 23-156 (Special lot coverage provisions for certain interior lots).

For zoning lots with buildings containing multiple uses or multiple buildings with different uses, the maximum floor area ratio for each use shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such floor area ratios does not exceed the greatest floor area ratio permitted for any such use on the zoning lot.

However, for zoning lots providing affordable independent residences for seniors and other residential uses, the total floor area allocated to uses other than affordable independent residences for seniors on the zoning lot shall not exceed the maximum floor area ratio permitted for residential uses set forth in Sections 23-151, or 23-153, as applicable. Furthermore, for such zoning lots providing affordable independent residences for seniors and other residential uses within R10 Districts or within Inclusionary Housing Designated Areas, the maximum floor area ratio on the zoning lot shall not exceed the floor area ratio for the Inclusionary Housing Program set forth in Section 23-154, as applicable, and the maximum floor area ratio allocated to affordable independent residences for seniors shall not exceed the base floor area ratio specified in such Section, as applicable, except where such affordable independent residences for seniors meet the definition of affordable housing set forth in Section 23-911. Zoning lots with buildings used exclusively for affordable independent residences for seniors within R10 Districts or within Inclusionary Housing Designated Areas shall remain subject to the maximum floor area ratios set forth in 23-155.

Where floor area in a building is shared by multiple uses, the floor area for such shared portion shall be attributed to each use proportionately, based on the percentage each use occupies of the total floor area of the zoning lot less any shared floor area.

In addition to complying with the provisions of this Section, all zoning lots shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units) as well as all other applicable bulk regulations as set forth in this Chapter.

In the district indicated, except in Inclusionary Housing designated areas, the floor area ratio on a zoning lot shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum floor area ratio shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum floor area ratio shall 10.0.

Commented [DCP32]: Relocating R10 provisions to 23-152 and provisions for CD7 to 23-16.

23-151

Basic regulations for R6 through R9 Districts

R6 R7 R8 R9

Commented [DCP33]: Relocating basic R6 through R9 provisions from 23-142 and -143.

In the districts indicated without a letter suffix, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section.

MINIMUM REQUIRED OPEN SPACE RATIO
AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

For #zoning lots# with a #height factor# of	<u>In R6 Districts</u>		<u>In R7 Districts</u>		<u>In R8 Districts</u>		<u>In R9 Districts</u>	
	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.99
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.95
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.85
4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.68
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.42
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.08
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.65
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.13
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.54

<u>10</u>	<u>32.0</u>	<u>2.38</u>	<u>20.0</u>	<u>3.33</u>	<u>8.6</u>	<u>5.38</u>	<u>4.6</u>	<u>6.85</u>
<u>11</u>	<u>32.5</u>	<u>2.40</u>	<u>20.5</u>	<u>3.38</u>	<u>8.9</u>	<u>5.56</u>	<u>5.0</u>	<u>7.09</u>
<u>12</u>	<u>33.0</u>	<u>2.42</u>	<u>21.0</u>	<u>3.41</u>	<u>9.2</u>	<u>5.71</u>	<u>5.4</u>	<u>7.30</u>
<u>13</u>	<u>33.5</u>	<u>2.43</u>	<u>21.5</u>	<u>3.42</u>	<u>9.5</u>	<u>5.81</u>	<u>5.8</u>	<u>7.41</u>
<u>14</u>	<u>34.0</u>	<u>2.43</u>	<u>22.0</u>	<u>3.44</u>	<u>9.8</u>	<u>5.92</u>	<u>6.2</u>	<u>7.52</u>
<u>15</u>	<u>34.5</u>	<u>2.43</u>	<u>22.5</u>	<u>3.42</u>	<u>10.1</u>	<u>5.95</u>	<u>6.6</u>	<u>7.52</u>
<u>16</u>	<u>35.0</u>	<u>2.42</u>	<u>23.0</u>	<u>3.41</u>	<u>10.4</u>	<u>5.99</u>	<u>7.0</u>	<u>7.52</u>
<u>17</u>	<u>35.5</u>	<u>2.42</u>	<u>23.5</u>	<u>3.40</u>	<u>10.7</u>	<u>6.02</u>	<u>7.4</u>	<u>7.52</u>
<u>18</u>	<u>36.0</u>	<u>2.40</u>	<u>24.0</u>	<u>3.38</u>	<u>11.0</u>	<u>6.02</u>	<u>7.8</u>	<u>7.46</u>
<u>19</u>	<u>36.5</u>	<u>2.39</u>	<u>24.5</u>	<u>3.36</u>	<u>11.3</u>	<u>6.02</u>	<u>8.2</u>	<u>7.41</u>
<u>20</u>	<u>37.0</u>	<u>2.38</u>	<u>25.0</u>	<u>3.33</u>	<u>11.6</u>	<u>6.02</u>	<u>8.6</u>	<u>7.35</u>
<u>21</u>	<u>37.5</u>	<u>2.36</u>	<u>25.5</u>	<u>3.30</u>	<u>11.9</u>	<u>5.99</u>	<u>9.0</u>	<u>7.25</u>

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

<u>District</u>	<u>Minimum Required #Open Space Ratio# at #Height Factor# of 21</u>	<u>Additional Required #Open Space Ratio# for each Additional #Height Factor#</u>
<u>R6</u>	<u>37.5</u>	<u>0.5</u>
<u>R7</u>	<u>25.5</u>	<u>0.5</u>
<u>R8</u>	<u>11.9</u>	<u>0.3</u>
<u>R9</u>	<u>9.0</u>	<u>0.4</u>

For such #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{1}{\text{F.A.R.}} \equiv \frac{\text{O.S.R.}}{100} \pm \frac{1}{\text{H.F.}}$$

23-152

Basic regulations for R10 Districts

In R10 Districts, the #floor area ratio# on a #zoning lot# shall not exceed 10.0.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0.

23-153

For Quality Housing buildings

R6 R7 R8 R9 R10

In the districts indicated, for #developments# and #enlargements# of #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential lot coverage# for #interior lots# or #through lots# shall be as set forth in the following table. The maximum #residential lot coverage# for a #corner lot# shall be 100 percent.

The maximums for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

Commented [DCP34]: Relocating provisions for R10 districts from 23-15. Special provisions for CB7 in Manhattan moved to 23-16 with other provisions for certain areas.

Commented [DCP35]: Relocating provisions for Quality Housing buildings from 23-145 in this section with some modifications noted below.

Commented [DCP36]: Increasing the maximum corner lot coverage allowance to 100 percent to allow greater design flexibility. Court regulations will continue to apply to legal windows on the inward side of a double-loaded corridor.

**MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO
FOR QUALITY HOUSING BUILDINGS
(in percent)**

<u>District</u>	<u>Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot#</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R6</u>	<u>60</u>	<u>2.20</u>
<u>R6**</u>	<u>60</u>	<u>2.43</u>
<u>R6* R6A R7B</u>	<u>65</u>	<u>3.00</u>
<u>R6B</u>	<u>60</u>	<u>2.00</u>
<u>R7</u>	<u>65</u>	<u>3.44</u>
<u>R7* R7A</u>	<u>65</u>	<u>4.00</u>
<u>R7D</u>	<u>65</u>	<u>4.20</u>
<u>R7X</u>	<u>70</u>	<u>5.00</u>
<u>R8 R8A R8X</u>	<u>70</u>	<u>6.02</u>
<u>R8*</u>	<u>70</u>	<u>7.20</u>
<u>R8B</u>	<u>70</u>	<u>4.00</u>
<u>R9 R9A</u>	<u>70</u>	<u>7.52</u>
<u>R9D R9X</u>	<u>70</u>	<u>9.00</u>
<u>R10</u>	<u>70</u>	<u>10.00</u>

23-154

Inclusionary Housing

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on (date of adoption) shall

Commented [DCP37]: Relocating provisions from Section 23-144 and combining with various sections for Inclusionary Housing found in sections 23-951, 23-952 and 23-953 so that all residential floor area regulations are in one section.

be as set forth in paragraph (b) of this Section. Special provisions for certain areas are set forth in paragraph (c) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Section 12-10 and Section 23-911.

(a) R10 Districts outside of #Inclusionary Housing designated areas#

The #residential floor area ratio# of a #compensated zoning lot# may be increased from a base #floor area ratio# of 10.0 to a maximum #floor area ratio# of 12.0 at the rate set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this Section, the #floor area# of the #compensated zoning lot# may be increased by the number of square feet set forth in the table of this paragraph (a), as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

<u>Without #public funding#</u>	#New construction affordable housing# or #substantial rehabilitation affordable housing#	3.5
	#Preservation affordable housing#	2.0
<u>With #public funding#</u>	#New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#	1.25

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table of this paragraph (b), as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#

R6B	<u>2.00</u>	<u>2.20</u>
R6 ¹	<u>2.20</u>	<u>2.42</u>
R6 ² R6A R7-2 ¹	<u>2.70</u>	<u>3.60</u>
R7A R7-2 ²	<u>3.45</u>	<u>4.60</u>
R7-3	<u>3.75</u>	<u>5.0</u>
R7D	<u>4.20</u>	<u>5.60</u>
R7X	<u>3.75</u>	<u>5.00</u>
R8	<u>5.40</u>	<u>7.20</u>
R9	<u>6.00</u>	<u>8.00</u>
R9A	<u>6.50</u>	<u>8.50</u>
R9D	<u>7.5</u>	<u>10.0</u>
R9X	<u>7.3</u>	<u>9.70</u>
R10	<u>9.00</u>	<u>12.00</u>

¹ _____ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² _____ for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(c) Special provisions for certain areas

(1) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (c)(1) inclusive, modify the provisions of paragraph (b) of this Section:

(i) The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to paragraph (b) of this Section;

(ii) However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (c)(1)(ii). If

#affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (c)(1), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(2) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

- (i) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in paragraph (b) of this Section shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate-income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (c)(2)(i), inclusive, #low income floor area# may be considered #moderate income floor area#, and
- (ii) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2)(i) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).

(3) Special provisions for #compensated zoning lots#

Special provisions shall apply to #compensated zoning lots# located within:

- (i) R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or
- (ii) the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

23-155

Affordable independent residences for seniors

R6 R7 R8 R9 R10

In the districts indicated, for #buildings# complying with the height and setback regulations for #Quality Housing buildings# set forth in Section 23-66, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in the following table, and the maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings), as applicable.

For #buildings# in R6, R7, R8, R9 or R10 Districts without a letter suffix utilizing the basic #bulk# regulations, the maximum #floor area ratio# and #open space ratio# for #affordable independent residences for seniors# shall be as set forth for #residential uses# in Sections 23-151 (Basic regulations for R6 through R9 Districts) and 23-152 (Basic regulations for R10 Districts), as applicable.

MAXIMUM
FLOOR AREA RATIO FOR
AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS
IN QUALITY HOUSING BUILDINGS

<u>District</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R6 R6A R7B</u>	<u>3.90</u>
<u>R6B</u>	<u>2.20</u>
<u>R7 R7A</u>	<u>5.01</u>
<u>R7D</u>	<u>5.60</u>
<u>R7X</u>	<u>6.00</u>
<u>R8 R8A R8X</u>	<u>7.20</u>
<u>R8B</u>	<u>4.00</u>
<u>R9</u>	<u>8.00</u>
<u>R9A</u>	<u>8.50</u>
<u>R9X</u>	<u>9.70</u>
<u>R9D</u>	<u>10.00</u>
<u>R10 R10A R10X</u>	<u>12.00</u>

Commented [DCP38]: Relocating provisions providing a higher FAR for affordable senior housing in R6 and R7 districts from 23-147 to this section. In addition, provisions for a higher FAR in R8 through R10 districts are added as none currently exist. The FARs in the R8 through R10 districts are based on the maximum FAR permitted through the Inclusionary Housing program.

Commented [DCP39]: Adding provisions that require buildings with “affordable independent residences for seniors” to utilize the Quality Housing bulk regulations if using the higher permitted FAR of this section.

23-156

Special lot coverage provisions for certain interior or through lots

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# set forth in 23-153 (For Quality Housing buildings), may be increased for shallow #zoning lots# in accordance with paragraph (a) of this Section, and may be increased for #interior# or #through lots# within one hundred feet of corners or located along the short dimension of the #block#, in accordance with paragraphs (b) of this Section.

(a) Shallow #zoning lots#

The maximum #lot coverage# for shallow #interior# or #through lots# may be increased as follows:

(1) For shallow #interior lots#

In the districts indicated, if an #interior lot#, or portion thereof, was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 95 feet deep at any point, the maximum #lot coverage# of such #zoning lot# may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 95 feet.

(2) For shallow #through lots#

In the districts indicated, if a #through lot#, or portion thereof was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 190 feet deep at any point, the maximum #lot coverage# of such #zoning lot# may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 190 feet.

(3) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraphs (a) and (b) of this Section, the special #lot coverage# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

(4) For #zoning lots# with shallow portions

Where a portion of a #zoning lot# is less than 95 feet for an #interior lot#, or 190 feet for a #through lot#, an adjusted maximum #lot coverage# shall be established for the #zoning lot# by

Commented [DCP40]: Adding provisions in this section to allow limited increases in lot coverage for shallow interior lots, a typical irregular lot condition found in the city. This corresponds to permitted reductions in required rear yards on shallow interior lots.

multiplying the maximum percent of #lot coverage# permitted for each portion of the #zoning lot# established pursuant to paragraphs (a) and (b) of this Section by the #lot area# of such portion. The sum of the areas of #lot coverage# thus obtained shall be the maximum area of #lot coverage# for the #zoning lot#. Such maximum area of #lot coverage#, divided by the #lot area# of the #zoning lot#, shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

(5) Maximum coverage

In no event shall the maximum #lot coverage# of an #interior lot# or #through lot# exceed 80 percent. Shallow portions of a #zoning lot# creating an adjusted maximum #lot coverage# pursuant to paragraph (d) of this Section may exceed such maximum, so long as the entire #zoning lot# complies with such maximum.

(b) Within one hundred feet of corners or along the short dimension of the #block#

The maximum #lot coverage# for #interior# or #through lots#, or portions thereof, within one hundred feet of the corner, or located along the short dimension of the #block#, may be increased as follows:

(1) Within one hundred feet of the corner

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

(2) Along the short dimension of the block

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #front lot line#.

23-16

Special Floor Area and Lot Coverage Provisions for Certain Areas Existing Public Amenities for Which Floor Area Bonuses Have Been Received

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts), inclusive, shall be modified for certain areas, as follows:

(a) For tower-on-a-base buildings in R9 Districts

Commented [DCP41]: Adding to reflect other situations where 100% lot coverage should be allowed.

Commented [DCP42]: Consolidating all the special floor area and lot coverage provisions for certain areas currently located throughout the chapter and placing in a single location.

Commented [DCP43]: Relocating from 23-148.

In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.

- (b) For R10 Districts in Community District 7 in the Borough of Manhattan

Commented [DCP44]: Relocating from 23-15.

Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0.

- (c) For R8 Districts in Community District 9 in the Borough of Manhattan

Commented [DCP45]: Relocating from 23-149.

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-153 (For Quality Housing buildings).

- (d) Optional provisions for certain R5 and R6 Districts in Community District 12 in the Borough of Brooklyn

Commented [DCP46]: Relocating from 23-146.

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community Board 12, in the Borough of Brooklyn, special optional provisions are established for #zoning lots# containing #buildings# used exclusively as #single-#, #two-# or three-#family residences#, as set forth in this Section, inclusive. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

- (1) #Floor area#, #lot coverage#, #open space#, density and #height factor# regulations

Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to #floor area ratio#, #open space#, density and #height factor# are hereby made inapplicable. In lieu thereof, the maximum #floor area ratio# for a #corner lot# shall not exceed 1.65 and the #floor area ratio# for an #interior# or #through lot# shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of #floor area# in Section 12-10, the lowest #story# shall be included in the definition of #floor area#, and floor space used for #accessory# off-street parking spaces shall be included in the definition of #floor area# unless such spaces are located in a #cellar#. The #lot coverage# for a #corner lot# shall not exceed 55 percent and the #lot coverage# for an #interior# or #through lot# shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

- (2) #Building# height

No #building# shall exceed a height of 35 feet above #curb level#, or three #stories#, whichever is less. Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable, except that the provisions of Section 23-62 (Permitted Obstructions) shall apply.

(3) #Front yards#

In R5 Districts, the following #front yard# regulations are applicable. A #front yard# shall be provided with a depth of not less than five feet, provided that for #corner lots#, one #front yard# with a depth of not less than 10 feet is required. If the depth of the #front yard# exceeds 10 feet, such #front yard# shall have a depth of not less than 18 feet. In R6 Districts, a #front yard# is not required.

(4) #Side yards#

In R5 Districts, the following #side yard# regulations shall apply:

- (i) Where an existing #building# on an adjacent #zoning lot# is located on the common #side lot line#, no #side yard# is required. However, if an open area extending along such common #side lot line# is provided, it shall be at least eight feet wide.
- (ii) Where an existing #building# on an adjacent #zoning lot# is located less than eight feet from, but not on, the common #side lot line#, a #side yard# at least four feet wide is required. However, in no case shall the distance between a new or #enlarged building# and an existing #building# across a common #side lot line# on an adjacent #zoning lot# be less than eight feet.
- (iii) Where an adjacent #zoning lot# is vacant or where an existing #building# on an adjacent #zoning lot# is located more than eight feet from the common #side lot line#, a #side yard# at least four feet wide is required.
- (iv) In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet or more in depth, an eight foot #side yard# or an #outer court# as set forth in paragraph (d)(6) of this Section is required.
- (v) Notwithstanding the provisions of paragraphs (d)(1) and (d)(3), #detached single-#, #two-# and three-#family residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached single-#, #two-# and three-#family residences# on #corner lots# shall provide one #side yard# of 20 feet.

(5) #Rear yards#

#Single-# or #two-family residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to ten feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

- (6) #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section 23-84 are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent #zoning lot#, there may be a joint #outer court# with a minimum width of ten feet across such common #side lot line#. The requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls and Lot Lines) are hereby made inapplicable.

- (7) Off-street parking in R5 and R6 Districts

No #accessory# off-street parking is required in R5 and R6 Districts.

- ~~(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity~~

~~In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.~~

- ~~(b) Nighttime closing of existing public open areas~~

~~In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).~~

- ~~(c) Elimination or reduction in size of existing public amenities~~

~~In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).~~

Regulations Applying in Special Situations

23-17

Commented [DCP47]: Relocating provisions for bonused public amenities to Section 23-17.

Existing Public Amenities for Which Floor Area Bonuses Have Been Received Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations

Commented [DCP48]: Relocating provisions from 23-16.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different minimum required #open space ratios#, different maximum #floor area ratios# or different #lot coverages# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

Commented [DCP49]: Relocating split provisions to Section 23-18.

23-18 Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations

Commented [DCP50]: Relocating provisions from 23-17.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different minimum required #open space ratios#, different maximum #floor area ratios# or different #lot coverages# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

23-20
DENSITY REGULATIONS

23-21
Required Floor Area per Dwelling Unit ~~or Floor Area per Rooming Unit~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

This Section shall apply to existing #buildings# in which the number of ~~#rooming units#~~ or #dwelling units# is increased as well as to all new #development#.

Any given #floor area# shall be counted only once in meeting the #floor area# requirements.

In all districts, as indicated, the #floor area# requirement per #dwelling unit# ~~or #rooming unit#~~ shall not be less than as set forth in this Section, except as provided in Sections 23-24 (Special Provisions for Buildings ~~Used Partly for Non-Residential Containing Multiple Uses~~) or Section 23-25 (Special Provisions for Existing Small Zoning Lots).

Commented [DCP51]: Removing obsolete term.

Commented [DCP52]: Updating cross reference.

23-22
Maximum Number of Dwelling Units ~~or Rooming Units~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# ~~or #rooming units#~~ shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, ~~no #rooming units# shall be permitted and~~ any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# ~~or #rooming unit#~~.

Commented [DCP53]: Removing obsolete term in the paragraph.

For the purposes of this Section, where a #floor area ratio# is determined pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts) ~~Sections 23-142 or 23-143~~, notwithstanding the #height factor# of the #zoning lot#, the maximum #residential floor area ratio# shall be 2.43 in an R6 District within 100 feet of a #wide street#, 3.44 in an R7 District, and 6.02 in an R8 District. In an R6 District beyond 100 feet of a #wide street#, the maximum #residential floor area ratio# shall be as specified in Section 23-151 ~~Sections 23-142 or 23-143~~, or 2.2, whichever is greater.

Commented [DCP54]: Updating cross references in this paragraph.

~~For #affordable independent residences for seniors#, there shall be no applicable #dwelling unit# factor.~~

Commented [DCP55]: Removing density factors for affordable independent residences for seniors to provide greater flexibility in the size of units. The use requires a regulatory agreement with a public agency that would regulate the size of units.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, special provisions are set forth in Section 23-24 (Special Provisions for Buildings Containing Multiple Uses) to determine the maximum number of #dwelling units# permitted.

FACTOR FOR DETERMINING MAXIMUM NUMBER
OF DWELLING UNITS ~~OR ROOMING UNITS~~

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R1-1	4,750	
R1-2	2,850	
R2, R2A	1,900	
R2X	2,900	
R3-1 R3-2*	625	
R3A	710	
R3-2 R4 R4-1 R4B	870	
R3X	1,000	
R4A	1,280	
R4** R5** R5B	900	
R5, R5D	760	
R5A	1,560	
R5B***	1,350	
R6 R7 R8 R9 R10 R8B	680	500
R8 R8A R8X R9 R9A	740	530
R9-1 R9X R10	790	600

Commented [DCP56]: Removing obsolete term.

Commented [DCP57]: Changing the applicable density factor for high density districts (R8-R10) to that which applies in R6 and R7 districts in order to provide greater flexibility in unit size in these high density districts.

* for #single-# and #two-family detached# and #semi-detached residences#

** for #residences# in a #predominantly built-up area#

*** for #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#

23-221

Maximum number of dwelling units or rooming units for non-profit residences for the elderly
R3-2 R4 R5 R6 R7

Commented [DCP58]: Removing special density requirements for 'non-profit residences for the elderly', as described above.

In the districts indicated, except R4-1, R4A, R4B and R5A Districts, the maximum number of #dwelling units# or, where permitted, #rooming units# for #non-profit residences for the elderly#, shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. No #rooming units# shall be permitted in R3-2, R4 or R5 Districts. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

FACTOR FOR DETERMINING MAXIMUM NUMBER
OF DWELLING UNITS OR ROOMING UNITS

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R3-2	680	
R4 R5B	680	
R5 R5D	700	
R6 R7	710	570

23-23

Minimum Size of Dwelling Units

R3 R4 R5

(a) In the districts indicated, for all #buildings# other than #affordable independent residences for seniors non-profit residences for the elderly#, each #dwelling unit# shall contain at least 300 square feet of #floor area#.

Commented [DCP59]: Updating term.

R3 R4A R4-1

(b) In the districts indicated, for all two-family #detached# and, where permitted, two-family #semi-detached# and #zero lot line buildings#, one #dwelling unit# shall contain at least 925 square feet.

Regulations Applying in Special Situations

23-24

Special Provisions for Buildings Containing Multiple Uses ~~Used Partly for Non-Residential Uses~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if a #building# is used partly for #residences# and partly for non #residential uses# (other than #community facility uses#, the provisions for which are set forth in Article II, Chapter 4), For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the total #residential floor area# permitted on the #zoning lot# after deducting any non-#residential floor area# and any #floor area# allocated to #affordable independent residences for seniors#, divided by the applicable factor in Section 23-22 (Maximum Number of Dwelling Units or Rooming Units). Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be proportionately attributed to such #uses#, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Commented [DCP60]: Removing reference to separate community facility density calculation for greater clarity. All non-residential uses, including community facilities, would use this section.

Commented [DCP61]: Updating to reflect proposal to remove density factor requirements for "affordable independent residences for seniors."

Commented [DCP62]: Clarifying how to attribute common spaces in buildings with different uses with different density requirements

23-25

Special Provisions for Existing Small Zoning Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, notwithstanding the provisions of Section 23-22 (Maximum Number of Dwelling Units or Rooming Units), one #single-family detached residence# or, where permitted, one #single-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land that was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit.

Commented [DCP63]: Removing obsolete term.

* * *

23-30

LOT AREA AND LOT WIDTH REGULATIONS

* * *

Regulations Applying in Special Situations

* * *

23-35

Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or #long-term care facilities# ~~nursing homes as defined in the New York State Hospital Code~~; and

* * *

Commented [DCP64]: Updating term.

23-40

YARD REGULATIONS

Definitions and General Provisions

* * *

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

* * *

- (b) In any #rear yard# or #rear yard equivalent#:

- (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (2) Breezeways;
- (3) Fire escapes;
- (4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 ~~14~~-feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
- (5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

- (i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed ten feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard#;
- (ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed ten feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or 15 fourteen feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard#;

Commented [DCP65]: Updating height to permit consistent ground floor height for various uses.

* * *

(9) any portion of a #building# used for #accessory residential uses#, for #Quality Housing buildings# on #zoning lots# in R6 through R10 Districts, other than R6B, R7B, or R8B Districts, providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less. Such space shall be accessible to all residents of the #building#. No #dwelling unit#, or portion thereof, shall be permitted in a #rear yard# or #rear yard equivalent#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

Commented [DCP66]: Adding new provision to allow a one-story portion for accessory residential uses in the rear yard of a building "affordable independent residence for seniors" or participating in the Inclusionary Housing program, except for buildings in B suffix districts. These spaces could accommodate uses such as residential lobbies, as well as required Quality Housing amenities like recreation space, or laundry rooms.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

* * *

Basic Regulations - Side Yards

**23-46
Minimum Required Side Yards**

* * *

23-462

Side yards for all other buildings containing residences

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, except as set forth in Section 23-461 (Side yards for single- or two-family residences) or Section 23-49 (Special Provisions for Side Lot Line Walls), #side yards# shall be provided for all #zoning lots# with #buildings# containing #residences# as provided in this Section:

* * *

R6 R7 R8 R9 R10

- (c) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of eight feet, measured perpendicular to the #side lot line#, and extend along the entire #side lot line#, except where a #court# is provided in accordance with the applicable provisions of Section 23-60. ~~measure at least eight feet wide for the entire length of the #side lot line#~~ Obstructions permitted pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

Commented [DCP67]: Clarifying original intent of provision.

* * *

Rear Yards

23-52

Special Provisions for Shallow Interior Lots

~~R3 R4 R5 R6 R7 R8 R9 R10~~

R3 R4 R5

Commented [DCP68]: Separating provisions for R3 through R5 districts and R6 through R10 districts. The R3 through R5 provisions are existing regulations.

- (a) In the districts indicated, if an #interior lot#:
 - (1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and
 - (2) is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be ten feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, if an #interior lot#, or portion thereof:

(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) is less than 95 feet deep at any point;

the depth of a required #rear yard#, or portion thereof, for such #interior lot#, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 95 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than ten feet.

(c) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (b) of this Section, in R6 through R10 Districts, the special #rear yard# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

Commented [DCP69]: Creating new provision for R6 through R10 districts to extend applicability of permitted rear yard reduction to lots less than 95 feet. Also changes permitted yard reduction to six inches for every foot that the lot is less than 95 feet in depth.

Commented [DCP70]: Clarifying that yard reductions for shallow lots may be applied to zoning lots merged after 1961 provided that the shallow lot condition was in existence in 1961 and thereafter.

In the districts indicated, if an #interior lot#:

(a) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

(b) is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be ten feet.

Commented [DCP71]: Relocating provisions to 23-52(a) for greater clarity.

**23-53
Special Provisions for Through Lots**

* * *

**23-532
Required rear yard equivalents**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, except for #Quality Housing buildings# in R6 through R10 districts, the provisions for which are set forth in Section 23-533 as indicated, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

Commented [DCP72]: Separating rear yard equivalent provisions for Quality Housing buildings in this section. Moving to Section 23-533.

* * *

However, in #lower density growth management areas# and in R5D, ~~R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X~~ Districts, and for #Quality Housing buildings# in other R6 through R10 Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-533

Required rear yard equivalents for Quality Housing buildings

R6 R7 R8 R9 R10

Commented [DCP73]: Adding new provisions in this section to give shallow through lots using Quality Housing regulations greater flexibility in providing rear yard equivalents.

For #Quality Housing buildings# in R6 through R10 districts, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 60 feet, midway (or within ten feet of being midway) between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# with a depth of 190 feet or less an open area with a minimum depth equivalent to the depth required pursuant to Section 23-534 (Special Provisions for Shallow Through Lots), may be provided. Additionally, for #through lots# with a depth of 180 feet or less, one of the following #rear yard equivalents# may be provided as an alternative:

- (a) two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made; or
- (b) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#, except that the width of such required open area along one #side lot line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made. If an open area along a #side lot line# is provided, it shall be at least eight feet.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-534

Special Provisions for Shallow Through Lots

R6 R7 R8 R9 R10

(a) In the districts indicated, if a #through lot#, or portion thereof:

(1) is less than 190 feet deep at any point; and

(2) was less than 190 deep, both on December 15, 1961 and on the date of application for a building permit;

the depth of a required #rear yard equivalent#, or portion thereof, for such #through lot#, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 190 feet. However, in no event shall the minimum depth of a required #rear yard equivalent#, or portion thereof, provided between two or more #buildings# on a single #zoning lot# be reduced to less than 40 feet, and in no event shall the minimum depth of other required #yard#, or portions thereof, be reduced to less than 20 feet.

(b) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (a) of this Section, in R6 through R10 Districts, the special #lot coverage# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

* * *

23-54

Other Special Provisions for Rear Yards

* * *

23-543

For zoning lots with multiple rear lot lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

Commented [DCP74]: Adding new provision to allow yard equivalent reduction for shallow lots, similar to the interior lot reduction for shallow lots above.

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#, except as modified in Section 23-52 (Special Provisions for Shallow Interior Lots).

Commented [DCP75]: Clarifying applicability of shallow lot provisions.

* * *

23-544

In certain districts

R2X

In the district indicated, a #residential building# may extend ten feet into a required #rear yard# or #rear yard equivalent# pursuant to the provisions of Section 23-631 (General provisions Height and setback in R1, R2, R3, R4 or R5 Districts).

Commented [DCP76]: Updating cross reference.

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

23-61

Definitions Applicability

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.~~

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback regulations applicable to R1 through R5 Districts are set forth in Section 23-63. #Buildings# in R5D districts shall also comply with additional provisions set forth in Article II, Chapter 8.

Height and setback regulations applicable to R6 through R10 Districts are set forth in Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as applicable.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 and 23-66. In R6, R7, R8, R9 or R10 Districts without a letter suffix, a #building# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 or 23-65, as applicable, or

Commented [DCP77]: Section 23-60, including all subsections, is re-organized to locate provisions for quality housing in its own section.

The general structure will now be:
23-61 – Applicability
23-62 – Permitted Obstructions
23-63 – Height and Setback Requirements in R1 Through R5 Districts
23-64 – Basic Height and Setback Requirements
23-65 – Tower Regulations
23-66 – Height and Setback Requirements for Quality Housing Buildings
23-67 – Special Provisions for Certain Areas
23-68 – Special Provisions for Zoning Lots Divided by District Boundaries
23-69 – Special Height Limitations

Commented [DCP78]: Removing unnecessary reference to definitions.

Commented [DCP79]: Adding new introductory text in this section to make applicability of these following sections clearer.

pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 7, 4 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

23-62 Permitted Obstructions

In all #Residence Districts#, except as provided in Section 23-621 (Permitted obstructions in certain districts), the obstructions listed in paragraphs (a) through (r) in this Section shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Height and Setback Requirements in R1 Through R5 Districts Maximum Height of Walls and Required Setbacks), 23-64 (Basic Height and Setback Requirements Alternate Front Setbacks), 23-66 (Height and Setback Requirements for Quality Housing Buildings) or 23-69 (Special Height Limitations):

Commented [DCP80]: Updating cross-references.
Commented [DCP81]: Updating various cross references.

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

* * *

- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 23-63, 23-64, ~~or~~ 23-65 (Tower Regulations) or 23-66:

Commented [DCP82]: Updating the applicable cross reference.

- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

* * *

23-621 Permitted obstructions in certain districts

R2A R2X R3 R4 R4A R4-1 R5A

- (a) In the districts indicated, permitted obstructions are limited to chimneys, exterior wall thickness, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-62. However, in R3-2, and R4 Districts, except R4A, R4B and R4-1 Districts, elevator or stair bulkheads, roof water tanks and #accessory# mechanical equipment provided pursuant to paragraph (g) of Section 23-62 shall be permitted for #buildings# containing #affordable independent residences for seniors#.

Commented [DCP83]: Adding provision to permit elevators, bulkheads and other rooftop structures as permitted obstructions in certain districts, consistent with the programmatic requirements for these building types.

* * *

~~R6 R7 R8 R9 R10 R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(c) In the districts indicated, ~~for #Quality Housing building#, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts,~~ the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#, except that within a required front setback distance above a maximum base height, the following rules shall apply:

Commented [DCP84]: Simplifying text to provide greater clarity.

* * *

23-63
Maximum Height of Walls and Required Setbacks-Height and Setback Requirements in R1 Through R5 Districts

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In the districts indicated, the height and setback of a #building or other structure# shall be as set forth in Section 23-631 (General provisions). Additional provisions pertaining to required side and rear setbacks are set forth in Section 23-632 (Required side and rear setbacks).~~

Commented [DCP85]: Making a series of formatting changes to this section for clarity.
• This section, inclusive of all the sub-sections, is being modified to only apply to R1 through R5 districts.
• All provisions pertaining to R6 through R10 districts are being moved to 23-64, 23-65, and 23-66.
• In addition, provisions applying to certain areas is being moved to 23-67.

~~In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be set forth in this Section, except as otherwise provided in Sections 23-62 (Permitted Obstructions), 23-64 (Alternate Front Setbacks), 23-65 (Tower Regulations), 23-692 (Height limitations for narrow buildings or enlargements), 23-693 (Special provisions applying adjacent to R1 through R6B Districts) or 74-85 (Special Height and Setback Regulations).~~

Commented [DCP86]: Adding new introductory language to make applicability of this Section clearer.

Commented [DCP87]: Removing since applicability is now established in 23-61.

23-631
Height and setback in R1, R2, R3, R4 and R5 Districts-General provisions

~~Height and setback regulations for R1 through R5 Districts are set forth in this Section. Such maximum heights may only be penetrated by permitted obstructions set forth in Section 23-62.~~

Commented [DCP88]: Adding introductory text to provide clarity.

~~R1 R2~~

(a) In the districts indicated, except R1-2A, R2A and R2X Districts, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

* * *

~~R1-2A R2A R2X R3 R4 R4A R4-1 R5A~~

(b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (h) and ~~(i)~~ (j) of this Section.

Commented [DCP89]: Updating cross-reference.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and #abutting semi-detached buildings# may be considered to be one #building#.

* * *

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the steps set forth in paragraphs (b)(1) through (b)(5), as follows:

- (1) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second plane (the perimeter wall plane) is projected in the same manner at a height of 21 or 25 feet above the #base plane#. (See Figure A)

* * *

- (5) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (4). (See Figure E). The perimeter walls of the #building or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F). ~~The #building# envelope may be penetrated above the maximum permitted perimeter wall height by those items set forth in Section 23-621 (Permitted obstructions in certain districts).~~ Those items listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and roofed porches and porticoes subject to all applicable provisions, may penetrate the #building# envelope below the maximum permitted perimeter wall height. Eaves may extend the roof lines 18 inches beyond the exterior walls.

Commented [DCP90]: Relocating this provision to the introductory language as it should have general applicability.

* * *

R4B

- (c) In the district indicated, no portion of the #building or other structure#, including the apex of a roof, shall penetrate a plane 24 feet in height above the #base plane# ~~except for permitted obstructions as set forth in Section 23-62.~~

Commented [DCP91]: Removing since requirement is stated in the beginning of the section.

R5

- (d) In the district indicated, except R5A, R5B and R5D Districts, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, a

setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. #Buildings or other structures# which utilize the optional regulations of Section ~~23-143~~ ~~23-144~~ applying to a #predominantly built-up area# shall be subject to the height and setback regulations for an R5B District. The provisions of this paragraph may be modified pursuant to ~~Section 23-62~~ and paragraphs (h) and (j) of this Section.

Commented [DCP92]: Updating cross references in this paragraph.

R5B

- (e) In the district indicated, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 33 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, no portion of the #building or other structure# shall penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal, to a maximum height of 33 feet above the #base plane#. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. The provisions of this paragraph may be modified pursuant to ~~Section 23-62~~ and paragraph (h) of this Section.

Commented [DCP93]: Updating cross reference.

R5D

- (f) In the district indicated, no portion of a #building or other structure# shall penetrate a plane ~~45 feet, or four stories, whichever is less,~~ ~~40 feet~~ above the #base plane#. However, where the level of the finished floor of the second #story# above grade in such #building or other structure# is less than 13 feet above the level of the adjoining sidewalk, the maximum height of such #building# shall be reduced to 40 feet.

Commented [DCP94]: Revising R5D height limits to allow the ground floor level increased height.

* * *

- (h) The height and setback regulations of this Section are modified as follows:

(1) In R3-1 and R3-2 Districts, #single-# or #two-family detached residences# on #zoning lots# of at least 9,500 square feet in area and at least 100 feet of frontage along a #street# may use the height and setback regulations applicable in an R2 District.

(2) ~~In R3 and R4A Districts, #non-profit residences for the elderly# may use the height and setback regulations applicable in an R4 District.~~

(3) ~~In R5 Districts, except R5A and R5D Districts, as an alternative front setback regulation for #non-profit residences for the elderly#, no portion of the #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 27 feet above an #initial setback distance# of 10 feet and rises over the #zoning lot# at a slope of one foot of vertical distance for each foot of horizontal distance to a maximum height of 40 feet above the #base plane#. On #corner lots#, the #sky exposure plane# shall apply to only one #street# frontage. The provisions of this subparagraph may be modified pursuant to Section 23-62 and paragraph (i) of this Section.~~

Commented [DCP95]: Removing these provisions as the proposal includes a new building envelope for "affordable independent residences for seniors" in R3-2, and non-contextual R4 and R5 districts,

~~(2)(4)~~— In the #Special Ocean Parkway District#, the #Special Coney Island Mixed Use District#, and the #Special Hunters Point Mixed Use District#, for #buildings or other structures# subject to the regulations of an R5 District other than an R5D District, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 32 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height at 20 degrees to the horizontal. On #corner lots#, the 32 foot maximum #street wall# height shall apply to only one #street# frontage.

In these special districts, for #developments# or #enlargements# which utilize the optional regulations applicable to a #predominantly built-up area#, the maximum height of a #building# containing #residences# shall not exceed 32 feet above the #base plane#. Furthermore, for such #developments# or #enlargements# with pitched roofs, the midpoint of such pitched roof shall not exceed a height of 32 feet above the #base plane#. The provisions of this paragraph may be modified pursuant to ~~Section 23-62~~ and paragraph (j h) of this Section.

~~(3)(5)~~ In accordance with Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setback), #buildings# within a #large-scale residential development# may use the alternate height and setback regulations set forth in Section 78-31, paragraphs (b)(1) through (b)(3).

R3-2 R4 R5

~~(i)~~ In the districts indicated, except R4A, R4B, R4-1, R5A, R5B and R5D Districts, as an alternative to the provisions set forth in paragraph (b) and (d) of this Section for #developments# or #enlargements# where at least 20 percent of the #floor area# of the #zoning lot# is allocated to #affordable independent residences for seniors#, the following provisions may be applied: Within 25 feet of a #street line#, no portion of the #building or other structure# shall exceed a height of 45 feet, and beyond 25 feet of a #street line#, no portion of a #building or other #structure# shall exceed a height of 65 feet or six stories, whichever is less.

(j) In the districts indicated, except R4A, R4B, R4-1, R5A, R5B and R5D Districts, the City Planning Commission may authorize a #building or other structure# that penetrates the height and setback regulations set forth in paragraphs (b), ~~and (d) or (i)~~ of this Section, except for #buildings# utilizing the optional regulations for #predominantly built-up areas#. As a condition for granting such authorizations, the Commission shall find that:

(1) by concentrating permitted #floor area# in a #building# or #buildings# of greater height the preservation of an existing #building#, topography, vegetation, or view corridors having environmental, historic or aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area#; ~~or, for #non-profit residences for the elderly#, the additional #floor area# permitted is accommodated in an efficient manner;~~

Commented [DCP96]: Providing a new, workable building envelope for “affordable independent residences for seniors” in R3-2, and non-contextual R4 and R5 districts. This replaces the existing envelopes found in (2) and (3) above which have not meet the needs of these facilities as their maximum height does not permit the 4 to 6 story buildings this use commonly requires.

Commented [DCP97]: Modifying applicability for “affordable independent residences for seniors”. If utilizing the authorization they would be held to the general findings as they would have an envelope that allows the efficient accommodation of floor area as of right.

(2) such modification is the least modification required to achieve the purpose for which it is granted;

* * *

23-632

Front setbacks in districts where front yards are not required Required side and rear setbacks

Side and rear setbacks shall be provided as specified in this Section. Permitted obstructions in required side and rear setbacks are set forth in paragraph (a) of this Section. Required side and rear setbacks for tall buildings in certain R1 through R5 Districts are set forth in paragraph (b) and required side and rear setbacks for #buildings# containing non-#residential uses# in certain R1 through R5 Districts are set forth in paragraph (c) of this Section.

(a) Permitted Obstructions in required side and rear setbacks

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls not more than four feet in height, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, are permitted as set forth in Section 23-62 (Permitted Obstructions). Chimneys or flues shall also be permitted, provided that the total width does not exceed 10 percent of the width of the #building's# walls facing such open area.

(b) Required side and rear setbacks for tall buildings in certain low bulk districts

R1 R2 R3 R4 R5

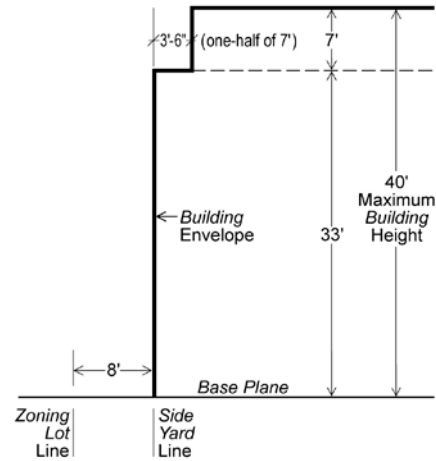
In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 30 feet above the mean level of adjacent natural grade.

In R3, R4 and R5 Districts, except R5A and R5D Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such #side yard# line or such #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 33 feet above the level of the #base plane# (see illustration of Side Yard Setback). However, the following modifications may be applied to #buildings# containing #affordable independent residences for seniors#: no #rear yard# setback need be provided; and for a #side yard#, the resultant setback required by the calculation above need not exceed a depth of ten feet, as measured from the #building# wall fronting such #side yard#.

Commented [DCP98]: Consolidating side and rear setback provisions for R1 through R5 districts into this section. These were previously located in Section 23-661 and 23-662. Other specific changes are noted below.

Commented [DCP99]: Relocating from (b) below. Parapets are already included and do not need to be repeated.

Commented [DCP100]: Providing a new, workable building envelope for "affordable independent residences for seniors" in R3-2, and non-contextual R4 and R5 districts. This replaces the existing envelopes found in (2) and (3) above which have not meet the needs of these facilities as their maximum height does not permit the 4 to 6 story buildings this use commonly requires.



Side Yard Setback

(R5 example)

(c) Required side and rear setbacks for permitted non-residential uses in low bulk districts

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no portion of any #building# used for permitted non-residential uses# which is more than 30 feet or more than three #stories#, whichever is less, above the level of a #side yard# or #rear yard#, shall be nearer to a #side lot line# or #rear lot line# bounding such #yard# than a distance equal to the height above yard level of such portion of the #building#.

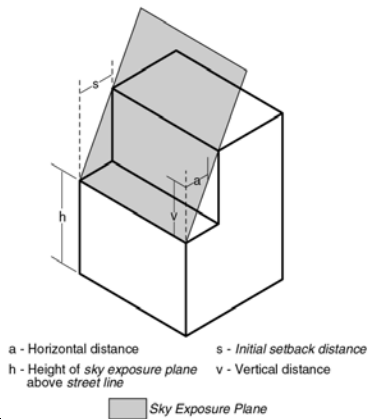
R6 R7 R8 R9 R10

(a) In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the following table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

Commented [DCP101]: Relocating R6 through R10 basic height and setback regulations to Section 23-64.

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or other structure# within the #Initial Setback Distance#	Height above #Street Line# (in feet)	#Sky Exposure Plane#			
				Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
On #Narrow Street#	On #Wide Street#			On #Narrow Street#		On #Wide Street#	
				Vertical Distance	Hori-zontal Distance	Vertical Distance	Hori-zontal Distance
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to 1
R8 R9 or R10 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to 1



SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) — In the districts indicated, for all #buildings or other structures#, and for #Quality Housing buildings# in other R6, R7, R8, R9 or R10 Districts, the provisions of this Section and Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall be inapplicable. In lieu thereof, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply.

23-633

Street wall location and height and setback regulations in certain districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R9D and R10X Districts.

(a) — #Street wall# location

R6A R7A R7D R7X R9D

Commented [DCP102]: Relocating Quality Housing height and setback regulations to 23-66.

(1) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# shall be located no closer to the #street line# than the closest #street wall# of an existing #building# to such #street line#, located on the same #block#, and within 150 feet of such #building#. However, a #street wall# need not be located further from the #street line# than 15 feet. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.

R6B R7B R8B

(2) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the #street wall# of a #building# on a #zoning lot# with at least 50 feet of frontage along a #street line# shall be located no closer to the #street line# than the #street wall# of an adjacent existing #building#. On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet.

R8A R8X R9A R9X R10A R10X

(3) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following #street wall# location provisions shall apply along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street#:

- (i) the #street wall# shall extend along the entire #street# frontage of a #zoning lot#;
- (ii) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in the table in this Section or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line# provided any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#; and
- (iii) the #street wall# location provisions of paragraph (a)(3) of this Section, inclusive, shall not apply to houses of worship.

No #street wall# location provisions shall apply along any #narrow street# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (a) of this Section, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of

Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) — Setback regulations

In the districts indicated, for all #buildings or other structures#, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section. Such setbacks shall be provided in accordance with the following regulations:

- (1) — At a height not lower than the minimum base height or higher than the maximum base height specified in the table in this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.
- (2) — On #narrow streets#, where a #street wall# is required to be located further than 10 feet from a #street line# in accordance with paragraph (a) of this Section, the depth of the required setback above the minimum base height may be reduced one foot for every foot that the #street wall# is required to be located beyond 10 feet of the #street line#, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.
- (3) — These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 may penetrate a required setback area.
- (4) — In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.

(c) — Maximum #building# height

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section, except as otherwise provided below:

R9D R10X

In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower or towers may exceed a height limit of 85 feet above the #base plane# provided:

- (1) — at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;
- (2) — the base of such tower complies with the #street wall# location provisions of paragraph (a) of this Section and the setback provisions of paragraph (b) of this Section; and
- (3) — the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 23 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.
- (4) — In R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.
- (5) — In R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(d) — Additional regulations

In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, the following additional regulations shall apply:

- (1) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraph (a) of this Section.
- (2) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of paragraph (a) of this Section shall be mandatory along only one #street# frontage.
- (3) The #street wall# location and minimum base height provisions of paragraph (a) of this Section shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (4) The minimum base height provisions of paragraph (a) of this Section shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (5) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# in the manner prescribed in this Section.
- (6) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:
 - (i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.
 - (ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
 - (iii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(7) In R9D Districts, where a building on an adjacent zoning lot has dwelling unit windows located within 30 feet of a side lot line of the development or enlargement, an open area extending along the entire length of such side lot line with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

**MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT**

District ⁵	Minimum Base Height	Maximum Base Height	Maximum #Building or other Structure# Height
R6B	30	40	50
R6 ²	30	45	55
R6 ⁺ inside #Manhattan Core#	40	55	65
R6 ⁺ outside #Manhattan Core# R6A	40	60	70
R7 ⁺ inside #Manhattan Core# R7 ² R7B	40	60	75
R7 ⁺ outside #Manhattan Core# R7A	40	65	80
R7D	60	85	100
R7X	60	85	125
R8B	55	60	75
R8 ²	60	80	105
R8 ⁺ R8A	60	85	120
R8X	60	85	150

R9 ² R9A ²	60	95	135
R9A R9 ¹	60	102	145
R9D	60	85 ⁴	— ³
R9X ²	60	120	160
R9X ¹	105	120	170
R10 ² R10A ²	60	125	185
R10 ¹ R10A ¹	125	150	210
R10X	60	85	— ³

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

² For #zoning lots# on a #narrow street# except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with paragraph (e) of this Section

⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet

⁵ Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

23-634

Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of this Section.

Commented [DCP103]: Relocating special height and setback regulations for R10 districts in CD7 to 23-672 with other rules for certain areas.

The front #building# wall of all #buildings# on a #zoning lot# with any frontage on a #wide street#, shall extend along the entire #wide street# frontage of the #zoning lot# without a setback for a height of 125 feet above the #curb level# or the full height of the #building#, whichever is less. Above a height of 125 feet, the front #building# wall may be set back at least 10 feet on a #wide street# or 15 feet on a #narrow street#. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet. These mandatory front #building# wall requirements also apply to all #buildings# along all #street lines# of #narrow streets# within 50 feet of their intersection with the #street lines# of #wide streets#. For the next 20 feet along the #street line# of a #narrow street#, the mandatory front #building# wall requirements are optional. The height and setback regulations of the underlying district shall apply along #street lines#, or portions thereof, not subject to the front #building# wall requirements.

Front wall recesses are permitted above the level of the second #story# ceiling or 23 feet above #curb level#, whichever is less, provided that the aggregate width of all recesses at the level of any #story# does not exceed 50 percent of the width of the front wall. The depth of such recess shall not exceed 10 feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Front wall openings are permitted below the level of the second #story# ceiling, for entrances only.

The preceding #street wall# location provisions shall not apply along any #street# frontage of a #zoning lot# occupied by existing #buildings# whose #street walls# remain unaffected by alterations or #enlargements# to such existing #buildings#.

However, the provisions of this Section shall not apply to any #building# for which the City Planning Commission has granted a special permit pursuant to Section 24-95 (Housing Quality) nor shall it apply to any #building# located within the #Special Lincoln Square District# or within the former West Side Urban Renewal Area excluding frontages along Central Park West or to the #block# bounded by Frederick Douglass Circle, Cathedral Parkway, Manhattan Avenue, West 109th Street and Central Park West. On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory front wall provisions of this Section involving an #enlargement#, upon a showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

23-635

Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the #Special Clinton District#, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres that include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback regulations, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, #open space# or #streets#. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this

Commented [DCP104]: Relocating special height and setback regulations for CD4 to 23-673 with other rules for certain areas.

authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

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

23-636

~~Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan~~

~~Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.~~

Commented [DCP105]: Relocating special height and setback regulations for CD9 to 23-674 with other rules for certain areas.

23-64

Alternate Front Setbacks Basic Height and Setback Requirements

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, the height and setback of a #building or other structure# shall be as set forth in Section 23-641 (Front setbacks), or 23-642 (Alternate front setbacks). In R9 and R10 districts, towers are permitted in accordance with the provisions of Section 23-65.

Commented [DCP106]: Combining the basic front setback and alternate front setback regulations for non-contextual R6 through R10 districts into this section.

Commented [DCP107]: Adding new introductory text to make applicability of these sections clearer.

R6 R7 R8 R9 R10

(a) In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 23-63 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the following table, and the #sky exposure plane# shall be measured from a point above the #street line#.

Commented [DCP108]: Relocating alternate front setback regulations to 23-642.

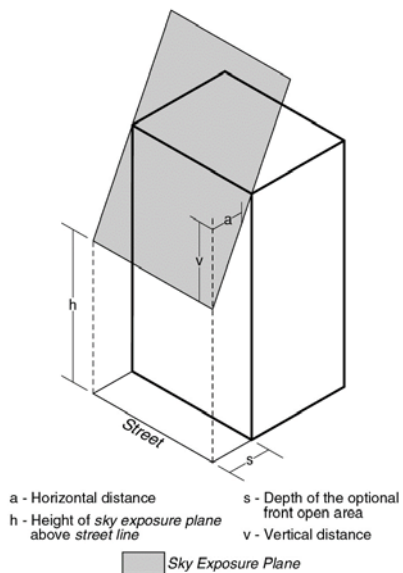
In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Alternate #Sky Exposure Plane#

Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)

Depth of Optional Front Open Area (in feet)		Height above #Street Line# (in feet)	On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts						
15	10	60	3.7 to 1			7.6 to 1
R8 R9 R10 Districts						
15	10	85	3.7 to 1			7.6 to 1



ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) ~~In the districts indicated, for all #buildings or other structures#, the provisions of this Section shall be inapplicable.~~

23-641

Front setbacks

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above the #street line# set forth in the following table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table, except as otherwise provided in Section 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

Commented [DCP109]: Removing as new introductory text makes clear these provisions are not applicable in contextual districts.

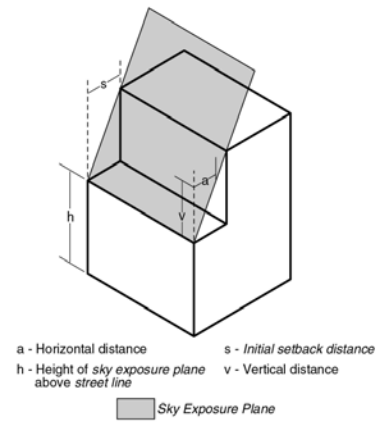
Commented [DCP110]: Relocating existing provisions from 23-632. Minor modifications were made to eliminate redundant language about the inapplicability of these provisions to Quality Housing buildings, since this has been clarified in Sections 23-61, 23-64 and 23-66.

Commented [DCP111]: Revising text to make consistent with table and diagram below.

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

<u>#Initial Setback Distance#</u> (in feet)		<u>Maximum Height of a Front Wall or other portion of a #Building or other structure# within the #Initial Setback Distance#</u>	<u>Height above #Street Line# (in feet)</u>	<u>#Sky Exposure Plane#</u>			
				<u>Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)</u>			
<u>On #Narrow Street#</u>	<u>On #Wide Street#</u>			<u>On #Narrow Street#</u>		<u>On #Wide Street#</u>	
				<u>Vertical Distance</u>	<u>Horizontal Distance</u>	<u>Vertical Distance</u>	<u>Horizontal Distance</u>
<u>R6 or R7 Districts</u>							
<u>20</u>	<u>15</u>	<u>60 feet or six #stories#, whichever is less</u>	<u>60</u>	<u>2.7</u>	<u>to 1</u>	<u>5.6</u>	<u>to 1</u>
<u>R8 R9 or R10 Districts</u>							

20 15 85 feet or 85 2.7 to 1 5.6 to 1
nine
#stories#,
whichever is
less



SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

23-642

Alternate Front Setbacks

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, if an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the following table, the provisions of this Section may apply in lieu of the provisions of Section 23-641 (Front Setbacks). The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table, except as otherwise provided in Section 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Commented [DCP112]: Relocating existing provisions from 23-64. Minor modifications were made to eliminate redundant language about the inapplicability of these provisions to Quality Housing buildings, since this has been clarified in Sections 23-61, 23-64 and 23-66.

Alternate #Sky Exposure Plane#

Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)

Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)

Height above #Street Line# (in feet)

On #Narrow Street#

On #Wide Street#

On #Narrow Street# On #Wide Street#

Vertical Distance

Horizontal Distance

Vertical Distance

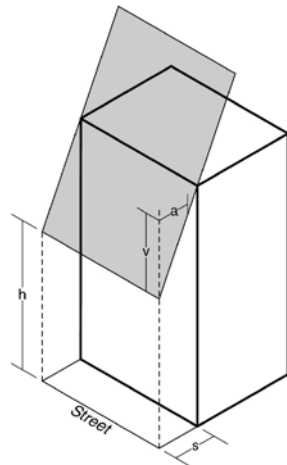
Horizontal Distance

R6 or R7 Districts

15 10 60 3.7 to 1 7.6 to 1

R8 R9 R10 Districts

15 10 85 3.7 to 1 7.6 to 1



a - Horizontal distance s - Depth of the optional front open area
h - Height of sky exposure plane above street line v - Vertical distance
 Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

Supplementary Regulations

23-65
Tower Regulations
R9 R10

In the districts indicated without a letter suffix, except for #Quality Housing buildings#, and except as set forth in paragraph (c) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot#, or for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table below, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. Such portions of #buildings# that penetrate a #sky exposure plane# are hereinafter referred to as towers.

* * *

(a) Applicability of tower-on-a-base regulations

* * *

(c) Inapplicability of tower regulations

The provisions of this Section 23-65 shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such #public park#.

(1) ~~located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#; or~~

(2) ~~located in a R9A, R9X, R10A or R10X District.~~

Commented [DCP113]: Restating the below as a sentence.

Commented [DCP114]: Removing this redundant provision to avoid confusion. As stated in 23-60, for contextual districts, the Quality Housing bulk provisions of 23-66 apply to R6 through R10 contextual districts.

23-651
Tower-on-a-base

Any #development# or #enlargement# that meets the location and #floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a tower-on-a-base, in accordance with the regulations set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

(a) Tower regulations

(1) At any level above a #building# base (referred to hereinafter as a "base"), any portion or portions of a #building# (referred to hereinafter as a "tower") shall occupy in the aggregate:

* * *

(2) Any tower located above a base shall not be subject to the provisions of Sections ~~23-63 (Maximum Height of Walls and Required Setbacks)~~ 23-64 (Basic Height and Setback Requirements).

Commented [DCP115]: Updating cross reference.

(3) At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet.

* * *

~~A tower proposed pursuant to Section 23-65 (Tower Regulations) that has been granted a special permit by the City Planning Commission prior to February 9, 1994, may be started or continued pursuant to that special permit.~~

Commented [DCP116]: Removing obsolete provision.

* * *

23-66

Required Side and Rear Setbacks- Height and Setback Requirements for Quality Housing Buildings
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Commented [DCP117]: Quality Housing provisions moved from existing Section 23-633. The provisions are divided and supplemented into sub-sections topically.

In the districts indicated, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 23-662 may be increased pursuant to either the provisions of Section 23-663 (Tower regulations in R9D and R10 Districts) or 23-664 (Modified height and setback regulations for certain buildings), as applicable. Additional provisions are set forth in Section 23-665.

Commented [DCP118]: Relocating Quality Housing provisions from existing 23-633. The provisions are divided into sub-section topically for increased clarity. Additional changes are noted below.

Commented [DCP119]: Adding new introductory text to make applicability of these sections clearer.

~~In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, are permitted as set forth in Section 23-62 (Permitted Obstructions).~~

Commented [DCP120]: Relocating to 23-632 with other R1 through R5 regulations.

23-661

Required side and rear setbacks for tall residential buildings in low bulk districts Street wall location
R6 R7 R8 R9 R10

Commented [DCP121]: Relocating Quality Housing street wall location provisions from 23-633(a) to here.

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b) or (c) of this Section shall apply to all #Quality Housing buildings#, as applicable. Additional articulation provisions are set forth in paragraph (d) of this Section.

R6A R7A R7D R7X R9D

(a) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# shall be located no closer to the #street line# than the #street wall# of either adjacent existing #buildings#. Where an adjacent #building# has #street walls# located at varying depths from the #street line#, the #street wall# of the #development# or #enlargement# shall not be located closer to the #street line# than the furthest #street wall# portion of such adjacent #building# whose width comprises at least 25 percent of the #aggregate width of street wall#. However, a #street wall# need not be located farther than ten feet from the #street line#. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the #street wall# location provision of this paragraph (a).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (d) of this Section.

R6B R7B R8B

(b) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the #street wall# of a #building# on a #zoning lot# with at least 50 feet of frontage along a #street line# shall be located no closer to the #street line# than the #street wall# of either adjacent existing #buildings#. On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located neither closer to nor farther from the #street line# than the #street wall# of either adjacent existing #buildings#. In either case, where an adjacent #building# has #street walls# located at varying depths from the #street line#, the #street wall# of the #development# or #enlargement# shall not be located closer to the #street line# than the farthest #street wall# portion of such adjacent #building# whose width comprises at least 25 percent of the #aggregate width of street wall#. However, for all #zoning lots#, the #street wall# need not be located farther than 15 feet from a #street line#, and need not be closer than three feet to the #street line#. On #corner lots#, the #street wall# along one #street line# need not be located farther from the #street line# than five feet.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the #street wall# location provision of this paragraph (b).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (d) of this Section.

R8A R8X R9A R9X R10A R10X

(c) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following #street wall# location provisions shall apply.

Commented [DCP122]: Modifying threshold of applicability for line-up provisions from 150 feet to adjacent buildings in order to ensure that buildings are relating to their immediate context.

Commented [DCP123]: Adding new provision to clarify how to line-up with adjacent buildings with articulated street walls.

Commented [DCP124]: Revising from 15 feet to 10 feet so that buildings aren't inadvertently forced to line up with non-contextual buildings set back far from the street.

Commented [DCP125]: Adding additional provisions to create greater design flexibility and permit building articulation.

Commented [DCP126]: Adding new provision to clarify how to line-up with adjacent buildings with articulated street walls.

Commented [DCP127]: Adding new provision to give design flexibility so that ground floor residential units are not forced to be directly on the sidewalk.

Commented [DCP128]: Adding additional provisions to create greater design flexibility and permit building articulation.

(1) Along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street# the #street wall# shall extend along the entire #street# frontage of a #zoning lot#. At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in Section 23-662 (Maximum height of buildings and setback regulations), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

(2) Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the #street wall# location provision of this paragraph (c).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (d) of this Section.

R6 R7 R8 R9 R10

(d) #Street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of twelve inches, or extends beyond the #street line#. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular from the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

R1 R2 R5

In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one half the height of that portion of the #building or other structure# which is higher than 30 feet above the mean level of adjacent natural grade.

In an R5 District, except R5A and R5D Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such

Commented [DCP129]: Adding new provision so that portions of buildings beyond 50 feet of a wide street would have a street wall requirement, where none currently exists.

Commented [DCP130]: Adding additional provisions to create greater design flexibility and permit building articulation.

Commented [DCP131]: Adding new provision intended to clarify permitted articulation and help facilitate building articulation.

Commented [DCP132]: Relocated provisions for side and rear setbacks in low-density districts to Section 23-632 with other R1 through R5 District regulations.

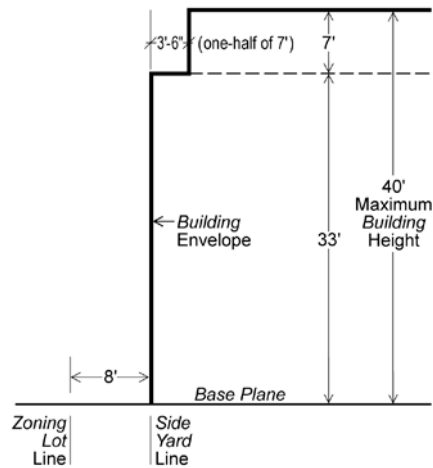
Commented [DCP133]: Relocating provisions for side and rear setbacks in low-density districts to 23-632 with other R1 through R5 District regulations.

#side yard# line or such #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 33 feet above the level of the #base plane# (see illustration of Side Yard Setback):

The following are permitted to project into any open area required under the provisions of this Section:

- (a) — parapet walls not more than four feet high; and
- (b) — chimneys or flues with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.

[REMOVE DIAGRAM]



Side Yard Setback
(R5 example)

23-662

~~Required side and rear setbacks for permitted non-residential uses in low bulk districts~~

~~Maximum height of buildings and setback regulations~~

R6 R7 R8 R9 R10

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section. Definitions applicable to Sections 23-66, and 35-65, inclusive, are set forth in paragraph (a) of this Section. The height of a #Quality Housing building or other structure# shall not exceed the maximum height limit specified for the applicable district in paragraph (b) of this Section, or the maximum number of permitted #stories#, whichever is less, except as further provided elsewhere in this Chapter. A setback is required for all

Commented [DCP134]: Relocating the below provisions from Section 23-633.

portions of #buildings or other structures# that exceed the maximum base height specified for the applicable district in paragraph (b), and shall be provided in accordance with paragraph (c) of this Section.

(a) Definitions

Excluded districts

For the purposes of Sections 23-66, and 35-65, inclusive, “excluded districts” shall refer to #developments# or #enlargements# of #Quality Housing buildings# within R7B, R8B, R9D or R10X Districts, or within R6 and R7 Districts located within the #Manhattan Core# or located on #narrow streets# beyond 100 feet of an intersection with a #wide street# outside the #Manhattan Core#.

Non-qualifying ground floor

For the purposes of Sections 23-66, and 35-65, inclusive, “non-qualifying ground floor” shall refer to a ground floor of a #development# or #enlargement# that does not meet the requirements for a #qualifying ground floor#.

Qualifying ground floor

For the purposes of Sections 23-66, and 35-65, inclusive, “qualifying ground floor” shall refer to the ground floor of a #development# or #enlargement#, on a #zoning lot#, or portion thereof, located within an R6 through R10 District, other than an #excluded district#, where the level of the finished floor of the second #story# above grade in a #Quality Housing building# is 13 feet or more above the level of the adjoining sidewalk.

(b) Building heights and permitted number of stories

For #developments# or #enlargements# of #Quality Housing buildings#, the minimum and maximum base height, maximum height of a #building or other structure#, and maximum number of #stories# permitted shall be as set forth in Table 1 below for the applicable zoning district. Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

TABLE 1
MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES

FOR CONTEXTUAL DISTRICTS

Commented [DCP135]: Adding new definitions to regulate maximum height in relation to provided ground floor height. In those districts where the proposal includes increases in the maximum building height, buildings with a low ground floor would have a lower maximum height limit (by five feet) than those whose ground floor meets the included standards. This is intended to ensure that the increased height provided by the proposal is concentrated at ground level.

Commented [DCP136]: As stated above, adding new provision to regulate maximum height in relation to provided ground floor height. In those districts where the proposal includes increases in the maximum building height, buildings with a low ground floor would have a lower maximum height limit (by five feet) than those whose ground floor meets the included standards. This is intended to ensure that the increased height provided by the proposal is concentrated at ground level.

Commented [DCP137]: Adding new provision that specifies the maximum number of stories permitted in Quality Housing buildings.

District	Minimum Base Height	Maximum Base Height	Maximum Height of #Building or other Structures# with #non-qualifying ground floors#	Maximum Height of #Building or other Structures# with #qualifying ground floors#	Maximum Number of #Stories#
R6B	30	45	50	55	5
R6A	40	65	70	75	7
R7B	40	65	75 ⁵	75 ⁵	7
R7A	40	75	80	85	8
R7D	60	85	100	105	10
R7X	60	95	120	125	12
R8B	55	65	75 ⁵	75 ⁵	7
R8A	60	105	120	125	12
R8X	60	95	150	155	15
R9A ²	60	105	140	145	14
R9A ¹	60	105	150	155	15
R9D	60	85 ⁴	N/A ³	N/A ³	N/A
R9X ²	60	125	170	175	17
R9X ¹	105	125	170	175	17
R10A ²	60	135	190	195	19
R10A ¹	125	155	210	215	21
R10X	60	85	N/A ³	N/A ³	N/A

Commented [DCP138]: Modifying maximum building heights in a number of zoning districts to permit active ground floors and articulated residential buildings, and to address changes in building regulations and construction best practices.

Commented [DCP139]: New provision specifying maximum number of stories in Quality Housing buildings.

FOR NON-CONTEXTUAL DISTRICTS

Commented [DCP140]: Separated non-contextual districts to make the table easier to read.

Commented [DCP141]: Separating non-contextual districts into a separate chart to make table easier to read. Proposal matches the maximum height of the optional Quality Housing regulations in non-contextual districts with the related contextual zoning districts above. Requirements for maximum number of stories, and provisions to ensure that increased height provided by the proposal is concentrated at the ground level, are also incorporated.

<u>District</u>	<u>Minimum Base Height</u>	<u>Maximum Base Height</u>	<u>Maximum Height for #Building or other Structures# with #non-qualifying ground floors#</u>	<u>Maximum Height for #Building or other Structures# with #qualifying ground floors#</u>	<u>Maximum Number of #Stories#</u>
<u>R6²</u>	<u>30</u>	<u>45</u>	<u>55⁵</u>	<u>55⁵</u>	<u>5</u>
<u>R6¹ inside #Manhattan Core#</u>	<u>40</u>	<u>55</u>	<u>65⁵</u>	<u>65⁵</u>	<u>6</u>
<u>R6¹ outside #Manhattan Core#</u>	<u>40</u>	<u>65</u>	<u>70</u>	<u>75</u>	<u>7</u>
<u>R7¹ inside #Manhattan Core#</u>	<u>40</u>	<u>65</u>	<u>75⁵</u>	<u>75⁵</u>	<u>7</u>
<u>R7²</u>					
<u>R7¹ outside #Manhattan Core#</u>	<u>40</u>	<u>75</u>	<u>80</u>	<u>85</u>	<u>8</u>
<u>R8²</u>					
<u>R8¹ inside #Manhattan Core#</u>	<u>60</u>	<u>95</u>	<u>120</u>	<u>125</u>	<u>12</u>
<u>R8¹ outside #Manhattan Core#</u>	<u>60</u>	<u>95</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R9²</u>	<u>60</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R9¹</u>	<u>60</u>	<u>105</u>	<u>150</u>	<u>155</u>	<u>15</u>
<u>R10²</u>	<u>60</u>	<u>135</u>	<u>190</u>	<u>195</u>	<u>19</u>
<u>R10¹</u>	<u>125</u>	<u>155</u>	<u>210</u>	<u>215</u>	<u>21</u>

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

- ² For #zoning lots# on a #narrow street# except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#
- ³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance Section 23-663 (Tower regulations in R9D and R10X districts)
- ⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet
- ⁵ For #zoning lots# in #excluded districts#, the maximum height of a #building or other structure# is the same for #developments# or #enlargements# with #qualifying ground floors# or #non-qualifying ground floors#.

Commented [DCP142]: Relocating provision from 23-633(c).

(c) Setback requirements

For all #Quality Housing buildings#, a setback shall be provided in accordance with the following regulations:

- (1) At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in paragraph (b) of this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#.
- (2) The depth of such required setback may be reduced one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than five feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments, and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.
- (3) Notwithstanding the provisions of paragraph (c)(2) above, the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than five feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.
- (4) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 may penetrate a required setback area.

Commented [DCP143]: Adding new provision to encourage ground-level residential units from being located directly on the sidewalk by allowing the required setback distance above the base height to be reduced in step with ground-level setbacks from the street line. However, no matter how far the building is setback from the street line a minimum setback of 5 feet would be required above the base height.

Commented [DCP144]: Adding provision so that street wall articulation or courtyards do not inadvertently require additional setbacks above.

- (5) In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no portion of any #building# used for permitted non #residential uses# which is more than 30 feet or more than three #stories#, whichever is less, above the level of a #side yard# or #rear yard#, shall be nearer to a #side lot line# or #rear lot line# bounding such #yard# than a distance equal to the height above yard level of such portion of the #building#.

The following are permitted to project into any open area required under the provisions of this Section:

- (a) parapet walls not more than four feet high; and
- (b) chimneys or flues with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.

23-663

~~Required rear setbacks for tall buildings in other districts.~~ Tower regulations in R9D and R10X Districts
R9D R10X

In the districts indicated, any #Quality Housing building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be counted towards tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable #street wall# location and height and setback provisions of Sections 23-661 and 23-662, respectively, and provided that the tower portion complies with the following, as applicable:

- (a) at all levels, such tower shall be set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;
- (b) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower;

Commented [DCP145]: Relocated side and rear setbacks in low-density districts to Section 23-632 with other R1 through R5 District regulations.

Commented [DCP146]: Relocating side and rear setback in low density districts to 23-632 with other R1 through R5 district regulations.

Commented [DCP147]: Relocating from 23-633(c)

Commented [DCP148]: Updating cross reference.

- (c) In R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of between 50 percent and 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (d), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building#, perpendicular to each tower face. Required setback areas may overlap; and
- (d) In R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel to, or within 45 degrees of being parallel to, such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

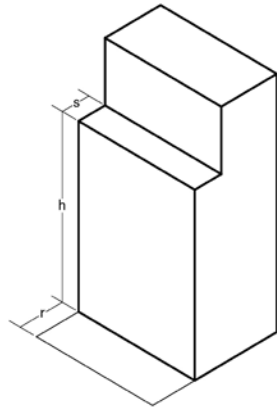
~~R6 R7 R8 R9 R10~~

- (a) ~~In the districts indicated, except as provided in paragraph (b) of this Section, no portion of a #building or other structure# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 23-65 (Tower Regulations).~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 23-532, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraphs (b) or (c) of Section 23-532, the requirements of this Section shall not apply.~~

[REMOVE IMAGE]

Commented [DCP149]: Removing rear yard setback provisions to remove impediment to residential buildings setting back from the street line at street level, and to facilitate more efficient, cost effective upper-story construction. Front setbacks will continue to be required for all Quality Housing buildings.



h - Height of wall above rear yard
 r - Depth of required rear yard
 s - Depth of required rear yard setback

REAR SETBACK

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) In the districts indicated, for all buildings or other structures, and for Quality Housing buildings in other R6 through R10 Districts, no portion of a building or other structure that exceeds the applicable maximum base height specified in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall be nearer to a rear yard line than 10 feet.

In the case of a through lot on which a rear yard equivalent is provided as set forth in paragraph (a) of Section 23-532, the requirements of this Section shall apply as if such rear yard equivalent were two adjoining rear yards. If a rear yard equivalent is provided as set forth in paragraph (b) of Section 23-532, the requirements of this Section shall not apply.

23-664

Modified height and setback regulations for certain buildings

R6 R7 R8 R9 R10

In the districts indicated, for development or enlargements of Quality Housing buildings on zoning lots providing affordable housing pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or for developments or enlargements where at least 20 percent of the floor area of the zoning lot contains affordable independent residences for seniors, the provisions of this Section shall apply.

(a) For certain Quality Housing buildings in all districts

Commented [DCP150]: Adding new section that establishes greater maximum heights and number of floors for buildings that provide "affordable independent residences for seniors" or participate in the inclusionary housing program. Such buildings are permitted a higher permitted FAR and the additional flexibility in this section is necessary to allow their construction in a high-quality building form. Provisions requiring a qualifying ground floor would also be applicable here.

For all such #developments# or #enlargements# of #Quality Housing buildings#, the maximum base and #building# heights, and maximum number of #stories# established in Section 23-662 shall be modified by Table 1 below. Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

TABLE 1
MODIFIED MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT
FOR CERTAIN QUALITY HOUSING BUILDINGS

<u>FOR CONTEXTUAL DISTRICTS</u>				
<u>District</u>	<u>Maximum Base Height</u>	<u>Maximum Height for #Building or other Structures# with #non-qualifying ground floors#</u>	<u>Maximum Height for #Building or other Structures# with #qualifying ground floors#</u>	<u>Maximum Number of #Stories#</u>
<u>R6A</u>	<u>65</u>	<u>80</u>	<u>85</u>	<u>8</u>
<u>R7A</u>	<u>75</u>	<u>100</u>	<u>105</u>	<u>10</u>
<u>R7D</u>	<u>95</u>	<u>120</u>	<u>125</u>	<u>12</u>
<u>R7X¹</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R8A</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R8X</u>	<u>105</u>	<u>170</u>	<u>175</u>	<u>17</u>
<u>R9A</u>	<u>125</u>	<u>170</u>	<u>175</u>	<u>17</u>
<u>R9X</u>	<u>145</u>	<u>200</u>	<u>205</u>	<u>20</u>
<u>R10A</u>	<u>155</u>	<u>230</u>	<u>235</u>	<u>23</u>
<u>FOR NON-CONTEXTUAL DISTRICTS</u>				

District	Maximum Base Height	Maximum Height for #Building or other Structures# with #non-qualifying ground floors#	Maximum Height for #Building or other Structures# with #qualifying ground floors#	Maximum Number of #Stories#
R6 ² outside #Manhattan Core#	65	80	85	8
R7 ² outside #Manhattan Core#	75	100	105	10
R8	105	140	145	14
R9	125	170	175	17
R10	155	230	235	23

¹ In R7X Districts, the modified base heights, maximum #building# heights and number of stories are permitted only for #buildings# containing #affordable independent residences for seniors#.

² For #zoning lots# or portions thereof within 100 feet of a #wide street#

(b) Alternative regulations for certain #Quality Housing buildings# in non-contextual districts

As an alternative to the provisions of paragraph (a) of this Section, for #Quality Housing buildings# containing #affordable independent residences for seniors# in R6 through R8 Districts without a letter suffix, the #street wall# location and height and setback provisions of Sections 23-661 and 23-662 need not apply to #buildings# on #zoning lots# that are located within 150 feet of: an elevated rail line; an open railroad right of way; a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land; or an elevated #street# located on a bridge that prohibits direct vehicular access. Such 150 foot measurement shall be measured perpendicular from the edge of such infrastructure.

In lieu thereof, the height of a #building or other structure#, or portion thereof, within ten feet of a #wide street# or 15 feet of a #narrow street#, shall not exceed the maximum base height specified for the applicable zoning district in Table 2 of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of the #building or other structure# shall not exceed the maximum #building# height specified for the applicable district in such Table, or the maximum number of #stories#, whichever is less.

Commented [DCP151]: Adding an alternate building form for buildings providing “affordable independent residences for seniors” in non-contextual zoning districts that are located adjacent to significant infrastructure. The more-flexible building envelope is intended to allow such facilities to be designed to limit the effects of the adjacent infrastructure. The contextual building envelopes in (a) require street walls and would mean that residential units could be forced to be located adjacent to the infrastructure providing for a sub-optimal living condition. The specific heights are based on the comparable MX district envelopes for such districts in 123-00.

TABLE 2
ALTERNATIVE MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT
FOR CERTAIN QUALITY HOUSING BUILDINGS
IN NON-CONTEXTUAL DISTRICTS

<u>District</u>	<u>Maximum Base Height</u>	<u>Maximum #Building or other Structure# Height</u>	<u>Maximum Number of #Stories#</u>
<u>R6</u>	<u>65</u>	<u>115</u>	<u>11</u>
<u>R7</u>	<u>75</u>	<u>135</u>	<u>13</u>
<u>R8</u>	<u>105</u>	<u>215</u>	<u>21</u>

23-665

Additional regulations

R6 R7 R8 R9 R10

Commented [DCP152]: Relocating provisions from existing 23-633(d). Cross references below updated accordingly.

In the districts indicated, for all #Quality Housing buildings#, the following additional regulations shall apply:

- (a) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of Section 23-661.
- (b) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements Section 23-661 shall be mandatory along only one #street# frontage.
- (c) The #street wall# location and minimum base height provisions of Sections 23-661 and 23-662, respectively, shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (d) The minimum base height provisions of Section 23-662 shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.

- (e) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# in the manner prescribed in Section 23-661.
- (f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the #street wall# location and minimum base height regulations of Sections 23-661 and 23-662, respectively, or as modified in any applicable Special District, shall be modified as follows:
- (1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 23-661, or as modified in any applicable Special District.
 - (2) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
 - (3) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 23-661, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.
- (g) In R9D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).
- (h) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-661 and 23-662, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

Commented [DCP153]: Relocating from paragraph (a) and footnote 5 in the table of (d) from existing 23-633.

Regulations Applying in Special Situations

23-67

Special Height and Setback Provisions for Certain Areas ~~Relating to Specified Streets~~

23-671

Special provisions for zoning lots directly adjoining public parks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Sections 23-63 (~~Height and Setback in R1 through R5 Districts Maximum Height of Front Wall and Required Front Setbacks~~), 23-64 (Basic Height and Setback Requirements) and 23-66 (Height and Setback Requirements for Quality Housing) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

Commented [DCP154]: Updating cross references.

23-672

Special provisions for certain streets in Community District 6 in the Borough of Brooklyn

~~In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.~~

Commented [DCP155]: Removing these provisions as they have been made obsolete by subsequent zoning actions .

23-672

Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, utilizing the basic height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) shall also comply with the provisions of this Section.

Commented [DCP156]: Relocating from 23-634 so that it is located with other provisions for certain areas.

The front #building# wall of all #buildings# on a #zoning lot# with any frontage on a #wide street#, shall extend along the entire #wide street# frontage of the #zoning lot# without a setback for a height of 125 feet above the #curb level# or the full height of the #building#, whichever is less. Above a height of 125 feet, the front #building# wall may be set back at least 10 feet on a #wide street# or 15 feet on a #narrow street#. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet. These mandatory front #building# wall requirements also apply to all #buildings# along all #street lines# of #narrow streets# within 50 feet of their intersection with the #street lines# of #wide streets#. For the next 20 feet along the #street line# of a #narrow street#, the mandatory front #building# wall requirements are optional. The height and setback regulations of the underlying district shall apply along #street lines#, or portions thereof, not subject to the front #building# wall requirements.

Front wall recesses are permitted above the level of the second #story# ceiling or 23 feet above #curb level#, whichever is less, provided that the aggregate width of all recesses at the level of any #story# does not exceed 50 percent of the width of the front wall. The depth of such recess shall not exceed 10 feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Front wall openings are permitted below the level of the second #story# ceiling, for entrances only.

The preceding #street wall# location provisions shall not apply along any #street# frontage of a #zoning lot# occupied by existing #buildings# whose #street walls# remain unaffected by alterations or #enlargements# to such existing #buildings#.

However, the provisions of this Section shall not apply to any #building# for which the City Planning Commission has granted a special permit pursuant to Section 74-95 (Modifications of Housing Quality Special Permits) nor shall it apply to any #building# located within the #Special Lincoln Square District# or within the former West Side Urban Renewal Area, excluding frontages along Central Park West or to the #block# bounded by Frederick Douglass Circle, Cathedral Parkway, Manhattan Avenue, West 109th Street and Central Park West. On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory front wall provisions of this Section involving an #enlargement#, upon a showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

23-673

Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the #Special Clinton District#, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres that include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback regulations, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, #open space# or #streets#. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

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

23-674

Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program. However, the alternate height and setback regulations set forth in paragraph (b) of Section 23-664 (Modified height and setback regulations for certain buildings) shall not apply to #developments# or #enlargements# on #zoning lots# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#.

Commented [DCP157]: Relocating from 23-635 so that it is located with other provisions for certain areas.

Commented [DCP158]: Relocating from 23-636 so that it is located with other provisions for certain areas.

* * *

23-69
Special Height Limitations

* * *

23-692
Height limitations for narrow buildings or enlargements
R7-2 R7D R7X R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

- (a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;

* * *

- (d) ~~Where such #street walls abut# an existing #building# with #street walls# that exceed the height permitted in paragraphs (a), (b) or (c) of this Section, such new #street walls# may reach the height of the tallest of such #abutting building# walls if they front on a #wide street#, or the lowest of such #abutting building# walls if they front on a #narrow street#, provided such new #street walls# are fully contiguous at every level with such #abutting street walls#.~~

Commented [DCP159]: Rewriting paragraph (d) to clarify original intent.

The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded, if:

- (1) On a #wide street#, such portion of a #building# with a #street wall# less than 45 feet in width #abuts# an existing #building# with a #street wall# that exceeds such permitted heights. Such new #street walls# may reach the height of such #abutting building#, or where there are two #abutting buildings# that exceed such heights, such new #street wall# may reach the height of the tallest of such #abutting buildings#; or
- (2) On a #narrow street#, such #street walls abut# two existing #buildings# with #street walls# that both exceed the heights permitted. Such new #street walls# may reach the height of the lowest of such #abutting building#; and
- (3) such new #street walls# shall be fully contiguous at every level with such #abutting street walls#.

Commented [CSH160]: We inadvertently left this out.

In addition, the following rules shall apply:

(1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback and tower regulations of Sections 23-64~~2~~, 23-65, 24-53, 24-54, 33-44 and 33-45 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

* * *

(6) ~~Quality Housing buildings~~ shall be exempt from the provisions of this Section provided the width of the ~~street wall~~ at the maximum base height ~~required by specified in the applicable table in Sections 23-66~~33~~ or 35-24 35-65~~ is at least 45 feet. For such ~~buildings~~, a ~~street wall~~ that is less than 45 feet wide may be constructed above such base. For the purposes of this paragraph (6), ~~abutting buildings~~ on a single ~~zoning lot~~ shall not be considered a single ~~building~~. However, where all the requisite structural framing and all enclosing walls and roofs were completed for an ~~enlargement~~, in accordance with a building permit issued prior to a September 11, 2007 Board of Standards and Appeals (67-07-A) ruling that resulted in the ~~enlargement~~ being ineligible for a certificate of occupancy, ~~abutting buildings~~ on a single ~~zoning lot~~ may be considered a single ~~building~~ provided such ~~zoning lot~~ is formed prior to August 2, 2011.

Commented [DCP161]: Updating cross references.

~~The provisions of this Section shall not apply to Quality Housing buildings on zoning lots providing either affordable housing pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or affordable independent residences for seniors, where at least 20 percent of the floor area of such zoning lot is allocated to such use.~~

Commented [DCP162]: Adding new provision to exempt Quality Housing buildings providing "affordable independent residences for seniors" or participating in the inclusionary housing program from this section. The maximum heights listed in 23-664 would apply.

23-693
Special provisions applying adjacent to R1 through R6B Districts
R6 R7 R8 R9 R10

In the districts indicated, the ~~development~~ or ~~enlargement~~ of a ~~building~~, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District, shall: ~~not exceed a height of 75 feet, or the applicable maximum base height of the district set forth in either Section 23-662 (Maximum height of buildings and setback regulations), or 23-664 (Modified height and setback regulations for certain buildings), whichever is less.~~

Commented [DCP163]: Revising this provision to allow a transition between the lower density and high-density heights rather than a prolongation of the lower-density heights. The existing provision accentuates the height difference between the two areas rather than allowing for a transition between them.

- (a) ~~not exceed a height of 35 feet where such adjoining district is an R1, R2, R3, R4 or R5 District; and~~
- (b) ~~comply with the height and setback regulations of an R6B District where such adjoining district is an R6B District.~~

23-70
MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT

23-71
Minimum Distance between Buildings on a Single Zoning Lot

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section.

However, these provisions do not apply:

- (a) to the extent that such two #buildings# are separated from each other by a #rear yard equivalent# as set forth in Section 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable; or
- (b) to space between a #single-family#, #two-family#, or three-family #residence# and a garage #accessory# thereto.

23-711

Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

The minimum distance between #single-# and #two-family residences# and any other #building#, or portion thereof, on the same #zoning lot# in R1 through R5 Districts shall be set forth in paragraph (a) of this Section. The minimum distance between #buildings# with three or more #dwelling units# and any other #building#, or portion thereof, on the #zoning lot# in R3 through R5 Districts, as well as the minimum distance between all #building#, or portions thereof, in R6 through R10 Districts shall be as set forth in paragraph (b). Additional provisions are set forth in paragraph (c) of this Section.

For the purpose of this Section, #abutting buildings# on a single #zoning lot# may be considered a single #building#. If two or more portions of a #building# are not connected or not #abutting# at a particular level, such separated portions shall comply with the provisions of paragraph (a) or paragraph (b)(1) of this Section, as applicable. In applying the provisions of paragraphs (a) and (b)(1) of this Section, the height of such separated portions shall be measured from the roof of the connecting or #abutting# portion of such #building#, as applicable, instead of from the #base plane# or #curb level#, as applicable.

For the purposes of this Section, wall condition shall be defined as follows:

“wall to wall” is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#.

“wall to window” is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#.

“window to window” is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

Commented [DCP164]: Updating to reflect new section.

Commented [DCP165]: Making modifications to the distance between building provisions districts to bring them in line with the New York State Multiple Dwelling Law and to provide greater design flexibility for sites with multiple buildings. Provisions for single- and two-family residences in R1 through R5 districts are unchanged, while provisions for buildings with three or more units in R3 through R5 districts and all residential buildings in R6 through R10 districts are modified. The changes require the splitting of the existing provisions into those two categories.

Commented [DCP166]: Relocating and clarifying existing provision from 23-71.

Commented [DCP167]: Relocating existing definitions from the footnotes in the chart below.

(a) For single- and two-family residences

For #single-# and #two- family residences# in R1 through R5 Districts. ~~In all districts, as indicated, the~~ required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be, in feet, as indicated in the following table below, ~~and shall be measured perpendicular to the #building# wall or window, as applicable.~~

Commented [DCP168]: Splitting current regulations into multiple paragraphs to clarify applicability.

Commented [DCP169]: Clarifying how to undertake measurement.

Wall Condition*	Maximum #Building# Height above #Base Plane# or #Curb Level#, as Applicable (in feet)				
	25	35	40	50	Over 50
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50
Window to Window	40	45	50	55	60

* ~~Wall condition shall be defined as:~~

~~"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;~~

~~"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;~~

~~"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.~~

(b) For #buildings# with three or more #dwelling units# in R3 through R5 Districts and all #buildings# in R6 through R10 Districts

For #buildings# with three or more #dwelling units# in R3 through R5 Districts, and for all #buildings# in R6 through R10 Districts, the provisions of this paragraph (b) shall apply. Where two or more portions of a #building#, including #abutting# portions thereof, are not connected at a particular level above grade, such separated portions shall comply with paragraph (b)(1) of this Section. Where there are multiple

Commented [DCP170]: As stated above, making modifications to the distance between building provisions districts to bring them in line with the New York State Multiple Dwelling Law and to provide greater design flexibility for sites with multiple buildings.

#buildings# on a single #zoning lot# that do not connect at any level, such #buildings# shall comply with paragraph (b)(2) of this Section.

(1) For separated portions of a #building#

The required minimum distance between the portion of a #building# containing #dwelling units# and any other portion of the #building#, including #abutting# portions thereof, as applicable, on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be as indicated in the table below, and shall be measured perpendicular to the #building# wall or window, as applicable.

Wall Condition	Maximum #Building# Height above Roof of Connecting Portion (in feet)				
	25	35	40	50	Over 50
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	40	40
Window to Window	40	40	40	40	40

(2) Two or more #buildings# on a single #zoning lot#

The minimum distance between two or more #buildings# on the same #zoning lot# that are not connected at any level shall be 40 feet, as measured between the closest points of such #buildings#, for portions of #buildings# lower than 125 feet, as measured from the #base plane# or #curb level#, as applicable.

Portions of such #buildings# higher than 125 feet shall be at least 80 feet apart, as measured between the closest points of such #buildings#. However, such minimum distance need not exceed 40 feet if such portions of #buildings# above a height of 125 feet do not exceed, in aggregate, a #lot coverage# of 40 percent, or for lots of less than 20,000 square feet, the percentage set forth in the table below:

AGGREGATED LOT COVERAGE OF PORTIONS OF BUILDINGS ON A SMALL ZONING LOT

Area of #Zoning Lot#	Maximum Percent of
----------------------	--------------------

Commented [DCP171]: Adding provision for increased coverage in step with the NY State Multiple Dwelling Law.

(in square feet)	#Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

(c) In addition, the following rules shall apply:

~~(a) the minimum distances set forth in this table shall be provided at the closest point between #buildings#;~~

Commented [DCP172]: Removing provision as it is now included in the above paragraphs.

~~(b)~~ (1) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;

~~(c)~~ (2) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;

~~(d)~~ (3) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements. However, such projections shall not be permitted in open spaces provided pursuant to paragraph (b)(2) of this Section;

Commented [DCP173]: Clarifying applicability of projections.

~~(e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart;~~

Commented [DCP174]: Relocating to paragraph (b)(2) above.

(4) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph; ~~(c)(5)~~ shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a “front building,” and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building.” The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#; and

Commented [DCP175]: Updating cross reference.

(5) for #buildings# existing on April 30, 2012, the minimum distances set forth in the table in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings. However, such projections shall not be permitted in open spaces provided pursuant to paragraph (b)(2) of this Section.

Commented [DCP176]: Clarifying applicability of projections.

* * *

**23-80
COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS**

* * *

Commented [DCP177]: As with the distance between building provisions in 23-70 above, the proposal splits the provisions for courts into two sections – R1 through R5, and R6 through R10. The provisions applicable in R1 through R5 districts are unchanged, while the R6 through R10 provisions are modified to provide greater design flexibility for courts and courtyards in residential buildings in those districts.

**23-84
Outer Court Regulations**

* * *

**23-841
Narrow outer courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Commented [DCP178]: Maintaining existing provisions in R1 through R5 districts.

(a) ~~In the districts indicated, in all districts, as indicated,~~ if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

However, in R3, R4 or R5 Districts, for #single-# and #two-family residences#, three #stories# or less in height, the width of such #outer court# shall be at least equal to the depth of such #outer court#.

R6 R7 R8 R9 R10

(b) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#.

However, the depth of an #outer court# may exceed its width in a small #outer court#, provided that:

- (1) at least 50 percent of the walls bounding such small #outer court# have a maximum height of 75 feet or less, as measured from the lowest level to the highest level of such #outer court#. Such maximum height limit shall also extend to the area within 10 feet of such court opening;
- (2) the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet;
- (3) no small #outer court# shall be permitted below the level of the first #story#; and
- (4) no #legally required windows# shall face onto such small #outer court# or any #outer court recess# thereof.

23-842

Wide outer courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In the districts indicated, ~~In all districts, as indicated,~~ if an #outer court# is 30 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, if an #outer court# is 30 feet or more in width, an #outer court# may extend to any depth.

23-843

Outer court recesses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In the districts indicated, ~~In all districts, as indicated,~~ the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

Commented [DCP179]: Adding separate provisions for R6 through R10 districts for narrow outer courts that provide greater design flexibility.

Commented [DCP180]: Creating new 'small outer court' regulations to facilitate courts with non-legal windows – such as those in kitchens and bathrooms.

Commented [DCP181]: Maintaining existing provisions in R1 through R5 districts.

Commented [DCP182]: Separating R6 through R10 court regulations.

Commented [DCP183]: Adding separate provisions for R6 through R10 districts for wide outer courts that provide greater design flexibility.

Commented [DCP184]: Maintaining existing provisions in R1 through R5 districts.

Commented [DCP185]: Adding separate provisions for R6 through R10 districts for outer court recesses that provide greater design flexibility.

(b) In the districts indicated, the width of an #outer court recess# shall be at least equal to the depth of such #outer court recess#, except that such width need not exceed 30 feet

23-844

Modification of court and side yard regulations in the area of the former Bellevue South Urban Renewal Plan in the Borough of Manhattan

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban Renewal Plan, for a #development# or #enlargement# on a #zoning lot# that adjoins a #zoning lot# including a #building# containing #residences# with #non-complying courts# along the common #side lot line#, the #court# regulations of Section 23-80 and the open area requirements of paragraph (c) of Section 23-462 (Side yards for all other ~~residential buildings containing residences~~) may be modified to allow an open area at least eight feet wide to extend along a portion of the #side lot line#.

Commented [DCP186]: Revising cross reference.

23-85

Inner Court Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

23-851

Minimum dimensions of inner courts

~~For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.~~

Commented [DCP187]: Relocating from paragraph (a) below.

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

Commented [DCP188]: Maintaining existing provisions in R1 through R5 districts.

(a) In all districts, as indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet. ~~For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.~~ In R1, R2 and R3 Districts, the area of an #inner court# shall not be less than 200 square feet and the minimum dimension of such #inner court# shall not be less than 12 feet.

~~R6 R7 R8 R9 R10~~

Commented [DCP189]: Adding separate provisions for R6 through R10 districts for inner courts that provide greater design flexibility.

(b) In all districts, as indicated, the area of an #inner court#, shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet.

However, the area and dimensions of an #inner court# may be reduced for a small #inner court#, provided that:

Commented [DCP190]: Creating new 'small inner court' regulations to facilitate courts with non-legal windows – such as those in kitchens and bathrooms.

- (1) At least 50 percent of the walls bounding such small #inner court# have a maximum height of 75 feet or less, as measured from the lowest level to the highest level of such #inner court#. Such maximum height limit shall also extend to the area within 10 feet of such court opening;
- (2) the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet;
- (3) no #legally required windows# shall face onto such small #inner court# or any #inner court recess# thereof.

23-852

Inner court recesses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In the districts indicated, ~~In all districts, as indicated,~~ the width of an #inner court recess# shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, this provision shall not apply.

R6 R7 R8 R9 R10

- (b) In the districts indicated, the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed 30 feet.

* * *

23-86

Minimum Distance Between Legally Required Windows and Walls or Lot Lines

* * *

23-861

General provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-862 (Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts) or Section 23-863 (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a #legally required window# and:

- (a) any wall;

Commented [DCP191]: Maintaining existing provisions in R1 through R5 districts.

Commented [DCP192]: Adding separate provisions for R6 through R10 districts for inner court recesses that provide greater design flexibility.

- (b) a #rear lot line#, or vertical projection thereof; or
- (c) a #side lot line#, or vertical projection thereof;

shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a #legally required window# may open on any #outer court# meeting the requirements of Section 23-84, except for small #outer courts# in R6 through R10 Districts, the provisions for which are set forth in paragraph (b) of Section 23-841 (Narrow outer courts).

However, for shallow #interior lots# in R6 through R10 Districts, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be reduced to equal the #rear yard# depth required pursuant to the provisions of Section 23-52 (Special Provisions for Shallow Interior Lots). However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 20 feet.

Commented [DCP193]: Clarifying that these provisions do not apply to small outer courts intended to facilitate courts with non-legal windows – such as those in kitchens and bathrooms.

Commented [DCP194]: Adding provision allowing reduction in distance between legal windows and lot lines in step with modifications to address shallow lots.

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, ramps for access by the ~~disabled handicapped~~, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and provided such obstructions will not reduce the minimum width of the open area by more than three feet.

* * *

23-863

Minimum distance between legally required windows and any wall in an inner court

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 30 feet, ~~nor shall any such wall be nearer to such window than a distance equal to one half the total height of such wall above the sill level of such window. Such minimum distance need not exceed 60 feet.~~ However, such provisions shall not apply to small #inner courts#, the provisions for which are set forth in paragraph (b) of Section 23-851 (Minimum dimensions of inner courts).

Commented [DCP195]: Clarifying that these provisions do not apply to small inner courts intended to facilitate courts with non-legal windows – such as those in kitchens and bathrooms.

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the #legally required window# for the full width of the rough window opening, between such window and a projection of such wall onto such horizontal plane.

* * *

23-89
Open Area Requirements for Residences

* * *

23-892
In R6 through R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(a) — In the districts indicated, ~~and for #Quality Housing buildings# in R6 through R10 Districts without a letter suffix, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground pursuant to the provisions of Section 28-23 (Planting Areas)., except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.~~

Commented [DCP196]: Combining with the provision in (b) below.

Commented [DCP197]: Relocating planting provision to 28-23 with other Quality Housing regulations.

~~R6 R7 R8 R9 R10~~

(b) — In the districts indicated without a letter suffix, on #zoning lots# containing a #Quality Housing building#, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building# within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#.

* * *

23-90
INCLUSIONARY HOUSING

23-91
Definitions

For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

23-911
General definitions

The following definitions shall apply throughout Section 23-90 (INCLUSIONARY HOUSING), inclusive:

* * *

Affordable housing unit

An “affordable housing unit” is:

- (a) a #dwelling unit#, other than a #super’s unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:
 - (1) #low income households#;
 - (2) where permitted by paragraph (c) of Section 23-154 (Inclusionary Housing) 23-953 (Special floor area compensation provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or
 - (3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;

* * *

Compensated zoning lot

A “compensated zoning lot” is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio#, pursuant to the provisions of Section 23-154 (Inclusionary Housing) and Section 23-90, inclusive.

* * *

Floor area compensation

“Floor area compensation” is any additional #residential floor area# permitted in a #compensated development#, pursuant to the provisions of Section 23-154 (Inclusionary Housing) and Section 23-90, inclusive.

* * *

23-92

General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Commented [DCP198]: Updating cross references.

Commented [DCP199]: Updating cross-reference. Floor area regulations moved to Section 23-154 with all other Residence District floor area regulations.

Commented [DCP200]: Updating cross-reference. Floor area regulations moved to Section 23-154 with all other Residence District floor area regulations.

Commented [DCP201]: Updating cross-reference. Floor area regulations moved to Section 23-154 with all other Residence District floor area regulations.

Wherever the provisions of Section 23-90, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

23-93
Applicability

23-931
Lower income housing plans approved prior to July 29, 2009

* * *

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 prior to July 29, 2009, provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to July 29, 2009, except as provided in this Section. Where such a #compensated development# is located in an R10 District outside of #Inclusionary Housing designated areas#, the provisions of paragraph (a) of Section 23-154 (Inclusionary Housing) ~~Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)~~ shall not apply, and Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas) as such Section existed prior to July 29, 2009, shall apply.

Commented [DCP202]: Updating cross reference.

* * *

23-932
R10 districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing) ~~Section 23-952~~. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23-154 ~~Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)~~, as applicable.

Commented [DCP203]: Updating cross references in these paragraphs.

* * *

23-95
Compensated Zoning Lots

The #residential floor area ratio# of a #compensated zoning lot# may be increased in accordance with the applicable provisions of Section 23-154 (Inclusionary Housing).

Commented [DCP204]: Moving floor area component to floor area section of the chapter with all other residential floor area regulations.

~~**23-951**
Floor area compensation in R10 Districts other than Inclusionary Housing designated areas~~

Commented [DCP205]: Relocating to paragraph (a) of 23-154.

The #residential floor area ratio# of a #compensated zoning lot# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this Section, the #floor area# of the #compensated zoning lot# may be increased by the number of square feet set forth in the table, as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

Without #public funding#	#New construction affordable housing# or #substantial rehabilitation affordable housing#	3.5
	#Preservation affordable housing#	2.0
With #public funding#	#New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#	1.25

23-952

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution.

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ⁺	2.20	2.42

Commented [DCP206]: Relocating to paragraph (b) of Section 23-154.

R6 ² -R6A R7-2 ¹	2.70	3.60
R7A R7-2 ²	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

¹ — for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² — for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

23-953

Special floor area compensation provisions in specified areas

(a) — Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

— Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph, (a), inclusive, modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas):

- (1) — The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952;
- (2) — However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (a)(2). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor

Commented [DCP207]: Moved to paragraph (c) of Section 23-154
 Commented [DCP208]: Relocating to paragraph (c) of 23-154.

area# is at least 10 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (a), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(b) — Special provisions for #large scale general developments# in Community District 1 in the Borough of Queens

— Special provisions shall apply to #zoning lots# within a #large scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

(1) — For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in Section 23-952 shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (b)(1), inclusive, #low income floor area# may be considered #moderate income floor area#; and

(2) — The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).

(c) — Special provisions for #compensated zoning lots#

— Special provisions shall apply to #compensated zoning lots# located within:

(1) — R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or

(2) — the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

~~23-954-23-951~~

Height and setback for compensated developments in Inclusionary Housing designated areas

Commented [DCP209]: Re-numbering.

In #Inclusionary Housing designated areas#, the #compensated development# shall comply with the height and setback regulations of Sections ~~23-66 (Height and Setback Requirements for Quality Housing Buildings) or 35-65 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts)~~, as applicable, except that:

Commented [DCP210]: Updating cross references.

- (a) in #Special Mixed Use Districts#, the #compensated development# shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# shall comply with the height and setback regulations of ~~Section 23-66 Section 23-633~~, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program;

* * *

END