

Zoning for Quality and Affordability

Summary of proposed changes to Article IV, Chapter 3 – Bulk Regulations for Manufacturing Districts

Overview: Article IV, Chapter 3 of the Zoning Resolution establishes the bulk regulations that collectively govern the size and shape of buildings in manufacturing zoning districts. The proposal modifies the requirements of the M1-6D district, which permits residential buildings, to be consistent with the modifications proposed in Article II, Chapter 3. More specifically, the proposal:

- Changes are made to the provisions for M1-6D districts to mirror the proposed bulk changes for Quality Housing buildings in R10 districts and their commercial equivalents.
- 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 IV - Manufacturing District Regulations

Chapter 3 Bulk Regulations

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43-60 SUPPLEMENTARY REGULATIONS

* * *

43-62 Bulk Regulations in M1-6D Districts

43-621 Floor area regulations in M1-6D Districts

(a) The maximum #floor area ratio# for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as modified for #Inclusionary Housing designated areas, as set forth in paragraph (b) of this Section.

(b) In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section:

- (1) for #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; and
- (2) the maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, up to 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only through the

Commented [DCP1]: Updating for clarity.

provision of #affordable housing#, pursuant to Section 23-90, inclusive.

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43-623

Density in M1-6D Districts

The provisions of 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be ~~790~~ 680.

Commented [DCP2]: Updating to reflect proposed density factor for R10 districts.

43-624

Height and setback in M1-6D Districts

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, ~~on #narrow streets#;~~ a maximum base height or #sky exposure plane# may be penetrated, as follows:

Commented [DCP3]: Updating to allow permitted obstructions for sites on wide streets.

(i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

~~(a) — On any #street# frontage, dormers may be provided in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). the aggregate width of all dormers at the maximum base height shall not exceed 60~~

percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

~~(b) The aggregate width of dormers at the maximum base height facing the #rear yard line# or #rear yard equivalent# shall not exceed 60 percent of the length of the wall of the #building# facing a #rear yard line# at the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such rear dormers shall be decreased by one percent of the width of the #building# wall facing the #rear lot line#, at the level of the highest #story# entirely below the maximum base height.~~

~~Where two rear setbacks are provided as set forth in paragraph (b)(3)(ii) of this Section, the aggregate width of rear dormers, measured separately within each setback, shall not exceed 60 percent of the length of #building# wall facing a #rear yard line# at the highest #story# entirely below each rear setback. For each foot of height that a dormer is above the level of a setback, the aggregate width of dormers within such setback shall be decreased by one percent of the width of the highest #story# entirely below such setback.~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.~~

(2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet

Commented [DCP4]: Removing rear yard dormer provisions since proposal removes rear yard setback requirement below in (b)(3).

of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

(2) Base height

(i) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and, ~~and may rise to a maximum base height of 155 feet.~~

Commented [DCP5]: Updating base height rules for wide streets to reflect proposal for Quality Housing buildings in R10 districts.

(ii) Along #narrow street#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet, ~~and may rise to~~ and a maximum base height of ~~135 feet.~~ However, for #buildings# providing #affordable housing# pursuant to the provisions of Section 23-90, inclusive, the maximum base height may be increased to a height of 155 feet.

Commented [DCP6]: Updating base height rules for narrow streets to reflect proposal for Quality Housing buildings in R10 districts.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

~~The provisions of this paragraph, (b)(3)(i), shall apply to~~ For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, ~~the portion of such #building# above a height of 155 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.~~

Commented [DCP7]: Updating setback location rules to reflect proposal for Quality Housing buildings in R10 districts.

Commented [DCP8]: Updating to clarify requirement.

(ii) Along #narrow streets#

~~The provisions of this paragraph, (b)(3)(ii), shall apply to~~ For all #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, ~~no~~ no portion of such #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 125 feet above the #narrow street line# and rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance. ~~The maximum~~

~~height of such #buildings#, shall be 210 feet.~~

Commented [DCP9]: Removing erroneous provision for clarity. Maximum height is listed in next paragraph.

However, any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may penetrate such #sky exposure plane#, provided such portion does not exceed a height of 210 feet, or, for #buildings# providing #affordable housing# pursuant to the provisions of 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#, the maximum #building# height and maximum number of #stories# set forth in paragraph (a) of Section 23-664 for an R10 Districts. Separate maximum #building# heights are set forth within such Section for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662. In addition, the gross area of each of the top two #stories# of a #building# may not be greater than 80 percent of the gross area of the #story# directly below such top two #stories#.

~~In addition, for #buildings# containing #residences#, no portion of such #building# exceeding a height of 125 feet shall be nearer to a #rear yard line# than ten feet. Alternatively, a pair of setbacks may be provided in accordance with the following:~~

~~(a) a setback of five feet from the #rear yard line# shall be provided between a height of 85 feet and 125 feet; and~~

~~(b) a setback of ten feet from the #rear yard line# shall be provided between a height of 125 and 165 feet.~~

~~However the heights of such setbacks shall be vertically equidistant from a height of 125 feet.~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.~~

Commented [DCP10]: Removing rear yard setback requirement to reflect proposal for Quality Housing buildings in R10 districts.

(4) Maximum length of #building# wall

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet.

43-625

Yard regulations in M1-6D Districts

In M1-6D Districts, the provisions of Section 43-20 (YARD REGULATIONS) shall apply, except that #residential# portions of a #building# shall provide a #rear yard# with a minimum depth of 30 feet at any level

not higher than the floor level of the lowest #story# containing #dwelling units# with a #window# opening upon such #rear yard#. On any #through lot# that is 110 feet or more in depth from #street# to #street#, a #rear yard equivalent# shall be provided within 15 feet of the centerline of the #through lot# or #through lot# portion. In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. For shallow #zoning lots#, a reduction in the required #rear yard# or #rear yard equivalent# may be applied pursuant to the provisions applicable for an R10 District set forth in Section 23-51 (Special Provisions for Shallow Interior Lots) or 23-52 (Special Provisions for Shallow Through Lots), as applicable.

Commented [DCP11]: Updating yard requirement to reflect proposal for shallow lots in R10 districts.

43-626
Courts in M1-6D Districts

#Residential# portions of #buildings# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.

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END