Article II: Residence District Regulations
Chapter 2 - Use Regulations

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Zoning Disclaimer- the Web version of the Zoning Resolution of the City of New York is provided for reference and the convenience of having the Resolution in an online format. Recent amendments to the Zoning Resolution also appear on the Web prior to being incorporated into the print version of the Resolution.
In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4 and 6C, including each #use# listed separately therein, are permitted in #Residence Districts# as indicated in Sections 22-11 through 22-15.

The following chart sets forth the Use Groups permitted in the #Residence Districts#.

<table>
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<th>Use Groups permitted in Residence Districts</th>
<th>Use Groups</th>
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<tr>
<td><strong>Districts</strong></td>
<td><strong>Residential</strong></td>
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<tr>
<td>Single-family detached residences#</td>
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<td>Single-# and #two-family detached# and #zero lot line residences#</td>
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<td>Single-# and #two-family detached residences#</td>
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<td>R5A</td>
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<tr>
<td>Single-# and #two-family detached# and #semi-detached residences#</td>
<td>R3-1</td>
</tr>
</tbody>
</table>
Single- and two-family detached, semi-detached and zero lot line residences

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Single- and two-family residences of all types

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General residences*

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*Zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B and R5D) Districts

Whenever a use is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive use listing, either in the same or another Use Group, the more specific listing shall control.

The uses listed in the various Use Groups set forth in Sections 22-11 through 22-15, are also listed in alphabetical order in the Index of Uses in APPENDIX A for the convenience of those using this Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

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

Use Group 6C, limited to docks for ferries and water taxis, as specified in Section 22-15, is permitted in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 72-21 (Findings Required for Variances), that operates a sidewalk cafe pursuant to the provisions of Article I, Chapter 4, may be enlarged into any open area that may exist between the street wall and the street line.

For the purposes of this Chapter, any residence and any accessory building abutting such residence on the same zoning lot shall be considered a single building.

(12/15/61)

**22-10**

USES PERMITTED AS-OF-RIGHT
22-11
Use Group 1

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 1 consists of #single-family detached residences#.

A. #Residential uses#
   #Single-family detached residence#

B. #Accessory uses#

(3/22/16)

22-12
Use Group 2

R3 R4 R5 R6 R7 R8 R9 R10

Use Group 2 consists of all other types of #residences#.

A. #Residential uses#
   #Residences# of all kinds, including #apartment hotels# and #affordable independent residences for seniors# except that:
   
   (1) in R3A, R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family detached residences# except that in R3A Districts single- or two-family #zero lot line buildings# are also permitted;
   
   (2) in R3-1 and R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family residences detached# or #semi-detached# except that in R4-1 Districts single- or two-family #zero lot line buildings# are also permitted;
   
   (3) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#. 
Residences shall also include rooming units existing as of March 22, 2016.

B. Accessory uses

(3/22/16)

22-13
Use Group 3

R1  R2  R3  R4  R5  R6  R7  R8  R9  R10

Use Group 3 consists of community facilities that:

(1) may appropriately be located in residential areas to serve educational needs or to provide other essential services for the residents; or

(2) can perform their activities more effectively in a residential environment, unaffected by objectionable influences from adjacent industrial or general service uses; and

(3) do not create significant objectionable influences in residential areas.

A. Community facilities

Colleges or universities\(^1\), including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses\(^1\)

Libraries, museums or non-commercial art galleries

Long-term care facilities\(^2,3\)

Monasteries, convents or novitiates, without restrictions as to use for living purposes or location in relation to other uses

Non-profit hospital staff dwellings located on the same zoning lot as the non-profit or voluntary hospital and related facilities or on a separate zoning lot that is immediately contiguous thereto or would be contiguous but for its separation by a street or a street intersection
Philanthropic or non-profit institutions with sleeping accommodations

#Schools#

B. #Accessory uses#

1 Not permitted in R1 or R2 Districts as-of-right

2 In R1 and R2 Districts, permitted only by special permit by the City Planning Commission pursuant to Section 74-901 (Long-term care facilities)

3 In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, Community District 14 in the Borough of Queens and Community District 1 in the Borough of Staten Island, developments of nursing homes, as defined in the New York State Public Health Law, or enlargements of existing nursing homes that increase the existing floor area by 15,000 square feet or more, are permitted only by special permit by the City Planning Commission pursuant to Section 74-901 (Long-term care facilities)

4 The number of persons employed in central office functions shall not exceed 50, and the amount of floor area used for such purposes shall not exceed 25 percent of the total floor area, or, in R8, R9 or R10 Districts, 25,000 square feet, whichever is greater

(3/22/16)

22-14
Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

(1) may appropriately be located in residential areas to provide recreational, religious, health and other essential services for the residents; or

(2) can perform their activities more effectively in a residential environment, unaffected by objectionable
influences from adjacent medium and heavy industrial #uses#;

and

(3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities\(^1\), limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments#, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor

Clubs\(^2\), except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs;

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or

(d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10

Community centers or settlement houses

Houses of worship, rectories or parish houses

Monasteries, convents or novitiates used only for living
purposes, provided that such use is to be part of a group of buildings accommodating house of worship activities, schools or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such use is to be located on the same zoning lot with one or more buildings in such group of buildings or on a zoning lot that is contiguous thereto or directly across the street on which such buildings face.

Non-commercial recreation centers

Non-profit hospital staff dwellings restricted to location on the same zoning lot as the non-profit or voluntary hospital and related facilities or on a separate zoning lot immediately contiguous thereto.

Non-profit or voluntary hospitals and related facilities, except animal hospitals.

Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of floor area used for central office purposes shall not exceed 25 percent of the total floor area or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts, the amount of floor area used for central office purposes shall in no event exceed 25 percent of the total floor area.

Proprietary hospitals and related facilities, except animal hospitals.

Seminaries.

Welfare centers.

B. Open uses

Agricultural uses, including greenhouses, nurseries, or truck gardens, provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same zoning lot.

Cemeteries.

Golf courses.
Outdoor tennis courts or ice skating rinks\(^2\), provided that all lighting shall be directed away from nearby residences\(^2\), Public parks\(^2\) or playgrounds or private parks. Railroad or transit rights-of-way\(^3\)

C. Accessory uses

\(^1\) Not permitted in R1 or R2 Districts. In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, such use shall be limited to a maximum of 1,500 square feet of floor area\(^.\). However, in R3-1, R3A, R3X, R4-1 or R4A Districts in lower density growth management areas\(^,\) ambulatory diagnostic or treatment health care facilities shall be limited, on any zoning lot\(^,\) to 1,500 square feet of floor area\(^,\) including cellar space, except that where a zoning lot contains a hospital, as defined in the New York State Hospital Code, or a long-term care facility\(^,\) such 1,500 square feet restriction shall not include cellar space.

\(^2\) Not permitted in R1 or R2 Districts as-of-right

\(^3\) Use of railroad or transit air space\(^,\) is subject to the provisions of Section 22-41 (Air Space Over a Railroad or Transit Right-of-way or Yard)

(3/26/14)

22-15
Use Group 6C

R6 R7 R8 R9 R10

In the districts indicated, when located within Community District 1 in the Borough of Brooklyn, Use Group 6C, as set forth in Section 32-15 (Use Group 6), shall be limited to docks for ferries, other than gambling vessels\(^,\), with a vessel capacity of up to 399 passengers, and docks for water taxis, with a vessel capacity of up to 99 passengers, provided that such docks are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). Vessel capacity is the U.S. Coast Guard-certified capacity of the largest vessel using a dock.
22-20
USES PERMITTED BY SPECIAL PERMIT

(9/9/04)

22-21
By the Board of Standards and Appeals

In the districts indicated, the following uses are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

R3-1, R3A, R3X, R4-1, R4A, R4B, Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of floor area.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Camps, overnight or outdoor day [PRC-H]

R1 R2
Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any lot line;

(d) any activities or uses listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10.

R1 R2
Colleges or universities, including professional schools, but excluding business colleges or trade schools

R1 R2
College or school student dormitories or fraternity or sorority student houses
Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby residential zoning lots.

Public utility or public service facilities

- Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet
- Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet
- Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more than 40,000 square feet
- Public utility stations for oil or gas metering or regulating
- Telephone exchanges or other communications equipment structures
- Terminal facilities at river crossings for access to electric, gas or steam lines
- Water or sewage pumping stations

Radio or television towers, non-accessory

Riding academies or stables [PRC-C]

Sand, gravel, or clay pits

Welfare centers

(3/22/16)

22-22

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by
special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

R3 R4 R5 R6 R7 R8 R9 R10
Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section 62-832 (Docks for ferries or water taxis in Residence Districts), except in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Fire stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
#Long-term care facilities#

#Long-term care facilities# in R1 and R2 Districts
#Long-term care facilities# in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, Community District 14 in the Borough of Queens, and Community District 1 in the Borough of Staten Island,
#developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Non-commercial clubs with outdoor swimming pools less than 500 feet from any #lot line#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Non-commercial outdoor swimming pool clubs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
#Non-profit hospital staff dwellings# located not more than 1,500 feet from the non-profit or voluntary hospital

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Police stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Public transit, railroad or electric utility substations, limited in each case to a site of not less than 40,000 square feet and not more than 10 acres

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Railroad passenger stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Seaplane bases
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Sewage disposal plants
R10H
#Transient hotels#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

(4/8/98)

22-30
SIGN REGULATIONS

(5/22/63)

22-31
Definitions
Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

(4/8/98)

22-32
Permitted Non-illuminated Accessory Signs
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, non-#illuminated accessory signs# are permitted as set forth in this Section, subject to the provisions of Section 22-34 (Additional Regulations).

(2/2/11)

22-321
Nameplates or identification signs
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
(a) For all buildings containing residences, one nameplate, with an area not exceeding one square foot and indicating only the name or address of the occupant or a permitted occupation, is permitted for each dwelling unit or rooming unit.

(b) For multiple dwellings, including apartment hotels, or for permitted non-residential buildings or other structures exclusive of hospitals and related facilities, one identification sign, with an area not exceeding 12 square feet and indicating only the name of the permitted use, the name or address of the building, or the name of the management thereof, is permitted. For community facility uses, except hospitals and related facilities, a bulletin board, with an area not exceeding 16 square feet, is also permitted. For any sign on awnings or canopies, the height of letters on any side of such awnings or canopies shall not exceed 12 inches.

(c) For hospitals and related facilities, any number of identification or directional signs are permitted, provided the total surface area in square feet of all such signs shall not exceed 25 square feet on any one street frontage or 15 percent of such street frontage in feet, whichever is less. However, for zoning lots with more than one building that fronts upon the same street, each such building shall be permitted a surface area of 25 square feet. In addition to the aforementioned signs, either one directory or bulletin board, or combination thereof, is permitted, not to exceed 50 square feet.

(12/15/61)

22-322
"For sale" or "for rent" signs

"For sale" or "for rent" signs, with an area not exceeding 12 square feet, are permitted. If located on vacant land, such a sign shall not be within 15 feet of the street line, nor within six feet of any other lot line.

(9/29/10)
22-323
Signs for parking areas

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

One #sign#, with an area not exceeding two square feet, designating each entrance to or exit from an off-street parking area, open or enclosed, is permitted. No such #sign# shall be higher than seven feet above #curb level#.

In addition, an off-street parking facility that contains #car sharing vehicles# may provide #signs# that in the aggregate total no more than two square feet in area identifying organizations that have #car sharing vehicles# available at such parking area. No such #sign# shall be located higher than seven feet above #curb level#.

(4/8/98)

22-33
Signs on Lots Containing Certain Community Facilities

(2/2/11)

22-331
Permitted illuminated accessory signs for hospitals and related facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for hospitals and related facilities, #illuminated# non-#flashing accessory signs# are permitted in all districts, subject to Section 22-34 (Additional Regulations). Any number of #illuminated# non-#flashing# identification or directional #signs# are permitted, provided that the total #surface area# in square feet of said #illuminated signs# or the combined total #surface area# in square feet of the #illuminated# and non-#illuminated# identification or directional #signs# does not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less, and provided further that the Commissioner of Buildings determines that such #signs# are so located as to cause a minimum amount of light to be projected onto abutting or adjacent #residences#. However, for #zoning lots# with more than one #building# that front upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet.
In addition to illuminated or non-illuminated accessory signs, one illuminated non-flashing directory or bulletin board or combination thereof is permitted in lieu of a non-illuminated directory or bulletin board or combination thereof provided that the total sign area does not exceed 50 square feet and provided further that the Commissioner of Buildings determines that such sign is so located as to minimize the amount of light projected on the abutting or adjacent residences.

(4/8/98)

22-332
Flags, banners or pennants on lots containing certain community facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, flags, banners or pennants other than those that are advertising signs, located on any zoning lot used primarily for community facility uses of a civic, philanthropic, educational or religious nature, are permitted without limitation.

(4/8/98)

22-34
Additional Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, any sign permitted under the provisions of Sections 22-32 (Permitted Non-illuminated Accessory Signs) and 22-331 (Permitted illuminated accessory signs for hospitals and related facilities) shall conform to the regulations set forth in this Section.

(12/15/61)

22-341
Projecting signs
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

No sign shall project across a street line more than 12
(12/15/61)

22-342
Height of signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

No #sign# shall extend above the ground floor ceiling, or more than 20 feet above #curb level#, whichever is less.

(4/8/98)

22-343
Number of signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Except as otherwise provided in Sections 22-32 (Permitted Non-illuminated Accessory Signs) or 22-331 (Permitted illuminated accessory signs for hospitals and related facilities), not more than one #sign# is permitted for each #use#, #building# or #dwelling unit#, and not more than two #signs# for each professional office. On a #corner lot# or #through lot#, one #sign# (or for professional offices, two #signs#) is permitted on each #street#.

(4/8/98)

22-35
Advertising Signs on Waterways

No moving or stationary "advertising sign" shall be displayed on a vessel plying waterways adjacent to #Residence Districts# and within view from an arterial highway. For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply. For the purposes of this Section "advertising sign" is a sign that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere.
than upon the premises of the vessel and is not accessory to a use on such vessel.

(9/27/62)

22-40
SUPPLEMENTARY USE REGULATIONS

(2/22/90)

22-41
Air Space Over a Railroad or Transit Right-of-way or Yard

(9/27/62)

22-411
Definitions

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

(2/2/11)

22-412
Use of railroad or transit air space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, railroad or transit air space may be developed or used only for a permitted use accessory to the railroad or transit right-of-way or yard, a use permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), or a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit use as set forth in paragraph (b) of this Section.

If any building or other structure constructed in such
railroad or transit air space in accordance with the provisions of Section 74-681 is enlarged or replaced by a new building or other structure, the provisions of this Section shall apply to such enlargement or replacement.

However, any use legally established in such railroad or transit air space in accordance with the provisions of Section 74-681 may be changed to another use listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of use.

Any building or other structure within or over a railroad or transit right-of-way or yard, which building or other structure was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 through 11-33, inclusive, prior to December 5, 1991, may be enlarged or replaced in accordance with the applicable district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights permitting the enlargement or replacement of such a building or other structure shall be deemed to be equivalent to ownership of a zoning lot or portion thereof, provided that such enlargement or replacement will be on one block and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the zoning lot definition in Section 12-10 (DEFINITIONS).

Enlargement or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a zoning lot.

(b) When the use of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a large-scale residential development, large-scale community facility development or large-scale general development requiring one or more special permits is proposed, no use or development of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all zoning lots on such property. As a condition for such authorization, the Commission shall find that:

(1) the proposed zoning lots, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no development on any zoning lot would result in the potential for an excessive
concentration of #bulk# that would be incompatible with allowable #development# on adjoining property; and

(2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).

Prior to granting any #zoning lot# authorization relating to the above mentioned right-of-way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

(3/22/16)

22-42
Detached and Semi-Detached Two-Family Residences

R3-1 R3A R3X R4-1 R4A

In R3A, R3X or R4A Districts, a #detached two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other, and in R3-1 or R4-1 Districts, each #semi-detached two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.

The City Planning Commission may, upon application, authorize the waiver of these requirements, provided that:

(a) the #development# is compatible with the scale and character of the surrounding area; and
(b) in R3A, R3X or R4A Districts, the design does not give the appearance of a #semi-detached building#; or

(c) in R3-1 or R4-1 Districts, the design does not give the appearance of an #attached building#; and each #dwelling unit# has a perimeter wall with windows facing a #side yard#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.