

# ZONING RESOLUTION Web Version

---

## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Carl Weisbrod, Chairman

## Article X: Special Purpose Districts

### Chapter 7: Special South Richmond Development District

Effective date of most recently amended section of Article X Chapter 7: 3/22/16

---

Date of file creation: Web version of Article X Chapter 7: 8/24/16

---

CITY PLANNING COMMISSION  
[nyc.gov/planning](http://nyc.gov/planning)

DEPARTMENT OF CITY PLANNING  
©Copyrighted by the City of New York

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.

(9/11/75)

**Article X - Special Purpose Districts**

**Chapter 7**

**Special South Richmond Development District**

Table of Contents

GENERAL PURPOSES.....107-00  
Definitions.....107-01  
General Provisions.....107-02  
Requirements for Certification, Authorization or  
Special Permit Application.....107-03  
Relationship to Public Improvement Projects.....107-05  
District Plan (Appendix A).....107-06  
Tree Selection (Appendix B).....107-07  
Future Subdivision.....107-08  
Applicability of Article VI, Chapter 2 .....107-09

GENERAL REQUIREMENTS.....107-10  
Special Requirements for Applications.....107-11  
Public Facilities.....107-12

DISTRICT PLAN ELEMENTS.....107-20  
Modification of Designated Open Space.....107-21  
Designated Open Space.....107-22  
Waterfront Esplanade.....107-23  
Performance Bond.....107-24  
Special Regulations Along Certain  
Streets or Railroads.....107-25

TOPOGRAPHIC AND TREE REGULATIONS.....107-30  
Topographic Regulations.....107-31  
Special Tree Regulations.....107-32

SPECIAL USE, BULK AND PARKING REGULATIONS.....107-40  
Type of Residence.....107-41  
Minimum Lot Area and Lot Width for Residences.....107-42  
Height and Setback Regulations.....107-43  
Maximum Floor Area Ratio for Community  
Facility Uses.....107-44  
Required Open Space for Residences.....107-45  
Yard and Court Regulations.....107-46  
Special Parking Regulations.....107-47  
Special Landscaping and Buffering Provisions.....107-48

CERTIFICATIONS.....107-50

AUTHORIZATIONS.....107-60

General Provisions.....	107-61
Yard and Court Regulations.....	107-62
Minimum Distance between Buildings.....	107-63
Removal of Trees.....	107-64
Modifications of Existing Topography.....	107-65
Developments Partly within the Designated Open Space.....	107-66
Uses and Bulk Permitted in Certain Areas.....	107-67
Modification of Group Parking Facility and Access Regulations.....	107-68
 SPECIAL PERMITS.....	 107-70
General Provisions.....	107-71
Qualification of Designated Open Space as Lot Area.....	107-72
Exceptions to Height Regulations.....	107-73
Modification of Permitted Use Regulations.....	107-74
Modification of Underlying R1-1 District Regulations.....	107-75
Boundary Adjustments in Designated Open Space.....	107-76
Community Facility Buildings or Treatment Plants Permitted in Designated Open Space.....	107-77
Other Buildings Permitted in Designated Open Space.....	107-78
 LARGE-SCALE RESIDENTIAL DEVELOPMENT REGULATIONS.....	 107-80
Applicability of Large-Scale Residential Development Regulations.....	107-81
Applicability of Large-Scale Residential Development Regulations to Parcels containing Designated Open Space.....	107-82
Modification of Minimum Required Lot Area for Residences...	107-83
Joint Applications.....	107-84
 SPECIAL ADMINISTRATIVE PROVISIONS.....	 107-90
Inter-agency Coordination.....	107-91
Recordation.....	107-92
 Appendix A - South Richmond Special District Plan Maps	
Appendix B - Tree Selection Tables	

(9/11/75)

**107-00**

**GENERAL PURPOSES**

The "Special South Richmond Development District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;
- (b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;
- (c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features; and
- (d) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

**107-01  
Definitions**

Definitions specially applicable in this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Arterial

An "arterial" is a #street# designated as an #arterial# in Section 107-25 (Special Regulations along Certain Streets or Railroads) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply. All such #arterials# are shown on the District Plan, Map 2 in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

## Development

For the purposes of this Chapter, a "development" includes a #development# as defined in Section 12-10 (DEFINITIONS), the #enlargement# of a non-#residential building#, or the #enlargement# of a #residential use# that involves the addition of one or more #dwelling units#.

To "develop" is to create a #development#.

## Designated open space

"Designated open space" is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

## Detached

For the purposes of this Chapter a "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building abuts# the #street line#.

## Drainage scheme

A "drainage scheme" is a plan for a system of storm sewers and/or sanitary sewers intended to serve a #development# which is submitted to the Department of Environmental Protection for review and approval.

## Open space network

The "open space network" is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #park streets#, #designated open space# and the #waterfront esplanade#.

## Park street

A "park street" is a #street# designated as such in Section 107-25 (Special Regulations along Certain Street or Railroads) and whose primary function is to provide connecting links for

pedestrians and cyclists between portions of the #open space network# and to which special provisions of this Chapter apply. #Park streets# shall be designated to provide limited vehicular access.

#### Sewer acceptance

A "sewer acceptance" is the acceptance by the Department of Environmental Protection of a system of storm and/or sanitary sewers which were built in accordance with an approved #drainage scheme# intended to serve a #development#.

#### Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes land contour work, topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies. A #site alteration# shall include any land operation within #designated open space#.

#### Waterfront esplanade

The "waterfront esplanade" is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

(10/9/13)

## **107-02**

### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions

of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

In addition to applicability as provided in Section 11-10 (ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS), the provisions of this Chapter shall apply to #site alterations# or subdivision of #zoning lots#, except:

- (a) public improvement projects for which preliminary design contracts were approved by the Board of Estimate prior to January 2, 1975, or for which title was vested by the City prior to September 11, 1975; and
- (b) any #large-scale development# for which an authorization or special permit was granted prior to September 11, 1975. For the purposes of this Chapter, the City Planning Commission may extend such authorization or special permit for a renewable term of one year provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed and that the adoption of this amendment shall not constitute a substantial change of fact.

For all #developments# located within areas D, F, or K as shown on the District Plan (Map 4 in Appendix A), the applicant shall obtain from the City Planning Commission a certification indicating that the #development# complies with the approved South Richmond Development Plan. As a condition for such certification, the Commission shall find that:

- (1) the minimum #lot area# for any #commercial development# is at least two acres;
- (2) vehicular access and egress for the #development# is arranged so that it affords the best means of controlling the flow of traffic generated by such #development#; and
- (3) due consideration has been given to relate the proposed #development# to the character of the surrounding area by providing suitable buffering, landscaping and #building# setbacks.

For such certification, the applicant shall submit to the Commission a site plan and drawings depicting the proposed #buildings# and location of off-street parking facilities, curb cuts and pedestrian walkways. For #residential uses# within Area K, the #bulk# and parking regulations of R3-2 Districts, as modified by this Chapter, shall apply.

(9/11/75)

**107-03**

**Requirements for Certification, Authorization or Special Permit Application**

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development# or #site alteration# shall include a survey map prepared by a licensed land surveyor showing existing topography at two foot contour intervals, the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of individual existing trees of six inch caliper or more, the location of any elements of the #open space network# on or adjacent to the #zoning lot#, and such other information as may be required by the Commission for its determination as to whether or not the certification, authorization or special permit is warranted.

(9/11/75)

**107-05**

**Relationship to Public Improvement Projects**

In all cases, the City Planning Commission shall deny a special permit, authorization or certification application whenever a #development# will interfere with a public improvement project (including, without limitation, housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission, or Site Selection Board.

(5/22/86)

**107-06**

**District Plan (Appendix A)**

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #park streets#, #waterfront esplanade#, and #building# setback lines. The elements of the District Plan are set forth in Appendix A, which is hereby incorporated as an integral part of

the provisions of this Chapter.

(9/11/75)

**107-07**

**Tree Selection (Appendix B)**

Where planting of trees is required by the provisions of this Chapter, the selection of trees for their planting shall be in accordance with the Tree Selection Table set forth in Appendix B, which is hereby incorporated as an integral part of the provisions of this Chapter.

(2/2/11)

**107-08**

**Future Subdivision**

Within the Special District, any #zoning lot# existing on September 11, 1975 may be subdivided into two or more #zoning lots# provided that the existing topography, all individual trees of six inch caliper or more and all land located within a #designated open space#, to the greatest extent possible, are preserved under future #development# options. Any subdivision that is proposed to take place within the Special District after September 11, 1975 shall be filed with the City Planning Commission, and the Commission shall certify that such subdivision complies with the approved South Richmond Plan and the above objective. In the case of a subdivision of a tract of land containing #designated open space#, a site plan indicating the distribution of #bulk# for the individual #zoning lots# shall be submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#. The subdivision plan shall include a survey map indicating existing topography at two foot contour intervals, all individual trees of six inch caliper or more, and the location of #designated open space# within the area. When a #zoning lot# existing on September 11, 1975 is more than five acres and is intended to be subdivided, an area plan of the entire subdivision shall be filed with the Commission. The area plan shall include the proposed vehicular circulation system within the area, #block# and lot layouts and any other information required by the Commission.

(4/22/09)

**107-09**

**Applicability of Article VI, Chapter 2**

The Chairperson of the City Planning Commission may, by certification, modify or waive a required #visual corridor#, as defined in Section 62-11, with respect to #developments#, including minor modifications thereto, that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, provided that at least one required #visual corridor# continues to be provided pursuant to the restrictive declaration.

(9/11/75)

**107-10**

**GENERAL REQUIREMENTS**

(9/11/75)

**107-11**

**Special Requirements for Application**

Prior to the approval of any application to the Department of Buildings for a #site alteration# or a #development#, the applicant shall file applications with the appropriate City agency requesting the certifications required in Section 107-12 (Public Facilities).

Any application to the Department of Buildings for a #site alteration# or #development# shall include a survey map or maps prepared by a licensed land surveyor showing, for the site, existing topography at two foot contour intervals and the locations, names and calipers of all existing trees of six inch caliper or more and; for any #development#, the application shall also include certifications from the appropriate City agencies as required by Section 107-12.

However, the requirements of a survey map at two foot contour intervals shall not apply to #zoning lots# 4,000 square feet or less owned separately and individually from all other adjoining #zoning lots# on September 11, 1975, and on the date of filing

such application.

However, when a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975 is proposed to be #developed# with one #single-# or #two-family detached residence#, the certification reports of Section 107-12 shall not be required, but the provisions of local laws shall apply. When a permit for land contour work, storm water drainage systems or other #site alteration# work is required from the Department of Transportation or Department of Environmental Protection or when a public agency requires a #site alteration# on either privately or City-owned land, the public agency involved shall, prior to initiating or issuing a permit for such site work, notify the Department of Buildings.

The Department of Buildings and the public agency involved shall jointly determine that the proposed #site alteration# work is consistent with the provisions of Sections 107-31 (Topographic Regulations), 107-32 (Tree Regulations) and 107-25 (Special Regulations along Certain Streets and Railroads). In case of non-agreement, the provisions of Section 107-91 (Inter-agency Coordination) shall apply.

(9/11/75)

**107-12**  
**Public Facilities**

(2/2/11)

**107-121**  
**Public schools**

For any #development# containing #residential uses#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and intermediate public school children of the #development#. All applications for certification pursuant to this Section shall be referred by the Chairperson of the Commission to the Board of Education.

The Board of Education shall issue a report concerning the availability of #school# capacity within sixty days after receipt of the application. The Chairperson of the Commission shall

respond within 90 days after receipt of an application. The report shall specify the following:

- (a) whether or not #school# space is available;
- (b) if #school# space is not available, the report shall include:
  - (1) the number of seats required;
  - (2) the grade organization;
  - (3) the location of the #school#;
  - (4) size of #school# (sq. ft. per pupil); and
  - (5) the proposed financing mechanism.

For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:

- (1) such capacity is available in existing #schools#; or
- (2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the #development# upon its completion or within three years from the date of the Chairperson's certification; or
- (3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson of the Commission and Board of Education.

After approval of the Chairperson of the Commission and Board of Education of the applicant's plan to provide the #school building#, the certification may be granted either upon approval of a financial agreement by the Board of Estimate or such guarantee of construction with provision for future #school# occupancy as may be accepted by the Board of Education and the Chairperson of the Commission.

However, the Chairperson of the Commission may grant such certification if capacity is not presently available and the Board of Education after consulting with the Community School Board determines that the impact from the #development# will have a minimal effect on the concerned #schools# and includes such statement in their report.

A certification by the Chairperson of the Commission that sufficient capacity will be available in the public #schools#, as

set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# in accordance with approved plans has not been completed within one year from the date of such certification.

No certification concerning the availability of #school# capacity shall be required for any #development# within a predominantly built up area or within an area for which #drainage schemes# were approved prior to January 1, 1975. For the purposes of this Chapter, a "predominantly built up area" is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

(8/18/83)

#### **107-20**

##### **DISTRICT PLAN ELEMENTS**

All land in the #open space network# as shown on the District Plan (Map 3 in Appendix A), except #public parks#, is subject to the provisions of this Section.

(8/18/83)

#### **107-21**

##### **Modification of Designated Open Space**

The City Planning Commission may adjust the boundaries of a #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that:

(a) such adjustment shall:

- (1) result in a substantial improvement in the quality and usefulness of the #designated open space#; and
- (2) permit #development# which better satisfies the purpose of this Chapter and include new features in the #designated open space# which will be at least equal in quality to those which are displaced from it; and

- (3) provide an equivalent area replacement for the area removed from the #designated open space#; or
- (b) such adjustment shall:
  - (1) be permitted to exclude:
    - (i) a #zoning lot# which is contiguous to exempted #zoning lots# along at least two #lot lines#; or
    - (ii) a #zoning lot# which would otherwise be contiguous to exempted #zoning lots# along at least two #lot lines# but for the separation by a #street#; or
    - (iii) #streets abutting# exempted #zoning lots#; and
  - (2) not substantially alter the utility and quality of the #designated open space#; or
- (c) such adjustment shall:
  - (1) be in conjunction with a public improvement project approved by the City prior to September 11, 1975, for funding to exclude in whole or in part the bed of a mapped #street# and/or adjacent #zoning lots# or portions thereof; and
  - (2) not substantially alter the utility and quality of the #open space network#; or
- (d) such adjustment shall:
  - (1) exclude, in whole or in part, private property contiguous with a #public park# which has been mapped since September 11, 1975; and
  - (2) not preclude the continuity to the #designated open space# or the public pedestrian way or the #waterfront esplanade#; and
  - (3) not substantially alter the utility and quality of the #designated open space#.

(9/11/75)

## **Designated Open Space**

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan (Map 3 in Appendix A), shall require certification by the City Planning Commission that:

- (a) such #designated open space# shall be preserved in its natural state by the owner of the #zoning lot#; and
- (b) where required by the Commission, the applicant has complied with the provisions of Section 107-222 (Public pedestrian ways); and
- (c) where required by the Commission, as indicated on the District Plan, that the applicant has complied with Section 107-23 (Waterfront Esplanade).

Within any #designated open space#, removal of trees, alteration of topography, #development# of active recreational facilities or utility easements may be undertaken only in accordance with the provisions of this Section and Section 107-30 (TOPOGRAPHIC AND TREE REGULATIONS).

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

(2/2/11)

### **107-221**

#### **Active recreational facilities**

#Designated open space# may be used for active recreational facilities provided that the City Planning Commission certifies that such #uses# are compatible with the purposes of the network #open space# and have minimal impact on tree removal, topographic alterations or drainage conditions.

Active recreational facilities may include swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district.

In the development of active recreational facilities, no individual trees of six-inch caliper or more shall be removed

except by special authorization of the Commission in accordance with the provisions of Sections 107-64 (Removal of Trees) or 107-65 (Modification of Existing Topography). Active recreational facilities shall not be allowed within 60 feet of any watercourse in #designated open space# unless the Commission certifies that a location closer to such watercourse will not adversely affect the natural character of the watercourse or its drainage function. The Commission, where appropriate, shall be guided by the reports from other City agencies involved in land contour work, storm water drainage systems or similar operations.

If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

(2/2/11)

## **107-222**

### **Public pedestrian ways**

For any #site alteration# or #development# on a #zoning lot# which contains #designated open space#, the City Planning Commission shall certify whether or not the applicant shall be required to provide a public pedestrian way through a portion of the #designated open space#.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. The public pedestrian way shall be improved at the time the #site alteration# or #development# takes place, except that for #site alterations# or #developments# on a tract of land less than 1.5 acres, the Commission may allow the applicant to delay the construction of the public pedestrian way if the applicant complies with Section 107-24 (Performance Bond).

The location and dimension of such pedestrian way shall be determined by the Commission. The owner of the #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any

#designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

(4/30/12)

### **107-223**

#### **Permitted obstruction in designated open space**

The following shall not be considered as obstructions when located in #designated open space#:

- (a) Awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions);
- (b) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (c) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;
- (d) Fences or walls, conditioned upon certification by the City Planning Commission that:
  - (1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and
  - (2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#;
- (e) Exterior wall thickness, pursuant to Section 23-44;
- (f) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section 107-221 (Active recreational

activities). Any existing #building or other structure# located within the #designated open space# on September 11, 1975, and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming use# or #non-complying building# subject to the applicable provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) in accordance with the underlying district regulations.

(2/2/11)

#### **107-224**

##### **Qualification of designated open space as lot area for bulk computations**

#Designated open space# on a #zoning lot# may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio#, #open space#, #lot coverage#, #lot area# or density, provided that the area of the #designated open space# claimed as #lot area# does not exceed the area of the #zoning lot# located outside the designated space. For a #single-family residence#, any portion of a #zoning lot# occupied by #designated open space# shall count as #lot area# for the purposes of satisfying minimum density requirements only pursuant to this Section.

Where the area of the #designated open space# claimed as #lot area# exceeds the above permitted amount, the provisions of Section 107-72 (Qualification of Designated Open Space as Lot Area) shall apply.

Any #designated open space#, or portion thereof, claimed as required #open space# or used to satisfy the #lot coverage# restrictions for a #development# containing #residences# shall be accessible to and usable by all residents of the #zoning lot#.

In the case of a #large-scale residential development#, any #designated open space#, or portion thereof, that qualifies as #lot area# may be used as common space.

(2/2/11)

#### **107-225**

##### **Special bulk regulations for developments containing designated open space**

This section shall apply to any tract of land containing #designated open space# that is #developed# as a unit in single ownership and where the area of the #designated open space# claimed as #lot area# for zoning computation does not exceed the area of that portion of the tract of land not located within #designated open space#. Such a tract of land may contain a single #zoning lot# or two or more #zoning lots# which are contiguous or would be contiguous except for their separation by a #street#.

In all #Residence Districts#, except R1-1 Districts, for all permitted #residential uses# on such tract of land, the total #floor area# or #dwelling units# generated by that portion of the #designated open space# claimed as #lot area# by the applicable district regulations may be distributed without regard for #zoning lot lines#, for all #zoning lots# wholly within such tract of land. The total #open space# required or #lot coverage# permitted for such tract of land may be located anywhere within the tract of land without regard for #zoning lot lines#.

No transfer of #floor area# or #dwelling units# shall be permitted from a #zoning lot# not containing any #designated open space#.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Furthermore, the minimum #lot area# and #lot width# regulations, #yards# and spacing between #buildings# regulations shall not apply along portions of #streets# or #lot lines# wholly within such tract of land, provided that:

- (a) the maximum #lot coverage# on any #zoning lot# shall not exceed 50 percent of the #lot area#;
- (b) the minimum distance between #buildings# on the same or adjacent #zoning lots# across a common #side lot line# is not less than 10 feet; and
- (c) the minimum distance between #buildings# on adjacent #zoning lots# across a common #rear lot line# shall not be less than 40 feet.

(2/2/11)

**107-226**

**Zoning lots entirely or substantially within designated open**

## **space**

When a #zoning lot# owned separately or individually from all adjoining #zoning lots# prior to January 2, 1975, is located entirely or substantially within #designated open space# and no reasonable development is possible on the #zoning lot#, the owner may request the City to provide, in exchange, a City-owned #zoning lot#.

The #zoning lots# may be exchanged only after an appraisal made by a body consisting of the following:

- (a) one independent fee appraiser appointed by the City;
- (b) one independent fee appraiser appointed by the private property owner, which appraiser may be the same as in paragraph (a) of this Section; and
- (c) if needed to resolve a disagreement between the two appraisers appointed in paragraphs (a) and (b), one independent fee appraiser chosen by mutual agreement between the two individually appointed appraisers.

Such requests for exchange shall be filed by the owner of the #zoning lot# with the City Planning Commission.

If such exchange of #zoning lots# is not feasible under this Section or Section 384-7.0 of the New York City Administrative Code, the City may either acquire such #zoning lot# or permit development to proceed thereon with the minimal modification of the #designated open space# necessary to permit #development# containing #residences#.

(6/30/89)

## **107-23**

### **Waterfront Esplanade**

When a #zoning lot# containing a portion of the #waterfront esplanade#, as shown on the District Plan (Map 3 in Appendix A) is #developed#, the location and design of the #waterfront esplanade# shall be certified by the City Planning Commission and such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the

owner of a #zoning lot# on which the esplanade is shown on the District Plan, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Commission may require the owner of the #zoning lot# to provide public access to such a #waterfront esplanade# from a public right-of-way through the #zoning lot#.

The #waterfront esplanade# shall be either built at the same time that the #zoning lot# is #developed# or the Commission may allow the owner to comply with Section 107-24 (Performance Bond).

The owner of a #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualifications of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

(2/2/11)

## **107-24**

### **Performance Bond**

When the provision of the required improvement is to be delayed for a period not to exceed 5 years from the date of the City Planning Commission certification, the owner of the #zoning lot# shall, prior to obtaining any certificate of occupancy, provide to the Comptroller of the City of New York a performance bond or City securities to ensure the future provision of either the #waterfront esplanade# or the public pedestrian way.

When the required improvement has been constructed, the Comptroller of the City of New York may release the bond or City securities posted to ensure such construction, provided an amount of the bond or City securities to ensure maintenance of the improvement, as set forth in the paragraph above, remains with the Comptroller.

The value of the bond or City securities tendered to ensure the future provision of the improvement shall be at the rate of \$400 per 100 square feet of #waterfront esplanade# and at \$200 per 100

square feet of public pedestrian way, if such bond or securities are tendered prior to January 1, 1980.

At five year intervals after January 1, 1980, the Commission, with the approval of the Board of Estimate, shall establish the new rates for the future provision (and maintenance) of the improvement.

(9/11/75)

## **107-25**

### **Special Regulations Along Certain Streets or Railroads**

Along the following #streets# designated as either #arterials# or #park streets# and identified as such on the District Plan, or along a designated railroad, special regulations relating to restriction of access, setback of #buildings#, and landscaping apply as set forth in this Section and shown on the District Plan (Map 2 in Appendix A).

#### Arterials

Hylan Boulevard  
Woodrow Road  
Amboy Road  
Frontage roads for Richmond Parkway  
Huguenot Avenue  
Page Avenue  
Arthur Kill Road  
Service roads for West Shore Expressway  
Richmond Avenue

#### Park Streets

Marcy Avenue from Richmond Parkway to Woodrow Road  
Albee Avenue from Richmond Parkway to Amboy Road  
Grantwood Avenue from Richmond Parkway to Woodrow Road  
Miles Avenue from Arthur Kill Road to Barlow Avenue  
Barlow Avenue from Miles Avenue to Colon Avenue

#### Railroads

The Staten Island Rapid Transit right-of-way.

(2/2/11)

## 107-251

### Special provisions for arterials

Along those #streets# designated as #arterials#, the following regulations shall apply:

(a) Access restrictions

Curb cuts are not permitted along an #arterial street# on #zoning lots# with access to a non-#arterial street#. For #zoning lots# with access only to an #arterial street#, one curb cut is permitted along such #arterial street#. For purposes of this Section, adjoining #zoning lots# in the same ownership shall be treated as one #zoning lot#. Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

For #zoning lots# with access only to a #arterial street#, the City Planning Commission may, by certification, approve additional curb cuts for access to such #arterial street# when necessary to avoid adverse effects on the traffic flow of the #arterial#.

For #zoning lots# with access to both #arterial# and non-#arterial streets#, the Commission may authorize one or more curb cuts on the #arterial street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).

(b) #Building# setback

Along portions of the #arterials#, as indicated on the District Plan, a 20 foot #building# setback shall be provided for the full length of the #front lot line abutting# such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted,

for each 400 square feet of such front open area. The trees shall be selected in accordance with the table set forth in Appendix B.

(2/2/11)

## 107-252

### Special provisions for park streets

For those #streets# designated as #park streets#, the following regulations shall apply:

(a) Access restrictions

No curb cuts are permitted on such #streets# except that one curb cut is permitted for any #residential#, #community facility# or #commercial use# whose #zoning lot# has frontage only on a #park street#. For purposes of this Section, adjoining #zoning lots# in the same ownership shall be treated as one #zoning lot#.

For #zoning lots# with access to both #park streets# and non-#park streets#, the City Planning Commission may authorize one or more curb cuts on the #park street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).

(b) Landscaping

One tree of at least three inch caliper, pre-existing or newly planted, shall be provided for each 400 square feet of area of the #street# sidewalk area. Trees shall be selected in accordance with the table set forth in Appendix B and shall be planted in the #street# sidewalk area.

(c) Development and maintenance responsibility

The owner of each #development# abutting a #park street# shall have responsibility for landscaping and maintenance of that portion of the #park street# located between the #front lot line# and the curb.

Alternatively, maintenance responsibility may be vested in a properly constituted Home Association or other organization established for this purpose. Those segments of a #park street# which are abutted by land #developed# prior to the effective date of the Special District designation shall be #developed#, landscaped and maintained by the City of New

York.

(9/11/75)

**107-253**

**Building setbacks along railroad rights-of-way**

For all #developments# on #zoning lots# immediately adjacent or directly opposite to the Staten Island Rapid Transit right-of-way, a #building# setback of at least 20 feet in depth, unobstructed from its lowest level to the sky, except as permitted herein, shall be provided along the #lot line# adjacent to or directly opposite the right-of-way of such railroad. Such #building# setback shall be measured perpendicular to such #lot line#, as indicated on the District Map. Within such #building# setback area, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such open area. The trees shall be selected in accordance with the table set forth in Appendix B.

(9/11/75)

**107-30**

**TOPOGRAPHIC AND TREE REGULATIONS**

(9/11/75)

**107-31**

**Topographic Regulations**

Except for any existing topographic feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no topographic modifications may take place except as provided in this Section or as authorized by Section 107-65.

(9/11/75)

**107-311**

**Areas within designated open space**

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section 107-65 (Modifications of Existing Topography).

(2/2/11)

### **107-312**

#### **Areas not within designated open space**

On any portion of a #zoning lot# not within #designated open space#, alteration of topography shall be permitted only in accordance with the provisions of this Section.

The ground elevation of land existing on September 11, 1975, may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch caliper or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent is permitted:

- (a) in an area designated for #building# foundations, driveways or utilities for a proposed #building or other structure# whose location is approved by the Department of Buildings in accordance with the provisions of this Chapter; and
- (b) in order to meet the legal mapped grades of a #street#, the existing topography of that portion of the #zoning lot# abutting such #street# may be modified to create a slope on the #zoning lot# of not less than one foot vertical to each two feet horizontal provided the slope is landscaped to prevent erosion.

Topographic modifications not permitted by the provisions of this Section may be permitted only by authorization of the City Planning Commission, pursuant to the provisions of Section 107-65.

(4/5/79)

### **107-32**

#### **Tree Regulations**

The following regulations in Sections 107-321 through 107-323, inclusive, shall not apply to existing trees which are unsafe and the removal of which is required by the Department of Buildings.

(2/2/11)

## 107-321

### Tree preservation

No trees of six-inch caliper or more shall be removed, or land operations affecting their survival undertaken, in connection with any #site alteration# or #development#, except in compliance with the provisions of this Section.

Prior to any such removal or land operations, plans shall be filed with the Department of Buildings showing the locations of all trees of six inch caliper or more on the #zoning lot# and in the public sidewalk area of the #street# or #streets# adjacent thereto, and identifying those which are proposed to be removed. Removal of live trees of six-inch caliper or more will be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, driveways, areas for required #accessory# parking, or within a distance of eight feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;
- (b) where such tree's continued presence would create special hazards or dangers to persons or property, which it would not be possible or practical to eliminate by pruning;
- (c) where continued presence of the trees would interfere with another tree of six-inch caliper or more designated for preservation and belonging to a species listed in Appendix B (Tree Selection Tables); or
- (d) where authorizations granted by the City Planning Commission under the provisions of this Chapter require or clearly contemplate the removal of such trees.

If an existing tree of six-inch caliper or more identified for preservation is removed without prior approval by the Department of Buildings or the City Planning Commission, any permit issued by the Department of Buildings for a #site alteration#, #development# or any #use# on the #zoning lot# shall be revoked.

In order to remove such violations, the owner of the #zoning lot# shall request the Commission to specify the tree restoration requirements and to certify such requirements to the Department

of Buildings.

No building permit, reinstatement of such permit or issuance of a certificate of occupancy shall occur until the owner of the #zoning lot# either posts with the Comptroller of the City of New York a landscaping performance bond in an amount determined by the Commission or completes the replanting in accordance with the requirements set forth by the Commission in order to correct the planting violations.

Replacement trees to be planted shall be of a caliper no less than three inches and be of a species listed in Appendix B and the sum of whose calipers shall be at least equivalent to that of the trees removed.

In addition, the Commission may require a restrictive declaration specifying the terms of implementing the restoration plan.

Where on-site planting of such replacement trees would result in over crowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more replacement trees on adjoining public sidewalks or in a nearby public area or substituting other planting material pursuant to Section 107-323.

(2/2/11)

## **107-322**

### **Tree requirements**

New trees shall be provided in accordance with the table set forth in Appendix B. For any existing tree of at least six inch caliper which is preserved, credit for one tree shall be given for the first six inches of caliper and, for each additional four inches of caliper, credit for an additional tree shall be given.

#### (a) On site

In connection with any #development#, #site alteration# or #enlargement# involving the addition of at least 1,000 square feet of #floor area#, trees of at least three-inch caliper, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof.

#### (b) Planting for open parking areas

Any #development# with open off-street parking areas with ten spaces or more shall be subject to the tree planting and

screening requirements of Section 107-483.

(9/9/99)

### **107-323**

#### **Substitution of other plant materials**

For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section 107-322, the City Planning Commission may allow the substitution of other plant material for such required trees, provided a detailed landscaping plan is filed with the Commission for approval and certification. A copy of such approved landscaping plan shall be filed with the Department of Buildings by the Commission.

(8/12/04)

### **107-33**

#### **Preservation of Natural Features**

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications are necessary so as to avoid the destruction of existing topography and trees of six-inch caliper or more.

(9/11/75)

### **107-40**

#### **SPECIAL USE, BULK AND PARKING REGULATIONS**

(12/5/90)

### **107-41**

#### **Type of Residence**

#Semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in

R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section 107-74 (Modification of Permitted Use Regulations). Such #residences# shall comply with the minimum #lot area# and #lot width# requirements as set forth in the table in Section 107-42.

#Zero lot line buildings# are not permitted in the #Special South Richmond Development District#.

(3/22/16)

### **107-411**

#### **Affordable independent residences for seniors in Area SH**

In Area SH, as shown on the District Plan (Map 4 in Appendix A), any #development# or #enlargement# comprised of #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 107-672 (In Area SH).

(3/22/16)

**107-412**

**Special bulk regulations for certain community facility uses in lower density growth management areas**

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# 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, as defined in the New York State Hospital Code, or #long-term care facilities#; or
- (b) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#.

(2/2/11)

**107-42**

**Minimum Lot Area and Lot Width for Residences**

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by #building# height. Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 8, 2005 and on the date of application for a building permit.

In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached residences# in R3-1 and R3-2 Districts.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R-2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2	3,800	40
		3-4	3,800	45
R3-1 R3-2	#semi-detached#	1-2	2,375	24
		3-4	3,800	40
R3-2	#detached#	1-2	3,800	40
		3-4	4,275	45
	#attached#	1-2	1,700	18
		1-2	2,375*	24*
		3-4	2,280	24
		3-4	3,800*	40*
R3A	#detached#	1-3	3,325	35
R3X**	#detached#	1-2	3,800	40
		3	4,750	50
		4	5,700	60

R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached#	1-3	2,375	24
	#detached#	1-3	3,325	35

\* For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

\*\* In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet. However, the minimum #lot area# and minimum #lot width# set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003.

By Special Permit  
(pursuant to Section 107-74)

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R2	#semi-detached#	1-4	3,800	30
	#attached#	1-4	3,800	22
R3-1	#attached#	1-2	1,700	20
		2-3	2,280	24

(3/22/16)

**107-421**

**Minimum lot area and lot width for zoning lots containing certain community facility uses**

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts, the provisions of this Section shall apply to #zoning lots# 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, as

defined in the New York State Hospital Code, or #long-term care facilities#; and

- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:
  - (1) such #zoning lot# contains #buildings# used for houses of worship; or
  - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet, Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

(8/12/04)

### **107-43**

#### **Maximum Height for Buildings or Structures**

Subject to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52 or 33-43, no #building# shall exceed a height of four #stories# and no structures other than #buildings# shall exceed a height of 50 feet, unless modified by a special permit of the City Planning Commission, pursuant to Section 107-73 (Exceptions to Height Limit).

(10/17/07)

**107-44**

**Maximum Floor Area Ratio for Community Facility Uses**

The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

(2/2/11)

**107-45**

**Required Open Space for Residences**

Any required #open space# on a #zoning lot# which includes #designated open space# is subject to the special regulations set forth in Section 107-22 (Designated Open Space).

For #buildings# containing #residences# on #zoning lots# that include #designated open space#, driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths may occupy not more than the area set forth for the following districts:

- (a) in R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#; or
- (b) in R3A, R3X, R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #buildings# containing #residences# and not within the #designated open space#.

However, in all districts, a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of Permitted Obstructions).

(9/11/75)

**107-46**

**Yard and Court Regulations**

(2/2/11)

**107-461**

**Front yards**

In all #Residence Districts#, the #front yard# requirements of the underlying districts shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a lesser depth as permitted by the underlying district regulations.

(11/15/06)

**107-462**

**Side yards**

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, the #side yards# shall relate to the height of the #building# as set forth in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:

REQUIRED SIDE YARDS

District	Type of #Residence#	Height (in stories)	Number of #Side Yards# Required	Required Total Width	Required Minimum Width of any #Side Yard#
R2 R3-1	#detached#	1-2	2	15	5
R3-2	#detached#	3-4	2	20	5
	#semi-detached#	1-2	1	9	9
	#semi-detached#	3-4	1	15	15
R3A R4A	#detached#	1-4	2	15	5
R3X*	#detached#	1-2	2	15	5
	#detached#	3	2	20	8
	#detached#	4	2	25	10
R4-1	#detached#	1-4	2	15	5
	#semi-detached#	1-4	1	9	9

\* In Area LL, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet. However, the minimum #side yard# widths set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply.

(2/2/11)

#### **107-463**

##### **Side yard regulations for other residential buildings**

For all #residential buildings# other than #single-#, or #two-family detached# or #semi-detached residences#, the provisions of Section 23-462 (Side yards for all other residential buildings) shall apply, except that no #side yard# shall have a width less than ten feet.

Furthermore, for #attached residences# that #abut# an #attached building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story residences#.

(2/2/11)

#### **107-464**

##### **Side yards for permitted non-residential use**

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section 23-464 (Side yards for buildings used for permitted non-residential uses) shall apply to such other #non-residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three

#stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections 23-464 or 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

(2/2/11)

#### **107-465**

#### **Modifications of special yard regulations for certain zoning lots**

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and thereby allow #single-# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

- (a) When a #building# is located on the #side lot line#, the entire required #side yard# equivalent shall be provided along the other #side lot line# of the same #zoning lot#. On the adjacent #zoning lot# there shall be a #side yard# of at least 10 feet, #abutting# the #building# wall which is located on the #side lot line#.
- (b) When a #single-# or #two-family residence# is located on the #rear lot line#, the #zoning lots abutting# the entire #rear lot line# shall provide a #rear yard# of at least 40 feet. If the #building# on either #zoning lot# has a height greater than two #stories#, then such #building# shall have a 10-foot rear setback above the height of the second #story#.
- (c) When #single-# or #two-family residences# share a party wall along the #rear lot line#, if at any level either #building# is set back from the #rear lot line#, each #building# shall have a setback at the same height and such rear setback shall be at least 20 feet in depth.

The City Planning Commission shall also find that:

- (1) such modifications of #side# or #rear yards# or equivalents blend harmoniously with the entire development;
- (2) there is no adverse effect with regard to adequate light and air to the #residences#;
- (3) such modification results in the maximum preservation of

trees;

- (4) there is an agreement which provides access for maintenance of the #building# wall located on the #lot line#; and
- (5) a condition to the grant of any certification shall be that the requirements of Section 107-92 (Recordation) have been satisfied.

(2/2/11)

#### **107-466**

##### **Court regulations**

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family detached residences#.

(2/2/11)

#### **107-467**

##### **Modifications of yard and court regulations**

The #yard# and #court# regulations as set forth in Section 107-46 may be modified by authorization of the City Planning Commission in accordance with the provisions of Section 107-62 (Yard and Court Regulations).

(9/11/75)

#### **107-47**

##### **Special Parking Regulations**

(9/11/75)

**107-471**

For the purposes of this Chapter, the waiver provision set forth in Section 36-231 shall not apply to any #development# in the Special District.

(9/11/75)

**107-472**

**Maximum size of group parking facility**

For the purposes of this Chapter, no #accessory group parking facility# for non-#residential uses# shall contain more than 30 off-street parking spaces except as set forth in Section 107-68.

(9/11/75)

**107-48**

**Special Landscaping and Buffering Provisions**

(2/2/11)

**107-481**

**Planting provisions along Residence District boundaries**

For any #commercial# or #manufacturing development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be in the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and complying with the provisions applicable to screening for parking areas as set forth in Section 107-483 (Planting and screening for open parking areas).

(2/2/11)

**107-482**

## **Landscaped buffer for manufacturing development adjacent to residences**

Where an existing #residential use# is located adjacent to a proposed #manufacturing# or #commercial development#, the developer shall plant along that part of the #side# or #rear lot line# adjacent to a #residential use#, a row of evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or trees selected from Appendix B and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

(6/10/09)

### **107-483**

#### **Planting and screening for open parking areas**

(a) Tree planting requirements

One tree, of three inch caliper or more, preexisting or newly planted, shall be provided for each four parking spaces. Such trees may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section 37-922 (Interior landscaping) shall be superseded by the number of trees required pursuant to this Section.

(b) Screening requirements

The parking area shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of three feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular

entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

(c) Planting Waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (1) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (2) underground municipal infrastructure; or
- (3) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residential Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of Section 107-322, paragraph (a). Furthermore, for #developments# in #Commercial# or #Manufacturing Districts# which provide trees in accordance with the provisions of this Section, the requirements of Section 107-322, paragraph (a), shall not apply.

(8/17/95)

**107-49**

**Special Regulations for Area M**

In Area M, as shown on the District Plan (Map 4 in Appendix A) the regulations of the underlying districts and the Special District are supplemented or modified in accordance with the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of the underlying districts and the Special District remain in effect.

(8/17/95)

## 107-491

### Special use regulations for residential uses

- (a) #Residential uses# existing prior to August 17, 1995 shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.
- (b) #Residential extensions# shall be subject to all of the R3X District regulations and the applicable Special District regulations except that an existing #detached building# may contain non-#residential uses# in addition to not more than two #dwelling units#.
- (c) Non-#residential uses# shall be located below the lowest #story# occupied in whole or in part by #residential uses#.
- (d) #Floor area# in a #building# originally designed as one or more #dwelling units# that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for #residential use#.
- (e) #Residential enlargements# not to exceed 500 square feet shall be permitted subject to all of the R3X District regulations and the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that there is no disturbance of the soil.
- (f) #Residential developments#, and #residential enlargements# where there is a disturbance of the soil, shall be subject to the provisions of Section 107-69 (Residential Uses in Area M).

(8/17/95)

## 107-492

### Special bulk regulations

The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio# in Area M (Map 4 in Appendix A), provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use# in Area M.

(2/2/11)

**107-50  
CERTIFICATIONS**

Administrative certifications from the City Planning Commission are required, as set forth in various sections of this Chapter, in any one of the following circumstances:

- (a) when a tract of land is subdivided, as set forth in Section 107-08 (Future Subdivision);
- (b) when a #development# contains #residential uses#, as set forth in Section 107-121 (Public schools);
- (c) when a #zoning lot# contains #designated open space#, as set forth in Section 107-22 (Designated Open Space);
- (d) where required #yards# or equivalents are to be modified as set forth in Section 107-465 (Modifications of special yard regulations for certain zoning lots);
- (e) where a #zoning lot# along an #arterial# requests more than one curb cut, as set forth in Section 107-251 (Special provisions for arterials);
- (f) where plant material is substituted for required trees as set forth in Section 107-323 (Substitution of other plant materials);
- (g) when #development# takes place within areas D, F, or K, as set forth in Section 107-02 (General Provisions); or
- (h) when a #zoning lot# contains a portion of the proposed #waterfront esplanade#, as set forth in Section 107-23 (Waterfront Esplanade).

(9/11/75)

**107-60  
AUTHORIZATIONS**

(11/15/06)

## **107-61**

### **General Provisions**

On application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-62 to 107-69, inclusive, relating to authorizations.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorizations.

(2/2/11)

## **107-62**

### **Yard, Court and Parking Regulations**

For any #zoning lots#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46 or in the location of parking, driveway or curb cut regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of existing topography and individual trees of six-inch caliper or more. #Rear yard#, #side yard# or #side yard# equivalent variations shall not be authorized on the periphery of a #development# unless acceptable agreements are jointly submitted for #development# of two or more adjacent #zoning lots# by the owners thereof, incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots#.

(2/2/11)

## **107-63**

### **Minimum Distance between Buildings**

For any #development# containing #residences#, the City Planning

Commission may authorize the location of #buildings#, on a single #zoning lot# without regard for spacing between #buildings# regulations, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot).

(9/11/75)

#### **107-64**

##### **Removal of Trees**

For any #development#, the City Planning Commission may authorize the removal of trees of six-inch caliper or more whose removal would otherwise be prohibited under the provisions of Section 107-32 (Tree Regulations), provided that the Commission makes one or more of the following findings:

- (a) that the tree's retention would cause serious disadvantage in the arrangement of open areas on the lot, impairing the usefulness of such areas;
- (b) that such tree is located in an area where more than two feet of cut or fill is required and measures for saving the tree would be extremely difficult and impractical; or
- (c) that provision of a segment of the #waterfront esplanade# is not feasible without such tree's removal.

(2/2/11)

#### **107-65**

##### **Modifications of Existing Topography**

For any #development# or #site alteration#, the City Planning Commission may authorize modifications of the natural topography existing on September 11, 1975, beyond the amount specified in Section 107-31 (Topographic Regulations), provided that the Commission finds that:

- (a) #development# on the #zoning lot# is not feasible without such modifications;
- (b) such modification of topography is necessary to accommodate public amenities, such as public pedestrian ways, the

#waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;

- (c) such modification will not cause unnecessary disturbance of the drainage pattern in the area; and
- (d) such modified topography will have minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it.

Where a permit for land contour work or topographic modification is required from the Department of Transportation or the Department of Buildings, the City Planning Commission and other such agencies shall jointly determine the conditions under which such topographic modification may be permitted so as best to serve the purposes of the Special District, in accordance with the provisions of Section 107-91 (Inter-agency Coordination).

(9/11/75)

#### **107-66**

##### **Developments Partly within Designated Open Space**

(2/2/11)

#### **107-661**

##### **Modification of permitted obstructions**

For #developments# containing #residences# on #zoning lots# partly within #designated open space#, the City Planning Commission, on application, may modify the requirements of Section 107-45 (Required Open Space for Residences) to permit more than 50 percent of the required #open space#, not within the #designated open space#, to be occupied by driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths, if the Commission finds that such facilities are so arranged and landscaped as to afford an acceptable standard of amenity for the #development# and its surroundings.

(2/2/11)

#### **107-662**

### **Modification of required yards of building setbacks**

On application, the City Planning Commission may grant an authorization modifying the #building# setback requirements of Section 107-251 (Special provisions for arterials), provided that the Commission finds that:

- (a) the area of that portion of the #zoning lot# which is designated as #designated open space# on the District Plan in Appendix A of this Chapter, is at least equal to the area of the required #building# setback #front yard# or #yards#, or portion thereof, which is waived;
- (b) along any #front lot line# abutting an #arterial#, a front setback shall be provided having a depth to be determined by the Commission and which shall be improved in accordance with a landscape plan approved by the Commission; and
- (c) #building# placement leaves adequate spaces for the provision of #street# trees.

(11/15/06)

### **107-67**

#### **Uses and Bulk Permitted in Certain Areas**

(2/2/11)

### **107-671**

#### **In Areas F and K**

In Areas F and K, as shown in the District Plan (Map 4 in Appendix A), the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.

As a condition for such authorization, the Commission shall find that:

- (a) such #uses# are so located as not to impair the essential character of the surrounding area for its future development;
- (b) the minimum #lot area# of a #zoning lot# on which such #uses# are located is at least 20 acres;

- (c) vehicular access and egress for such proposed #uses# are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and
- (d) where vehicular access and egress are located on an #arterial#, such location affords the best means for controlling the flow of traffic generated by such proposed #uses# to and from such #arterial#.

In each case the Commission may prescribe additional conditions and safeguards, including requirements for adequate screening, planting or landscaping.

Areas (as designated on the District Map)	Permitted Use Groups
F	12
K	7A 7B 7D 7E

(3/22/16)

**107-672**  
**In Area SH**

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

In order to grant such authorization, the Commission shall find that:

- (a) such #developments# are part of a superior site plan;
- (b) such #residences# are compatible with the character of the surrounding area; and
- (c) the #streets# providing access to such #residences# are

adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

(2/2/11)

### **107-68**

#### **Modification of Group Parking Facility and Access Regulations**

For a permitted #commercial#, #community facility# or #manufacturing use#, the City Planning Commission may authorize more than 30 #accessory# off-street parking spaces, and for any #use#, may modify access restrictions with regard to curb cuts as set forth in paragraph (a) of Section 107-251 (Special provisions for arterials) or paragraph (a) of Section 107-252 (Special provisions for park streets). In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

- (a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) where vehicular access and egress are located on an #arterial# or #park street#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial# or #park street#, and does not unduly interfere with pedestrian traffic; and
- (c) the location of such vehicular access and egress permits better site planning.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve vegetation and natural topography.

(8/17/95)

### **107-69**

#### **Residential Uses in Area M**

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500

square feet, or in any case where there would be a disturbance of the soil, for the following:

- (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or
  - (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations:
- (c) In authorizing new #residential uses# and #residential enlargements#, the Commission shall find that:
- (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
  - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
  - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and
  - (4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(9/11/75)

**107-70**  
**SPECIAL PERMITS**

(9/11/75)

### **107-71**

#### **General Provisions**

On application, the City Planning Commission, may grant special permits for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-72 to 107-78, inclusive, relating to Special Permits.

(2/2/11)

### **107-72**

#### **Qualification of Designated Open Space as Lot Area**

For any #development# containing #designated open space#, the City Planning Commission may allow the amount of #designated open space# to be counted as #lot area# for #bulk# computations to exceed the amount permitted under Section 107-224.

As a condition for granting a permit for such modifications, the Commission shall find that:

- (a) that for the occupants of the site itself, the ill effects of concentration of #buildings# or #accessory# off-street parking are avoided or overcome by the manner in which the #buildings# are sited and #yards# and other open areas arranged; and
- (b) that the concentration of #buildings# or activities will not adversely affect any other #zoning lot# outside the development by restricting access of light and air, impairing privacy or creating traffic congestion.

(6/30/89)

### **107-73**

#### **Exceptions to Height Regulations**

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-631, paragraphs (b), (c) and (d) and Section 107-43, provided that the Commission finds that:

- (a) such #development# is so located as not to impair the essential character of the surrounding area;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space, will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (c) that the #development's# design proposals take full advantage of all special characteristics of the site.

(2/2/11)

#### **107-74**

##### **Modification of Permitted Use Regulations**

For any #development#, the Commission may grant special permits to allow #semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in R3-1 Districts. As a condition for granting such special permits, the Commission shall find that:

- (a) only by modifying the #residential building# type, the preservation of trees over six-inch caliper and of existing topography can be assured;
- (b) by inclusion of the proposed #residential building# types, better standards of privacy and usable #open space# can be achieved; and
- (c) if the #zoning lot# is located in the #designated open space#, the prohibition of #development# on the #designated open space# requires the permitted #development# to be concentrated in the remaining portion of the tract.

(2/2/11)

#### **107-75**

##### **Modification of Underlying R1-1 District Regulations**

For any #development#, the Commission may grant special permits for the modifications of underlying R1-1 District regulations on

#yards# or #courts# where such modifications are appropriate in order to:

- (a) permit siting of a #building# or driveway so as to avoid destruction of a valuable tree of six-inch caliper or more; or
- (b) allow a #building# to be arranged on a #zoning lot# that includes #designated open space# without encroaching on such #designated open space#.

As a condition for granting such modifications, the Commission shall find that:

- (1) the siting of the #building# will not adversely affect adjacent properties by impairing privacy or access of light and air;
- (2) the benefits to the surrounding area from the proposed arrangement of #buildings# and #open spaces# outweigh any disadvantages which may be incurred thereby in the area; and
- (3) such modification is the least modification required to achieve the purpose for which it is granted.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

(9/11/75)

## **107-76**

### **Boundary Adjustments in Designated Open Spaces**

The City Planning Commission may grant special permits to allow adjustments in the boundaries of the #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that such adjustment will:

- (a) result in a substantial improvement in the quality and usefulness of the #designated open space#; or
- (b) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and

- (c) provide an equivalent area replacement for the area removed from the #designated open space#.

(2/2/11)

#### **107-77**

#### **Community Facility Buildings or Treatment Plants Permitted in Designated Open Space**

The City Planning Commission may grant special permits for the construction of sewage disposal plants or pumping stations or #community facility uses# listed in Section 78-352 (Bonus for community facility space) in #designated open space# where such #uses# are permitted by the underlying district regulations provided the Commission finds that:

- (a) an amount of open area outside the boundary of the #designated open space#, at least equal to the coverage of any #building or other structure# permitted under this Section, shall be added to the #designated open space#, and action shall be taken to change the boundary of the #designated open space# pursuant to Section 107-76 (Boundary Adjustments in Designated Open Spaces);
- (b) such added open area forms a continuous part of the #open space network#, and does not interrupt or foreclose the continuity of a public pedestrian way;
- (c) such added open area shall contain natural (aquatic, botanic, geologic or topographic) features that are equal or better in quality to those displaced by the #development#; and
- (d) such sewage disposal plants and sewage pumping stations meet the requirements of Section 74-731 (Sewage disposal plants and pumping stations).

The City Planning Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

(9/11/75)

#### **107-78**

#### **Other Buildings Permitted in Designated Open Space**

On any #zoning lot# located partially within the #designated open space#, the City Planning Commission may grant a special permit to allow a #building# to encroach on the #designated open space# where #development# is not feasible without encroachment on the #designated open space#. As a condition for permitting such construction, the Commission shall find that the #development#, as authorized, will result in the minimum interference with the #designated open space# that must be permitted in order to allow reasonable #development# and #bulk# distribution under the regulations of the underlying district or as such regulations are modified by the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

(9/11/75)

#### **107-80**

#### **LARGE-SCALE RESIDENTIAL DEVELOPMENT REGULATIONS**

(9/11/75)

#### **107-81**

#### **Applicability of Large-Scale Residential Development Regulations**

All regulations of Article VII, Chapter 8, Special Regulations Applying to Large-Scale Residential Development, are applicable in the Special District.

(9/11/75)

#### **107-82**

#### **Applicability of Large-Scale Residential Development Regulations to Parcels Containing Designated Open Space**

Any #development# used predominantly for #residential use# on a #zoning lot# which includes #designated open space# may be treated as a #large-scale residential development#, and special authorizations or special permits for such #development# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings#, or number of #dwelling units# specified in the definition of #large-scale residential development# as set forth in Section 12-10 (DEFINITIONS), except as provided in Sections 107-821 to 107-823, inclusive.

(9/11/75)

#### **107-821**

#### **Bonus provisions**

Bonuses which may be granted for #large-scale residential developments# under the provisions of Sections 78-32 (Bonus for Good Site Plan), 78-33 (Bonus for Common Open Space) or 78-35 (Special Bonus Provisions), may not be granted for #developments# which have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.

(9/11/75)

#### **107-822**

#### **Lot area restriction**

Authorizations or special permits granted within the #Special South Richmond Development District# pursuant to this Resolution shall be consistent in all cases with the provisions of Section 107-224 (Qualification of designated open space as lot area for bulk computations).

(2/2/11)

**107-823**

**Common open space**

Approval by the City Planning Commission of a development plan incorporating #designated open space# as common #open space# shall be conditioned upon the findings required in Section 78-52 (Common Open Space), except that the Commission may waive or modify any requirements of paragraph (g) of Section 78-52.

Notwithstanding any provision in Article VII, Chapter 8, or elsewhere in this Zoning Resolution, if the City of New York acquires title or a less than fee interest in any #designated open space# which serves as required #open space# for a #development# and the acquisition occurs while the #development# is under construction or after it is completed, it shall not affect the area's qualifications for satisfying #open space# requirements for #zoning lots# in the #development#.

(9/11/75)

**107-83**

**Modification of Minimum Required Lot Area for Residences**

Modification of minimum required #lot area# for #residences# as set forth in Section 107-42 may be granted by the City Planning Commission, pursuant to Section 78-311, paragraph (c).

(9/11/75)

**107-84**

**Joint Applications**

Notwithstanding the provisions of Section 78-06 (Ownership), a tract of land which includes #designated open space# and which is the subject of an application under the provisions of Section 107-81 (Applicability of Large-Scale Residential Development Regulations), may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

(9/11/75)

**107-90**

**SPECIAL ADMINISTRATIVE PROVISIONS**

(2/2/11)

**107-91**

**Inter-agency Coordination**

Where an authorization or permit for a #site alteration# or

#development# is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Department of Transportation or Department of Buildings for land contour work, or from the Department of Environmental Protection for a storm water drainage system for #buildings# or adjacent areas, or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development# or #site alteration# will best meet the purposes of the #Special South Richmond Development District#. Applications for any required permit or authorization shall be filed simultaneously with each agency from which the permit or authorization is required.

(9/11/75)

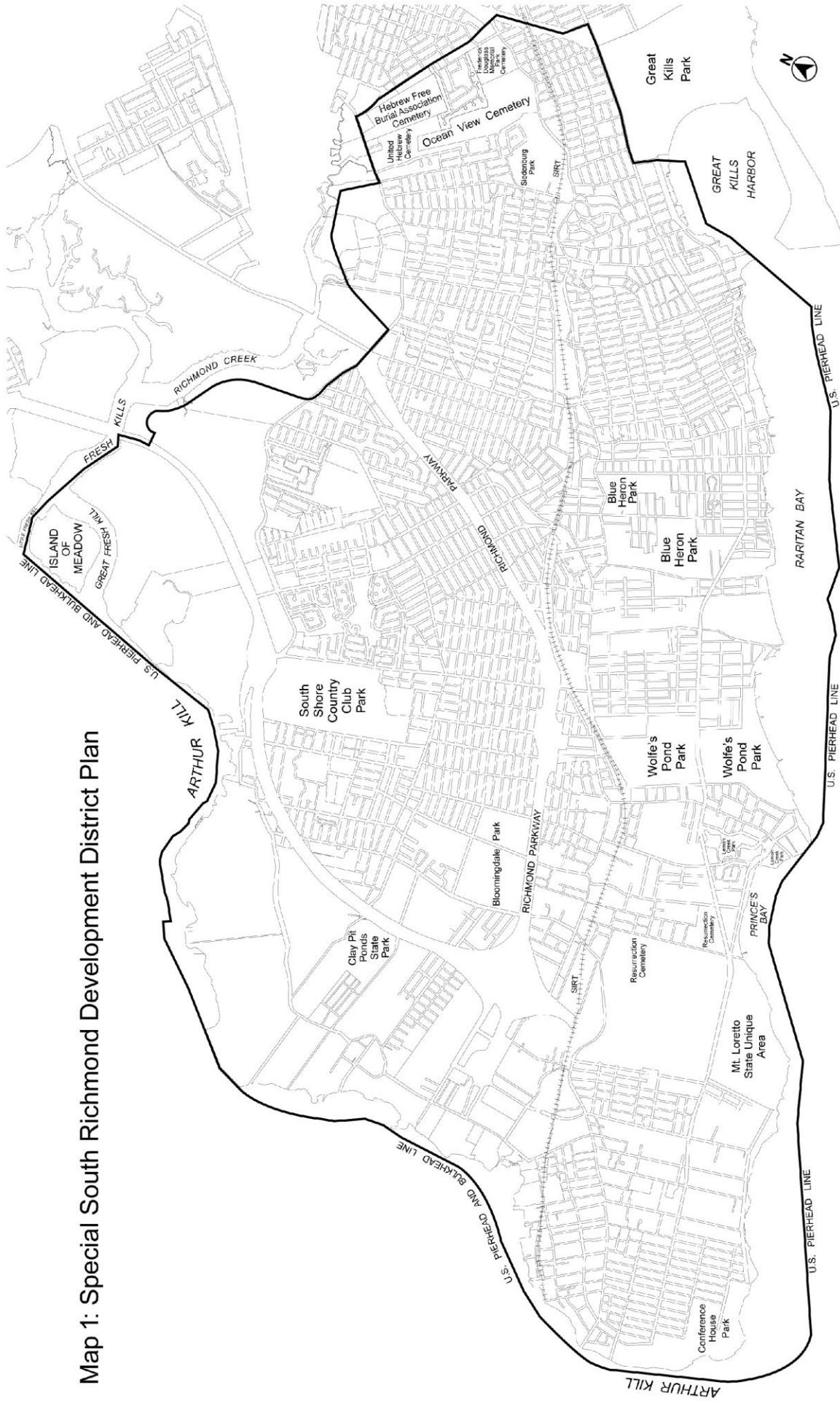
**107-92**  
**Recordation**

When any #yard# requirement of the applicable district regulations is modified by the City Planning Commission pursuant to Section 107-46 (Yard and Court Regulations), prior to the filing of an application for any permit with the Department of Buildings, there shall be recorded in the Office of the County Clerk, County of Richmond, and indexed against such #zoning lots# to be #developed# as a unit, an instrument describing all conditions and restrictions required by the Commission for the #development# and #use# of such #zoning lots#. Recordation of instruments may be required in connection with any other zoning application hereunder. A certified copy of such instrument shall be submitted to the City Planning Commission upon recordation thereof.

The following South Richmond Special District Plan, individual District Plan Maps and Tree Selection Tables are incorporated as Appendices A and B of this Chapter.

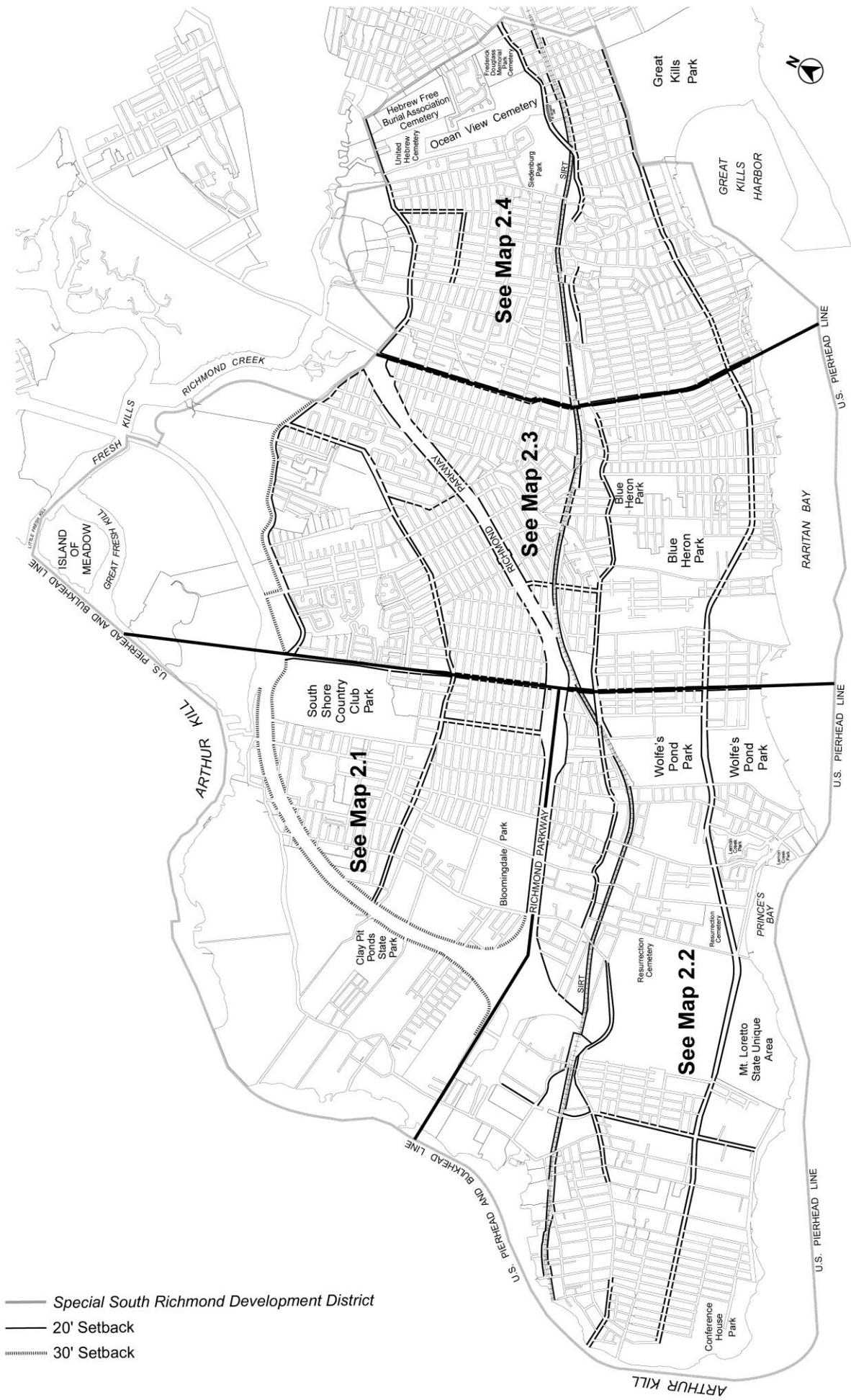
Appendix A  
Special South Richmond Development District Plan

Map 1 - District Plan (9/11/75)



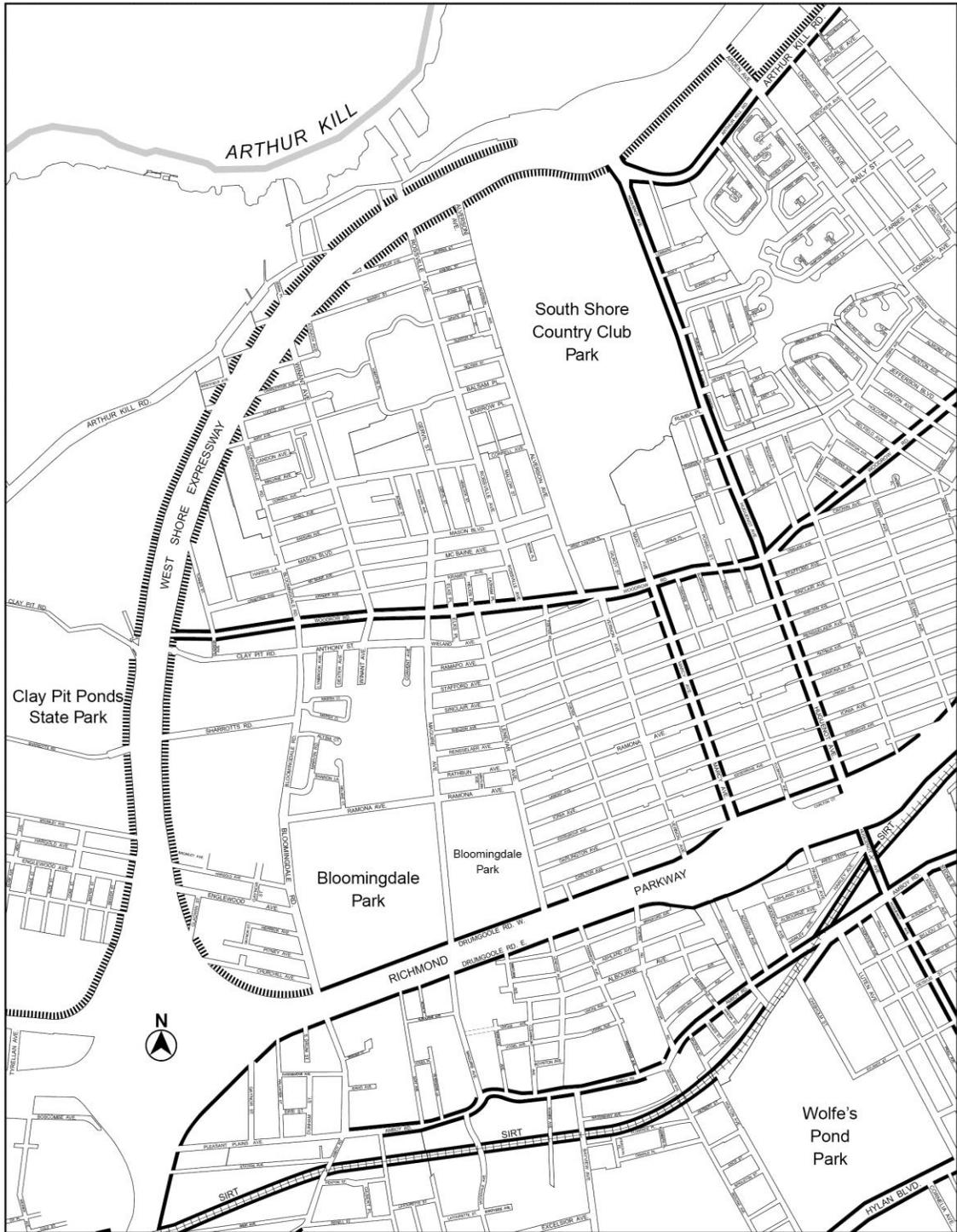
Map 1: Special South Richmond Development District Plan

Map 2 - Arterial Setback Plan (2/3/10)

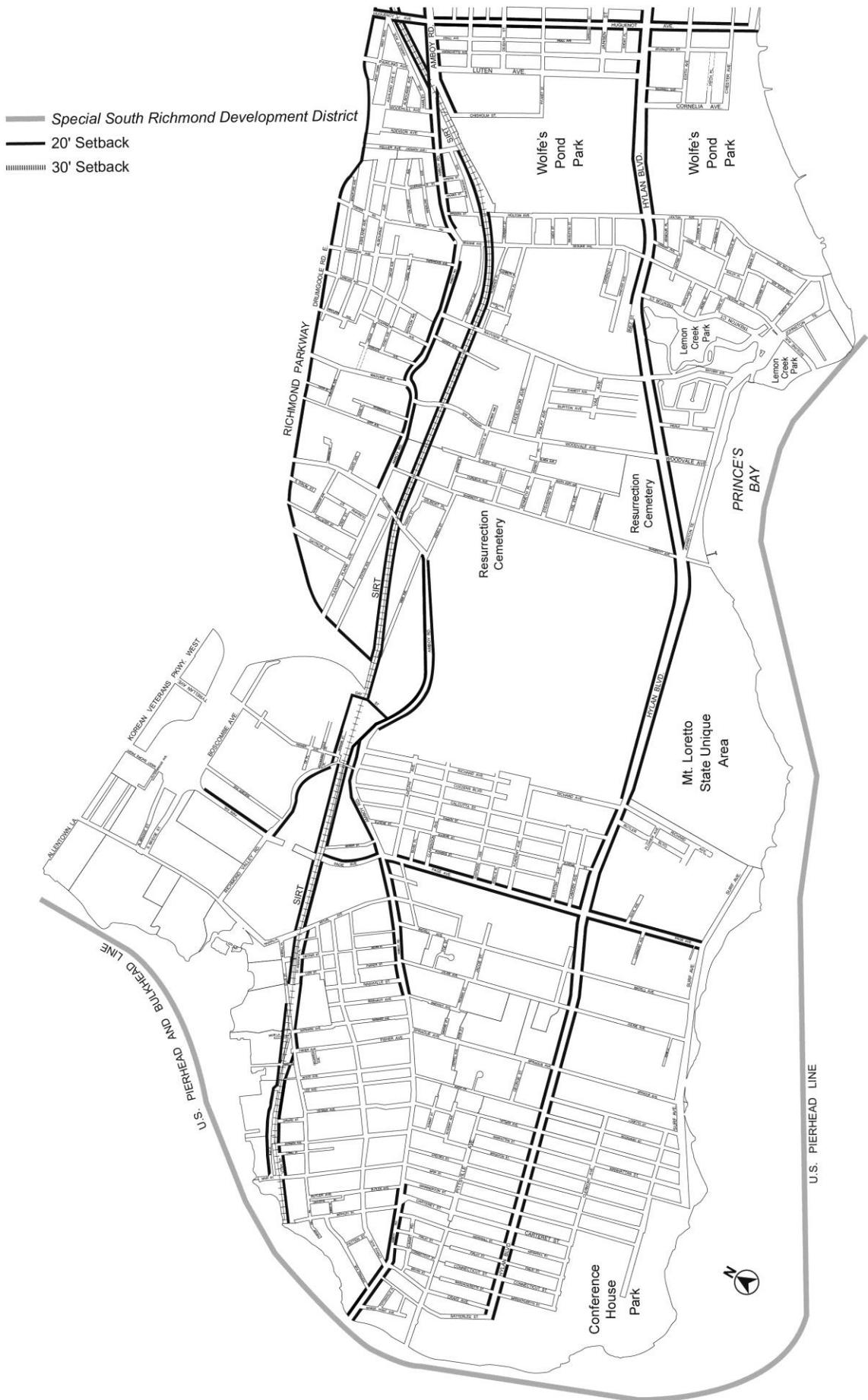


# Map 2.1 - Arterial Setback Plan

- Special South Richmond Development District
- 20' Setback
- 30' Setback



# Map 2.2 - Arterial Setback Plan



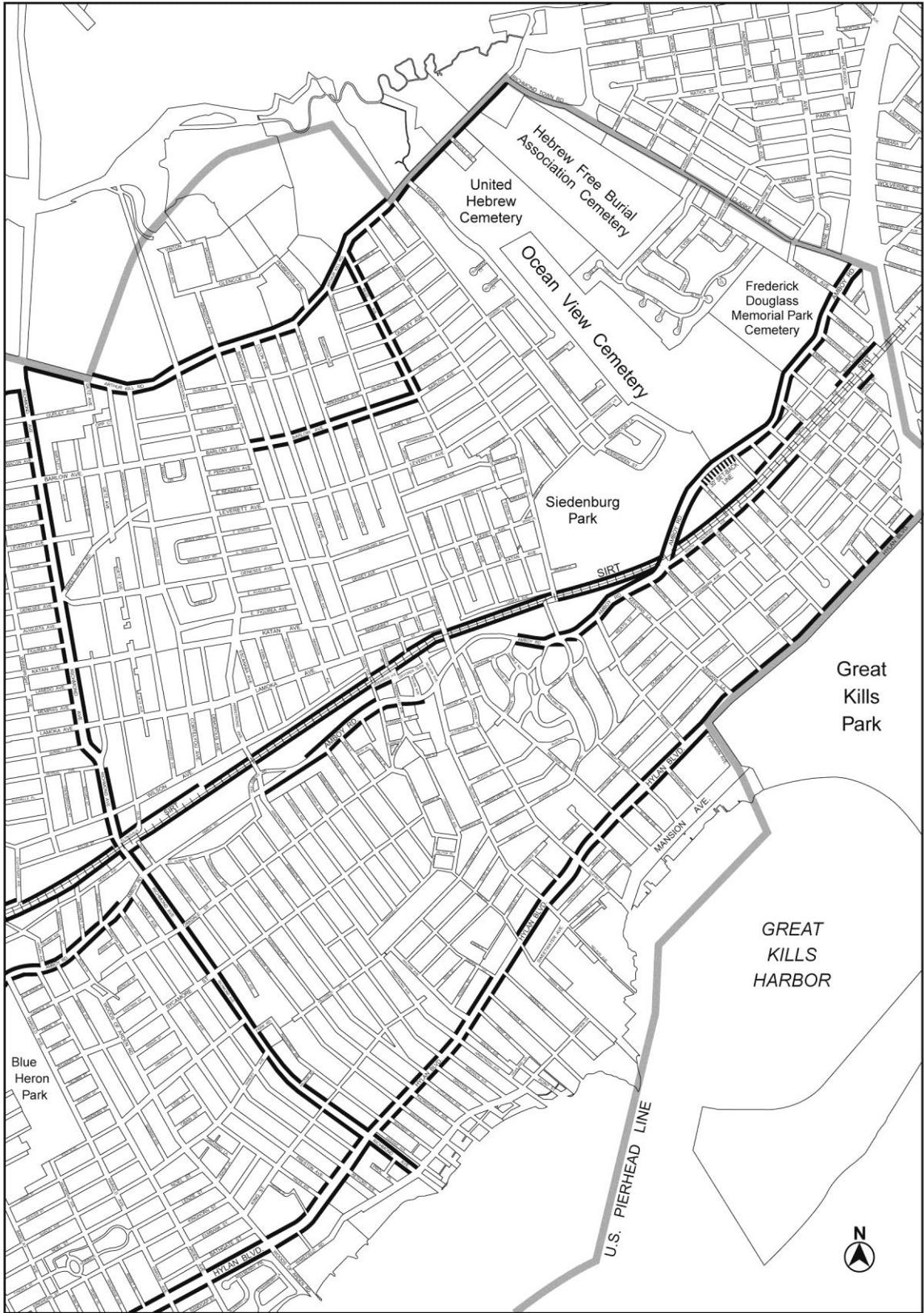
Map 2.3 - Arterial Setback Plan (2/3/10)

- Special South Richmond Development District
- 20' Setback
- ▤ 30' Setback

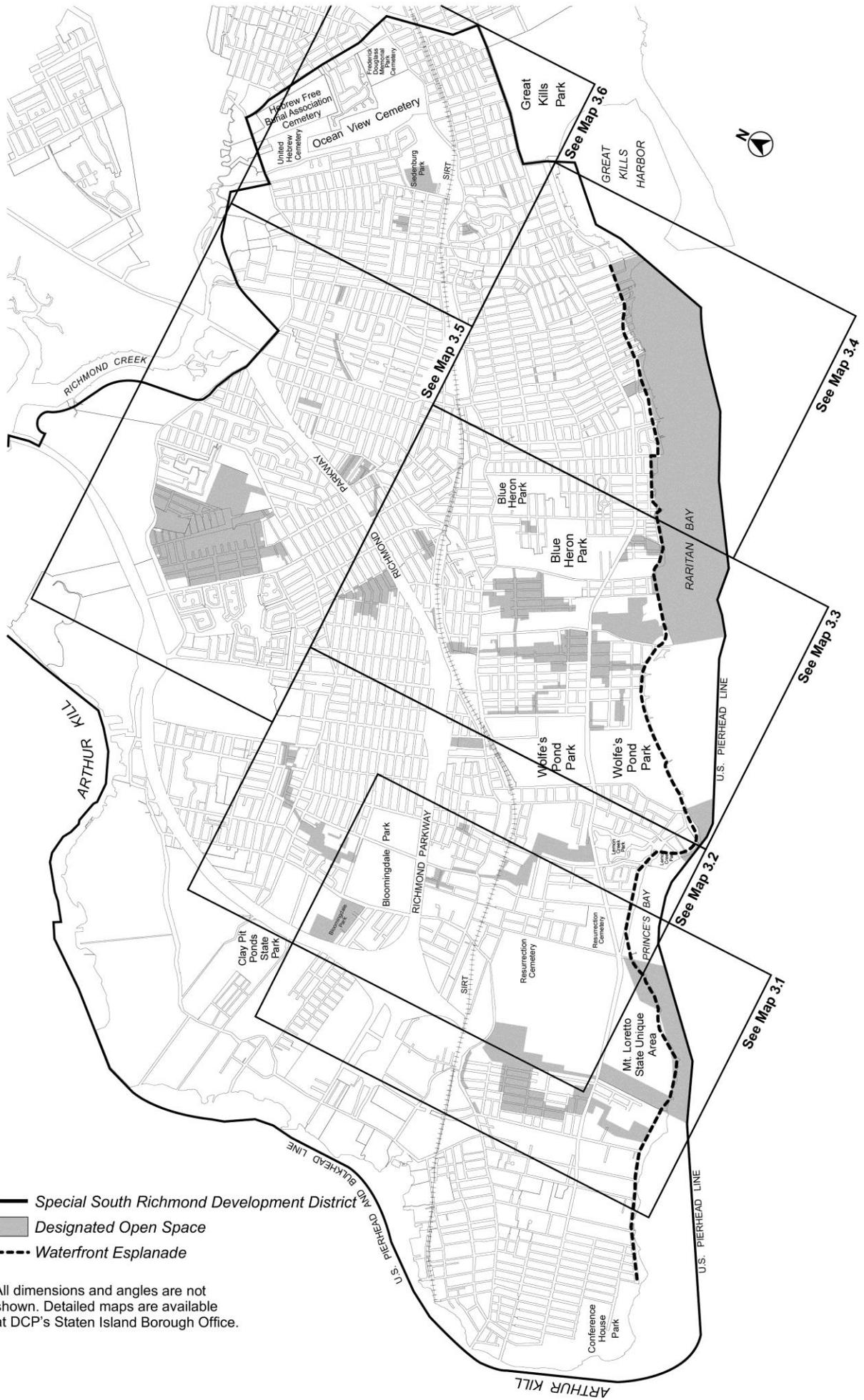


Map 2.4 - Arterial Setback Plan (6/13/12)

- Special South Richmond Development District
- 20' Setback
- ▤ 30' Setback



**Map 3 - Open Space Network (1/19/16)**

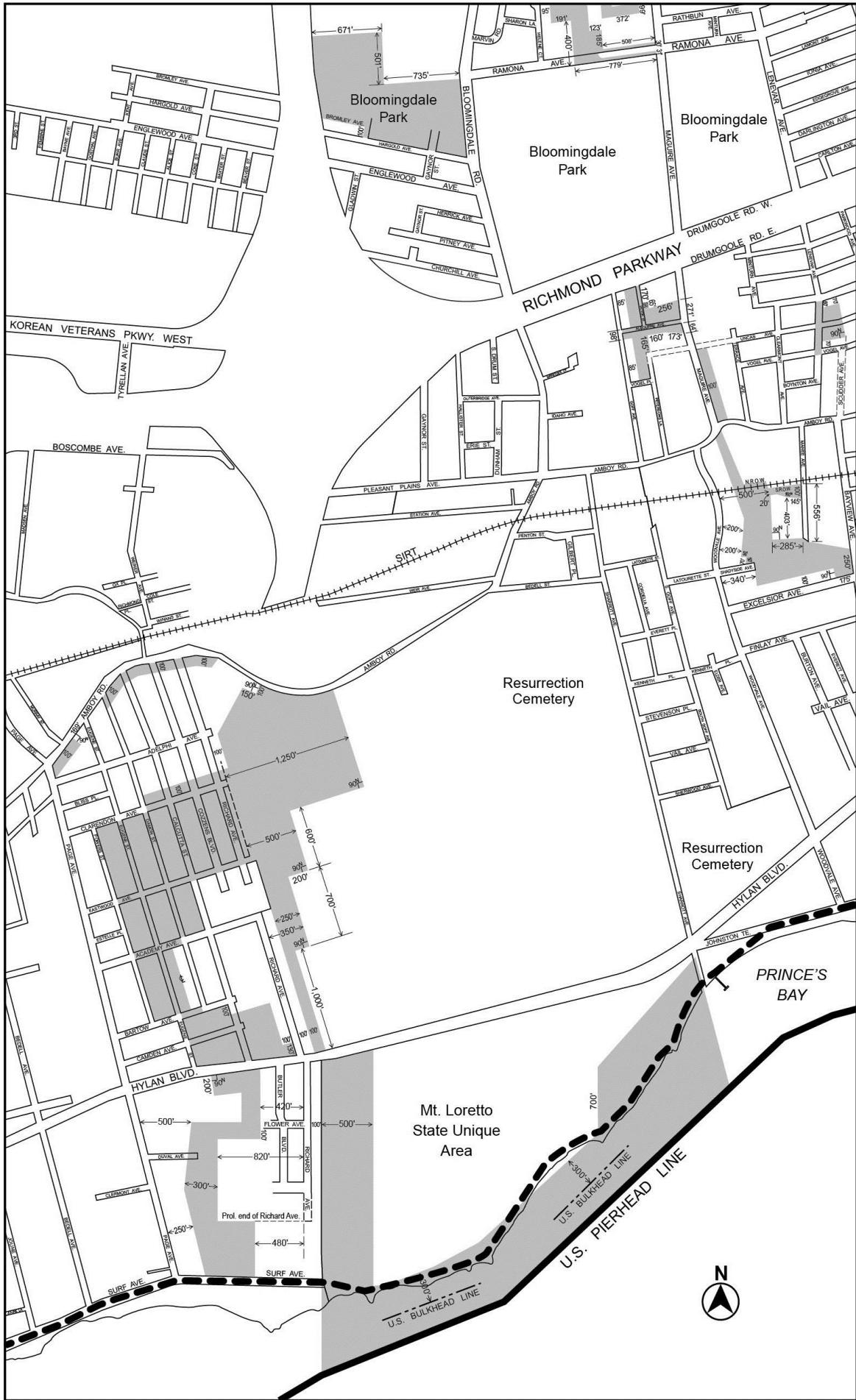


-  Special South Richmond Development District
-  Designated Open Space
-  Waterfront Esplanade

\*All dimensions and angles are not shown. Detailed maps are available at DCP's Staten Island Borough Office.

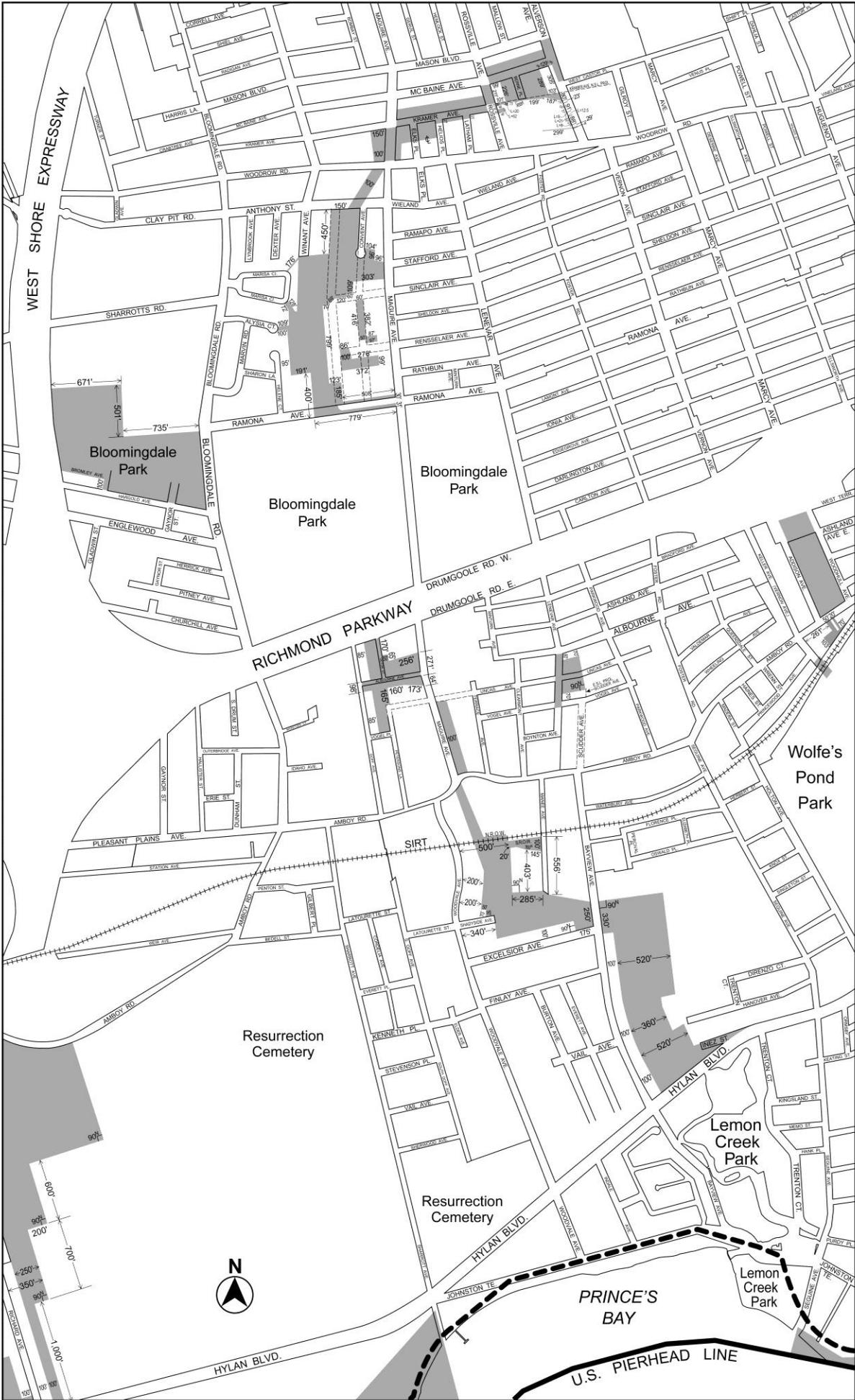
Map 3.1 - Open Space Network

-  Special South Richmond Development District
-  Designated Open Space
-  Waterfront Esplanade



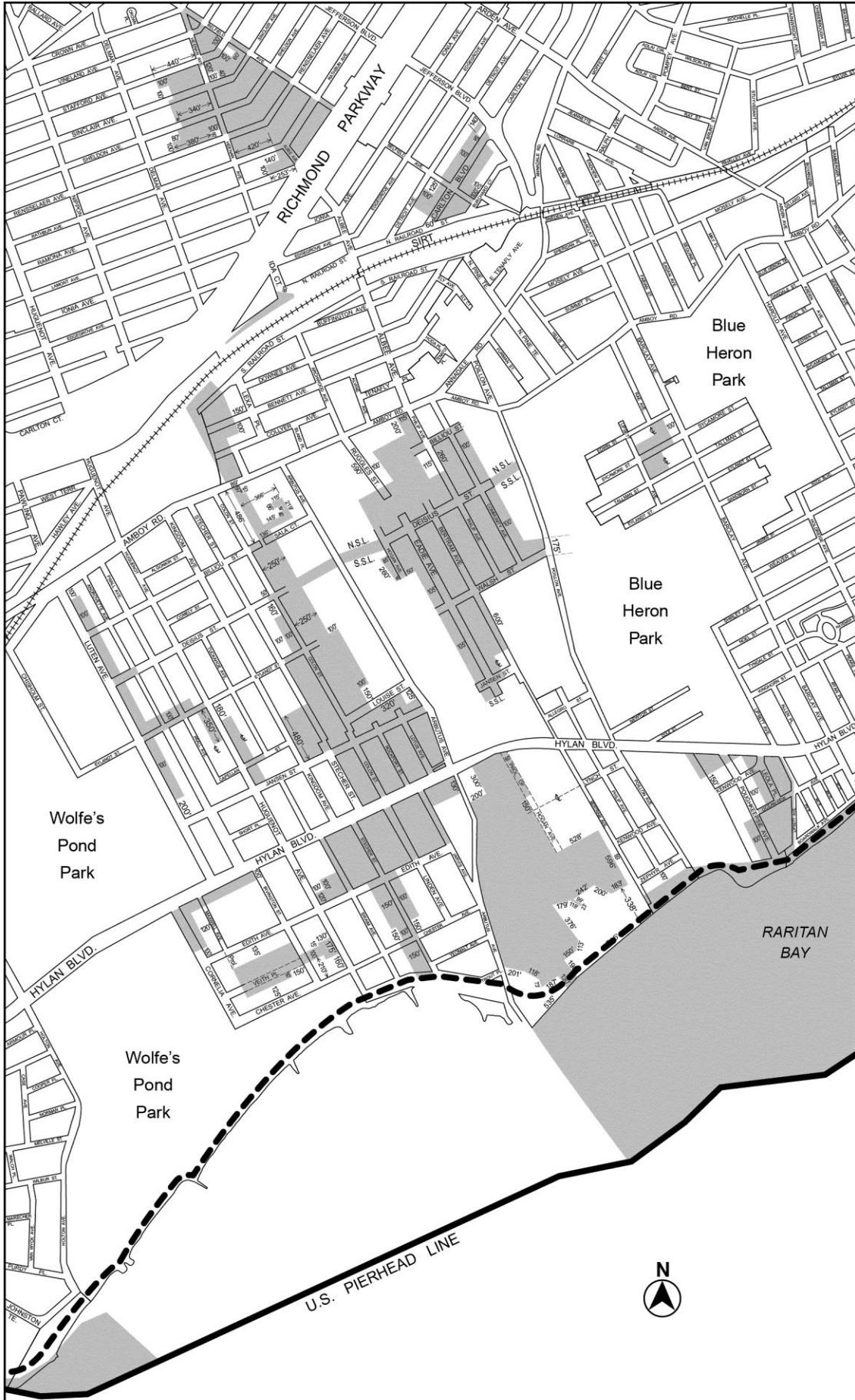
Map 3.2 - Open Space Network (6/29/11)

-  Special South Richmond Development District
-  Designated Open Space
-  Waterfront Esplanade



Map 3.3 - Open Space Network

- Special South Richmond Development District
- Designated Open Space
- - - Waterfront Esplanade



Map 3.4 - Open Space Network (7/29/92)

- Special South Richmond Development District
- Designated Open Space
- - - Waterfront Esplanade



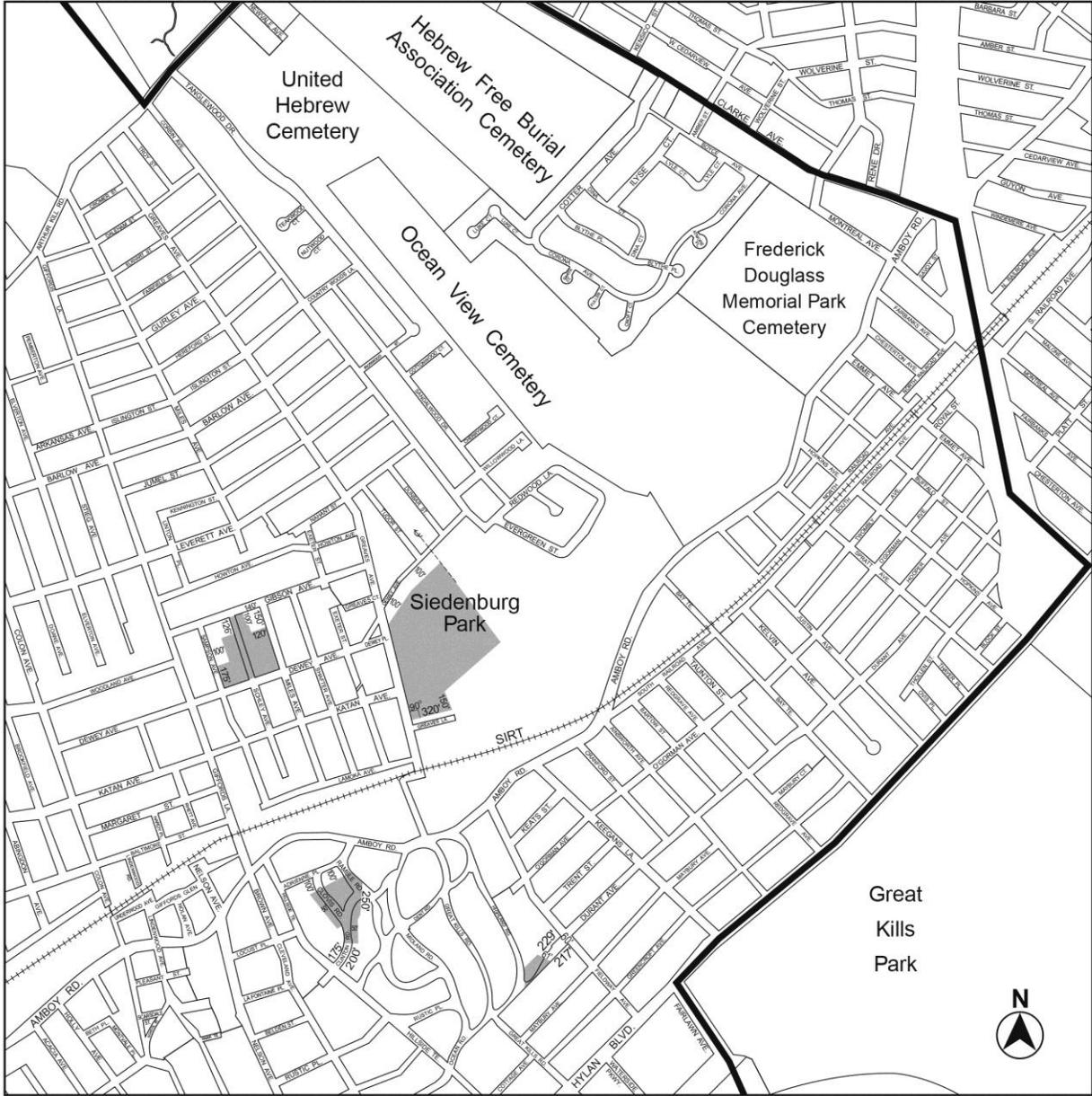
Map 3.5 - Open Space Network (10/22/81)

- Special South Richmond Development District
- Designated Open Space



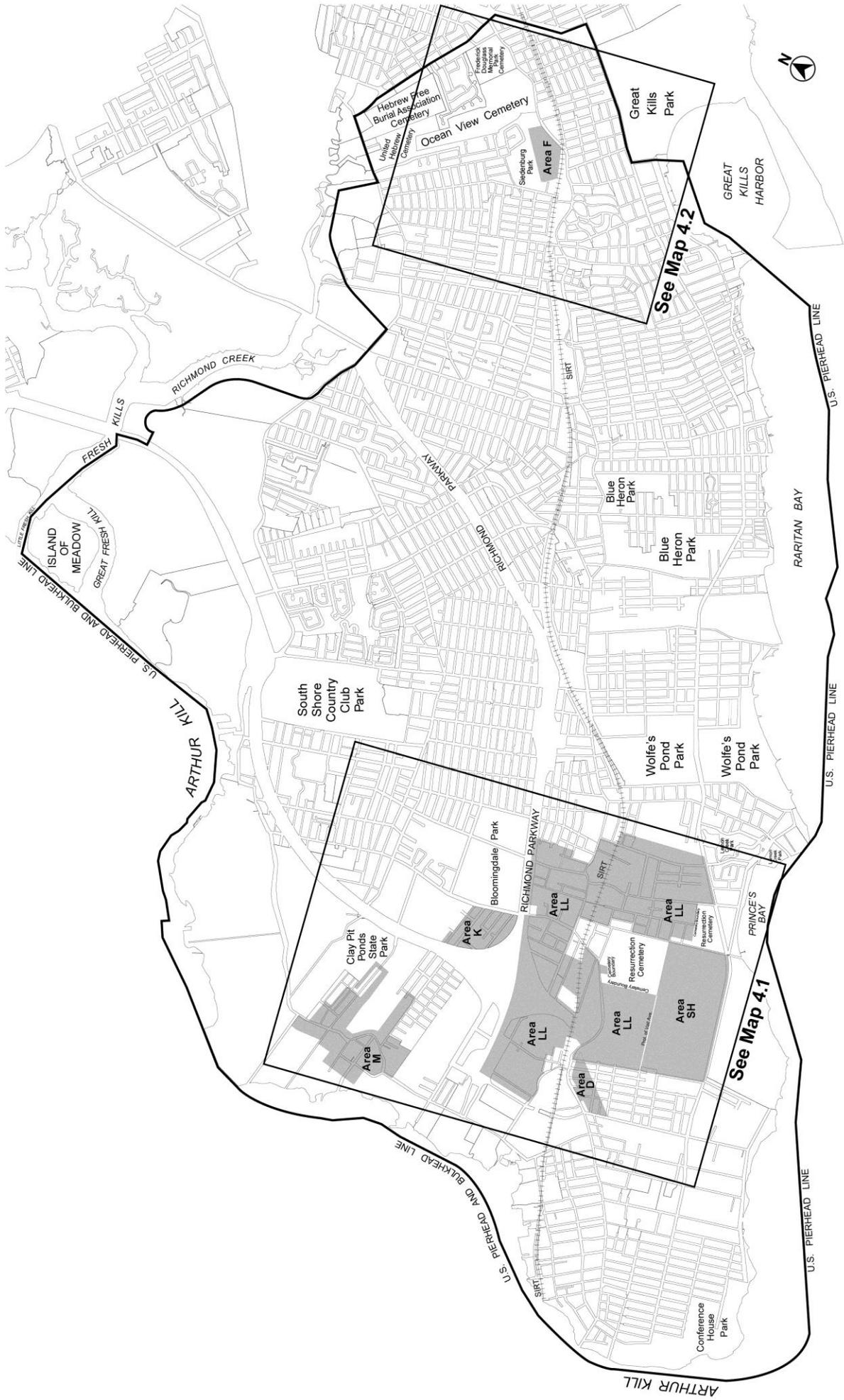
Map 3.6 - Open Space Network (1/19/16)

- Special South Richmond Development District
- Designated Open Space



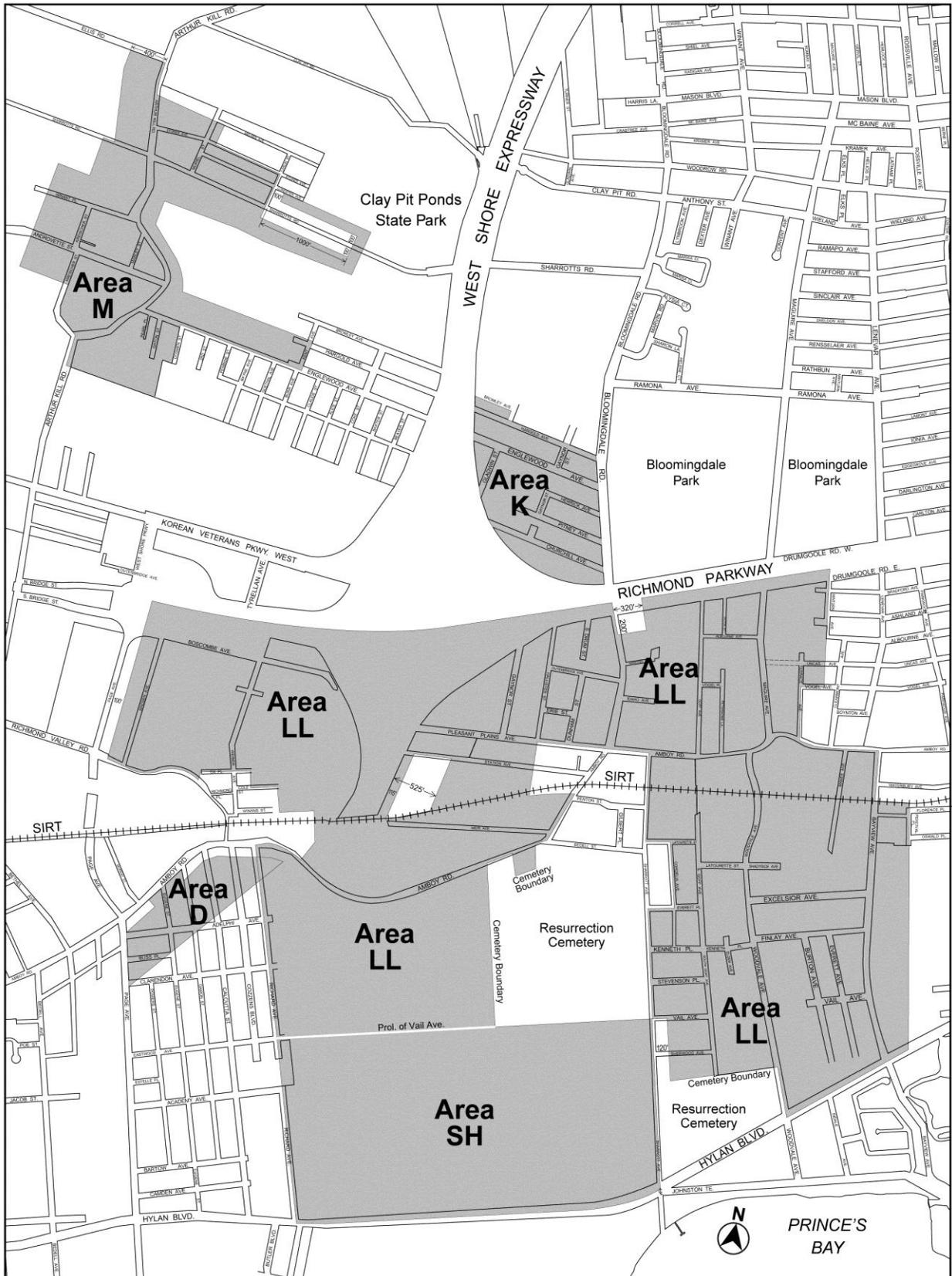
**Map 4 - Special Areas (11/15/06)**

-  Special South Richmond Development District
-  Special Areas- D, F, K, M  
Large Lot (LL), Senior Housing (SH)



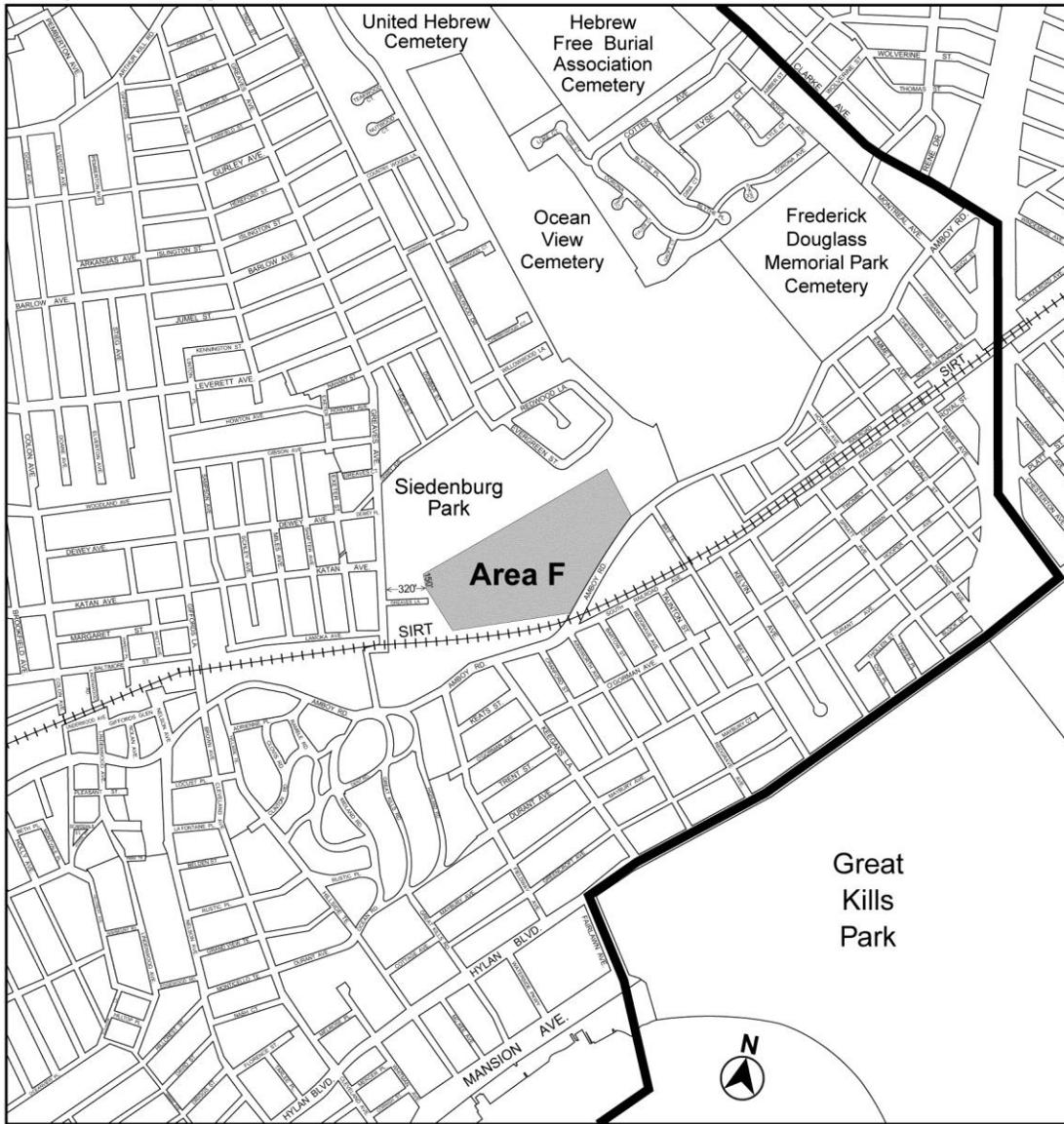
Map 4.1 - Special Areas D, K, LL, M and SH (11/15/06)

Map 4.1: Special Areas D, K, LL, M and SH



Map 4.2 - Special Area F

Map 4.2: Special Area F



(9/11/75)

**Appendix B  
Tree Selection Tables**

Small Trees, 12 - 35 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screening	Setback	Park Street	Replacement
Crab Apple (Malus)		x	x				x
Carolina Silver Bell (Halesia Carolina)		x	x				
Flowering Cherry (Prunus)	x	x	x		x	x	x
Flowering Dogwood (Cornus Florida)		x	x		x	x	x
Golden Rain Tree (Koelreuteria Panieulata)	x	x	x			x	x
Hawthorne (Crataegus)		x	x		x		
Hedge Maple (Acer Compestre)		x	x	x	x	x	x
Japanese Maple (Acer Palmatum)		x	x		x		
Mulberry (Morus Alba Tatarica)		x	x			x	
Russian Olive (Elaeagnus Augustifolia)	x	x	x				
Saucer Magnolia (Magnolia Soulangeana)		x	x	x	x	x	x

Small Trees, 12 - 35 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Characteristics
Crab Apple (Malus)	round	dense	moderate growth rate, easily transplanted, no maintenance	litters, needs full sun	flowering fruit, fall color: yellow orange
Carolina Silver Bell (Halesia Carolina)	round	light	withstands insects	requires well drained soil, requires moist soil	flowers, fall color
Flowering Cherry	round	light	tolerant of	short lived	flowering

(Prunus)			shade		
Flowering Dogwood (Cornus Florida)	spreading	light	moderate growth rate, easily transplanted, no maintenance	needs wind protection, requires well drained soil	flowers, red fall color
Golden Rain Tree (Koelreuteria Paniculata)	round	dense	all soils, rapid growth rate, tolerates city, easily transplanted	requires sun	flowers
Hawthorne (Crataegus)	round	dense	easily transplanted	needs pruning, thorns, intolerate of pests, slow growth	fall color: bronze, red
Hedge Maple (Acer Compestre)	round	dense	all soils, tolerates city	requires well drained soil	fall color
Japanese Maple (Acer Palmatum)	round	dense	no maintenance	slow growth rate, difficult to transplant	red fall color
Mulberry (Morus Alba Tatarica)	round	dense	all soils, rapid growth rate	litters, needs wind protection, needs pruning	fruit
Russian Olive (Elaeagnus Augustifolia)	spreading	light	withstands insects, grows in dry soil	requires sun	flowers
Saucer Magnolia (Magnolia Soulangeana)	round	dense	moderate growth rate, easily transplanted, tolerates city	requires well drained soil, requires rich moist soil, needs sun	flowers, bronze fall color

Medium Trees, 35 - 75 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen-ing	Setback	Park Street	Replacement
American Yellow Wood (Cladrastis lutea)		x	x				
Ash Green (Froxinus pennsylvatica lanceolata)	x	x	x	x	x	x	x
Bradford Pear (Pyrus calleryana)	x	x	x			x	x
Chinese Chestnut (Castanca mellissima)		x	x		x	x	x
Cork Tree, Amur (Phellodendran amurense)	x	x	x				

Elm, Smooth Leaf (Ulmus carpinitolia)	x	x	x	x	x	x	
Elm, Chinese (Ulmus parvifolia)		x	x			x	
Elm, Siberian (Ulmus pumila)		x	x			x	
European Beech (Fagus sylvatica)				x			x
European Hornbeam (Carpinus betulus)		x	x			x	
Honey Locust (Gleditsia triacanthas)							
Katsura (Cercidiphyllum iaponicum)	x	x	x		x	x	
Little Leaf Linden (Tilia cordata)	x	x	x		x	x	x
Maple-Norway (Acer platanoides)		x	x			x	x
Maple-Red (Acer rubrum)	x	x	x	x	x	x	x
Oak-Willow (Quercus phellas)	x		x				x
Poplar-Lombardi (Papulus italica migra)		x	x	x	x	x	x
Zelkova, Japanese (Zelkovaserrata)	x						x

Medium Trees, 35 - 75 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Characteristics
American Yellow Wood (Cladrastis lutea)	round	dense	withstands insects	spreading shallow roots, difficult to transplant	flowers, yellow fall color
Ash Green (Froxinus pennsylvatica lanceolata)	round	dense	all soils, rapid growth rate, wind resistant	low insect resistance	fall color
Bradford Pear (Pyrus calleryana)	pyramidal	dense	tolerates city, withstands fire blight	needs pruning	flowers, fall color: bronze/red
Chinese Chestnut (Castanca mellissima)	spreading round	dense	rapid growth rate withstands insects	requires well drained soil	fruit, fall colors
Cork Tree, Amur (Phellodendran	round	light	rapid growth rate,	litters	fruit, fall

amurense)			tolerates city, easily transplanted		color: yellow
Elm, Smooth Leaf (Ulmus carpinitolia)	round	dense	rapid growth rate, withstands insects	blight	
Elm, Chinese (Ulmus parvifolia)	round-oval	dense	rapid growth rate, withstands insects	blight	
Elm, Siberian (Ulmus pumila)	round	light	all soils, rapid growth rate, withstands insects	blight	
European Beech (Fagus sylvatica)	pyramidal	dense	easily transplanted use as hedge if pruned	slow growth rate, requires well drained soil	fall color: bronze
European Hornbeam (Carpinus betulus)	round	dense	all soils, withstands insects	slow growth rate, requires sun	fruit, fall color
Honey Locust (Gleditsia triacanthas)	open-headed	light	moderate growth rate, tolerates city, all soils	litters, needs sun	fall color: pale yellow
Katsura (Cercidiphyllum japonicum)	round	dense	no maintenance rapid growth rate, disease free	prefers open sunny site	fall color: yellow some scarlet or purple
Little Leaf Linden (Tilia cordata)	oval-pyramidal	dense	withstands insects, tolerates city, easily transplanted	needs maintenance, slow growth rate	fall color: pale yellow
Maple-Norway (Acer platanoides)	columnar	dense	tolerates city, rapid growth rate, easily transplanted no maintenance	surface roots	fall color: yellow
Maple-Red (Acer rubrum)	round	dense	rapid growth rate, easily transplanted resists disease	litters	fall color: scarlet/orange yellow
Oak-Willow (Quercus phellas)	pyramidal-spreading	dense	rapid growth rate, easily transplanted	prefers moist soil, can't withstand cold winter	fall color: yellow
Poplar-Lombardi (Papulus italica migra)	fastigiata	light-dense	easily transplanted rapid growth rate	short lived, needs maintenance, roots pry open sewers	fall color: yellow
Zelkova, Japanese (Zelkovaserrata)		dense	all soils, rapid growth rate		

Large Trees, 75 feet or more at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen-ing	Setback	Park Street	Replacement
American Beech (Fagus grandifolia)		x	x			x	x
Black Gum (Sour Gum) (Nyssa sylvatica)		x	x				
Cucumber Tree (Magnolia acuminata)		x	x				
European White Birch (Betula pendula)		x	x			x	x
Ginkgo (Ginkgo biloba)	x	x	x	x	x	x	x
Japanese Pagoda (Sophora japonica)	x	x	x				x
Kentucky Coffee Tree (Gymnocladus dioica)		x	x	x	x	x	x
Linden, Silver (Tilia petiolaris)	x	x	x		x		x
Locust - Black (Robinia pseudoacacia)		x	x		x	x	
Maple - Silver (Acer saccharinum)		x	x			x	x
Maple - Sugar (Acer saccharum)		x	x			x	x
Oak - Pin (Quercus palustris)		x	x		x	x	x
Oak - Red (Quercus borealis)	x	x	x		x	x	x
Oak - White (Quercus alba)		x	x				
Sweetgum	x	x	x	x		x	
Sycamore - London Plane (Platanus Acerifolia)	x	x	x	x	x	x	x
Tulip Tree (Liriodendron-tulipifera)		x	x			x	x
Blue Atlas Cedar (Cedrus atlantica glauca)		x	x	x	x		x

Douglas Fir (Pseudotsuga menziesii)		x	x	x	x		x
Eastern White Pine (Pinus strobus)			x	x	x		x

Large Trees, 75 feet or taller at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Characteristics
American Beech (Fagus grandifolia)	round	dense	hedge use if pruned, wind resistant, easily transplanted	slow growth rate, shallow roots	fall color: bronze
Black Gum (Sour Gum) (Nyssa sylvatica)	pyramidal	dense	withstands insects, moderate growth rate no maintenance	difficult to transplant	fall color: scarlet/ orange
Cucumber Tree (Magnolia acuminata)	pyramidal (varies)	dense	withstands insects, rapid growth rate, grows in partial shade/sun		flowers
European White Birch (Betula perdula)	pyramidal	light	easily transplanted rapid growth rate withstands insects	needs protection, prefers cold climate	fall color: yellow
Ginkgo (Ginko biloba)	columnar pyramidal spreading	light	all soils, withstands insects, tolerates city, easily transplanted	slow growth rate, avoid female	fall color: pale yellow
Japanese Pagoda (Sophora japonica)	round- weeping	light	all soils, withstands insects, tolerates city, easily transplanted rapid growth rate	needs maintenance, requires sun	flowers, fall color: yellow
Kentucky Coffee Tree (Gymnocladus dioicus)	fastigiata	light	all soils, long life, withstands insects, long life	needs protection, requires sun, slow growth rate	
Linden, Silver (Tilia petiolaris)	fastigiata	dense	rapid growth rate, withstands heat & drought		fall color: pale yellow
Locust - Black (Robinia pseudoacacia)	columnar	light	all soils, tolerates city, rapid growth rate	susceptible to insects	flowers
Maple - Silver (Acer saccharinum)	fastigiata	dense	rapid growth rate, easily transplanted	brittlewood, needs maintenance	fall color: red/ yellow- orange
Maple - Sugar (Acer saccharum)	fastigiata	dense	easily transplanted long life	slow growth rate, little tolerance for city	fall color: scarlet/ yellow-

					orange
Oak - Pin ( <i>Quercus palustris</i> )	pyramidal	dense	all soils, withstands insects, rapid growth rate, easily transplanted	needs maintenance	fall color: scarlet
Oak - Red ( <i>Quercus borealis</i> )	oval	dense	tolerates city, grows faster than other oaks, easily transplanted		fall color: red
Oak - White ( <i>Quercus alba</i> )	round	dense	holds leaves in winter	slow growth rate, prefers dry soil	
Sweetgum	pyramidal	dense	moderate growth rate, withstands insects	difficult to transplant	flowers, fall color
Sycamore - London Plane ( <i>Platanus Acerifolia</i> )	round- spreading	light- dense	all soils, tolerates city, easily transplanted rapid growth rate	overplanted in NYC, susceptible to fungus	
Tulip Tree ( <i>Liriodendron- tuliptera</i> )	pyramidal		withstands insects	requires well drained soil	flowers, fall color
Blue Atlas Cedar ( <i>Cedrus altantica glauca</i> )	pyramidal	evergreen	moderate growth rate, easily transplanted no maintenance		
Douglas Fir ( <i>Pseudotsuga menziesii</i> )	pyramidal	evergreen	easily transplanted rapid growth rate	needs protection	
Eastern White Pine ( <i>Pinus strobus</i> )	pyramidal	evergreen	easily transplanted rapid growth rate	requires well drained soil	