

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Marisa Lago, Chair

## Article X: Special Purpose Districts Chapter 9: Special Little Italy District

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(2/3/77)

## **Article X - Special Purpose Districts**

### **Chapter 9**

#### **Special Little Italy District**

(2/3/77)

#### **109-00**

##### **GENERAL PURPOSES**

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

- (a) to preserve and strengthen the historical and cultural character of the community;
- (b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;
- (c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
- (d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;
- (e) to provide amenities, such as public open space, and street trees, to improve the physical environment;
- (f) to discourage the demolition of noteworthy buildings which are significant to the character of the area; and
- (g) to promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the foregoing purposes.

(2/2/11)

## **109-01**

### **Definitions**

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) or Section 109-01 (Definitions).

Open recreation space

"Open recreation space" is that part of a #zoning lot#, including #courts#, #yards# and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 109-14, 109-34 and 109-42.

(3/22/16)

## **109-02**

### **General Provisions**

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections 23-15, 23-20 and 33-13 are made inapplicable.

The use of the public #streets# and sidewalks for the maintenance of #sidewalk cafes#, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.

Within the Special District, in accordance with a comprehensive survey of its structures, #buildings# of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such #buildings# are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such #buildings# shall not be demolished or have their external architectural features altered except as set forth in Section 109-52 (Special Permit Provisions). No demolition permit or alteration permit for alterations which may affect the

exterior of such #buildings# shall be issued by the Department of Buildings for any such #building# except as permitted by the City Planning Commission pursuant to Section 109-52 (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

(2/3/77)

### **109-03**

#### **District Map**

The District Map for the #Special Little Italy District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Little Italy District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

- Area A      PRESERVATION AREA (Section 109-10)
- Area A1     MULBERRY STREET REGIONAL SPINE (Section 109-20)
- Area B      HOUSTON STREET CORRIDOR (Section 109-30)
- Area C      BOWERY, CANAL, KENMARE STREET CORRIDOR (Section 109-40)

The District Map in Appendix A of this Chapter is hereby incorporated as an integral part of the #Special Little Italy District#.

(2/3/77)

### **109-04**

#### **Zoning Lots Located in More Than One Area**

Whenever a #zoning lot# is divided by the boundaries of an area as created by Section 109-03 (District Map) and as indicated on the District Map in Appendix A, the #zoning lot# shall be subject to the regulations of the area in which the greater portion of its frontage lies except that, in the case of any #zoning lot# having 15 feet or more frontage within Area A1 (Mulberry Street Regional Spine), the regulations of Area A1 shall apply to such #zoning lot#.

(2/2/11)

**109-10**

**PRESERVATION AREA (Area A)**

The provisions of this Section 109-10, inclusive, shall apply within Area A (Preservation Area) as shown on the District Map in Appendix A.

(2/3/77)

**109-11**

**Special Use Regulations**

(2/2/11)

**109-111**

**Special regulations for existing commercial or manufacturing uses**

The continuation, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area A shall be governed by the underlying district #use# regulations.

(2/2/11)

**109-112**

**Special use regulations for developments**

For any #building# or portion of a #building developed# or #enlarged# after February 3, 1977, within Area A, #uses# listed in the underlying district regulations are permitted except that such #uses# shall not include those listed in Use Groups 6D, 8C, 10, and 12D, unless authorized by the City Planning Commission pursuant to Section 109-514 (Modifications by authorization).

(2/3/77)

**109-12**

**Bulk Regulations**

(2/2/11)

**109-121**

**Floor area regulations**

Within Area A, the maximum #floor area ratio# for a #zoning lot# shall not exceed the following:

Lot Type	Maximum Permitted #Floor Area Ratio#
#Corner lots#	4.8
#Interior# or #through lots#	4.1

(3/22/16)

**109-122**

**Lot coverage, through lot and rear yard regulations**

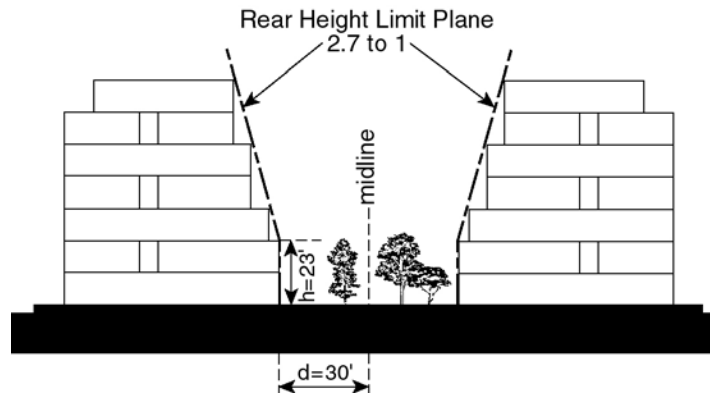
Within Area A, the maximum #lot coverage# for a #zoning lot# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	100
#Interior lot#	60
#Through lot#, except as provided below	60

However, when a #through lot# is #developed# with more than one #building#, the maximum #lot coverage# on such #through lot# may be increased from 60 percent to 70 percent, provided that no portion of any #building# on such #zoning lot# penetrates the "Rear Height Limit Plane," as set forth in this Section. The Rear Height Limit Plane shall begin at a point 23 feet above #curb level# and shall be located 30 feet away from, and on both sides of, the line equidistant from the two #street lines#. The slope of the Rear Height Limit Plane shall be 2.7 feet vertical to 1

foot horizontal.

All #buildings developed# after February 3, 1977, shall have a #rear yard# with a depth of not less than 30 feet.



REAR HEIGHT LIMIT PLANE

(7/26/01)

### 109-123

#### Floor area per room regulations

For the purposes of this Chapter, the density requirements of Sections 23-22, 23-24 or 35-40 shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.

(2/2/11)

### 109-124

#### Height and setback regulations

The maximum height of any #building or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning Commission pursuant to Section 109-514.

However, the provisions of this Section shall not apply to #enlargements# if, prior to February 2, 2011, a building permit

has been lawfully issued authorizing such construction.

(2/3/77)

**109-13**  
**Special Front Wall Regulations**

(2/2/11)

**109-131**  
**Building facades**

The front #building# wall of any #building# shall extend along the full length of its #front lot line# not occupied by existing #buildings# to remain and shall rise without setback up to a height of six #stories# or 65 feet, or the height of the #building#, whichever is less. Above that height, the front #building# wall shall set back at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#. The exterior #building# materials of the front wall shall be predominantly of masonry.

(2/2/11)

**109-132**  
**Treatment of the ground level wall**

For #buildings developed# after February 3, 1977, and for #buildings enlarged# on the ground floor level after February 3, 1977, at least 25 percent of the total surface area of the entire front wall of a #development# or the #enlarged# portion, up to a height of 12 feet above #curb level# or to the ceiling of the ground #story#, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet. In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent areas at



ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

(2/3/77)

#### **109-14**

#### **Open Recreation Space and Landscaping Regulations**

(2/2/11)

#### **109-141**

#### **Open recreation space regulations**

For any #building# or portion of a #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable landscaped #open recreation space# accessible to the occupants of such #development# or #enlargement#. Such #open recreation space# may be accessible to the public.

Such #open recreation space# shall be located at the ground level and/or the roof level. However, if such #open recreation space# is located both at the ground level and at the roof level, not less than 40 percent may be located at either location. Such #open recreation space# shall be landscaped and properly maintained in accordance with the provisions of Section 109-142.

(2/2/11)

#### **109-142**

#### **Landscaping regulations**

The required #open recreation space#, as provided in Section 109-141, on a #zoning lot# containing a #development# or #enlargement# shall be landscaped and maintained in the following manner.

Ground level #open recreation space# shall:

(a) have a minimum dimension of 20 feet for a #development# and

10 feet for an #enlargement#, measured perpendicular to its perimeter;

- (b) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (c) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to the following standards:
  - (1) seating shall have a minimum depth of 16 inches; seating with backs at least 12 inches high shall have a minimum depth of 14 inches; seating 30 inches or more in depth shall count double provided there is access to both sides;
  - (2) seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements;
  - (3) the tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (c)(1) and (c)(2) of this Section;
  - (4) movable seating or chairs may be credited as 30 inches of linear seating per chair; and
  - (5) steps do not count toward the seating requirements;
- (d) have paved areas paved with unit pavers, such as bricks or quarry tiles, or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have a non-skid surface;
- (e) be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25 percent of the #open recreation space# area;
- (f) be planted with one tree of not less than three and one-half inch caliper for every 1,000 square feet or portion thereof of required #open recreation space#. Such trees shall be planted in at least 100 cubic feet of soil of at least 3 feet, 6 inches in depth;
- (g) have all mechanical equipment which is located at the same

elevation as the #open recreation space#, or on a wall of the #building# frontage upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly into the #open recreation space#; and

- (h) be maintained by the #building# owner who shall be responsible for the maintenance of the #open recreation space# including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#, pursuant to Section 109-14 (Open Recreation Space and Landscaping Regulations).

#Open recreation space# at roof level shall:

- (1) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# fronting upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly onto the #open recreation space#;
- (2) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to seating standards set forth for ground level #open recreation space#; and
- (3) be landscaped with shrubs, vines, flowers, ground cover and/or plants in planters over a minimum of 25 percent of the #open recreation space# area.

(2/2/11)

## **109-15**

### **Regulations for Rehabilitation or Conversion of Existing Buildings**

When #residential buildings# or #residential# portions of #mixed buildings# are rehabilitated, the density regulations of the underlying districts shall not apply. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# within the rehabilitated #residential building# or #residential# portion of a #mixed building#.

Furthermore, when a #non-residential building#, or portion thereof, is #converted# for #residential use#, the density regulations of the underlying districts shall not apply to that portion of the #building# containing #dwelling units#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# provided within the #converted building# or portion thereof.

(5/8/13)

#### **109-16**

##### **Parking Regulations**

No #accessory# off-street parking is permitted for any #development# or #enlargement# in Area A, except as set forth herein.

The City Planning Commission may allow #accessory# off-street parking facilities for any #development# or #enlargement# on a #zoning lot# pursuant to the applicable authorization or special permit in Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core).

(4/30/08)

#### **109-17**

##### **Mandatory Street Trees**

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups involving at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building# pursuant to the applicable articles of the Building Code of the City of New York, within Area A, shall provide trees in accordance with Section 26-41 (Street Tree Planting).

(2/3/77)

#### **109-20**

##### **MULBERRY STREET REGIONAL SPINE (AREA A1)**

The provisions set forth in Sections 109-10 through 109-16 (Preservation Area--Area A) are applicable within Area A1

(Mulberry Street Regional Spine) as shown on the District Plan (Appendix A), except as modified herein.

(2/2/11)

**109-21**  
**Use Regulations**

The provisions of Section 109-11 (Special Use Regulations) shall apply, except that in order to retain the existing retail character of the area, the ground floor of any #building# shall be limited to #uses# listed in Section 109-211 (Use Group LI). Any #street# frontage occupied by entrances to other #uses# such as #residential# lobbies shall be no wider than 25 feet. A change of #use# on the ground floor of a #building# shall be subject to the provisions of this Section.

(2/2/11)

**109-211**  
**Use Group LI**

Use Group LI comprises a group of specially selected #uses# to strengthen the existing #commercial# character of the area.

A. Convenience Retail Establishments

Bakeries

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments, limited to 2,500 square feet of #floor area# per establishment on the ground floor

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or less

Food stores, including supermarkets, grocery stores, meat markets, delicatessen stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Hardware stores

Package liquor stores

Post offices

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

B. Retail or Service Establishments

Antique stores

Appliance stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Art galleries

Artist supply stores

Bicycle sales and rental establishments

Book stores

Candy or ice cream stores

Carpet or rug stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 5,000 square feet of #floor area# per establishment

Clothing rental

Clubs, non-commercial, without restrictions on activities or facilities, limited to 2,500 square feet of #floor area# per

establishment on the ground floor

Dry goods or fabric stores, limited to 5,000 square feet on the ground floor

Florist shops

Furniture stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Furrier shops, custom

Gift shops

Interior decorating establishments, limited to 750 square feet of #floor area# per establishment on the ground floor

Jewelry or art metal craft shops

Leather goods, crafts or luggage stores

Locksmiths shops

\*Meeting halls, limited to 25-foot frontage

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Shoe stores

Stamp or coin stores

Telegraph offices

\*Theaters, limited to 25-foot frontage

Toy stores

Travel bureaus

Watch or clock stores or repair shops

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\* A change of #use# in a #building# constructed prior to February 3, 1977, which does not comply with the frontage requirements, is permitted provided the degree of #non-compliance# of the frontage is not increased

(2/3/77)

**109-22**  
**Bulk Regulations**

(2/2/11)

**109-221**  
**Floor area regulations**

Within Area A1, the maximum #floor area ratio# on a #zoning lot# shall not exceed the following:

	#Floor Area Ratio#	
#Use#	#Corner Lot#	#Through Lot# or #Interior Lot#
#Commercial#	5.1	4.5
#Community facility# or #residential#	4.1	3.5



The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building#, or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

(2/3/77)

#### **109-222**

##### **Lot coverage regulations**

The requirements set forth in Section 109-122 shall not apply to the ground floor portion of a #building#, provided that such portion contains only #commercial uses#, and provided that such portion is no more than 23 feet above #curb level#.

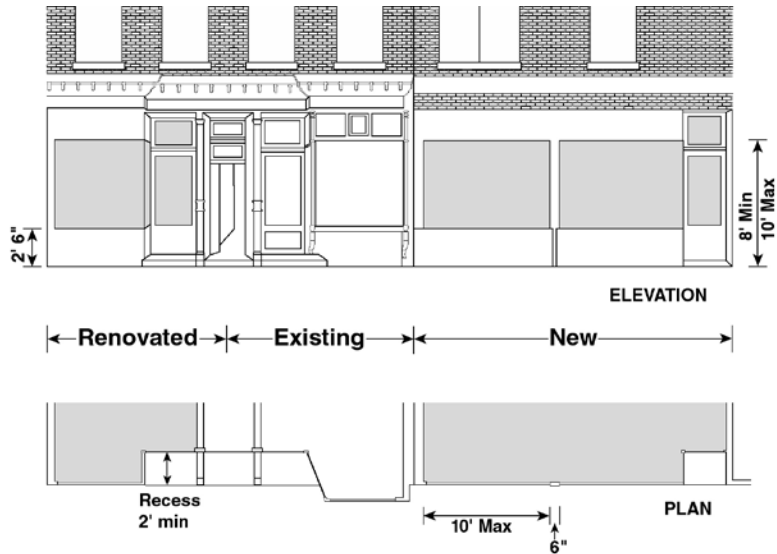
(2/2/11)

#### **109-23**

##### **Storefronts in New Buildings and Alterations of Existing Storefronts**

Storefronts in #buildings developed# after February 3, 1977, in portions of #buildings# located on the ground floor that are #enlarged# after February 3, 1977, and any existing storefronts that are altered, shall comply with the following standards:

- (a) #show windows# shall have a sill height of not more than 2 feet, 6 inches above #curb level# and extend to a maximum height of between 8 feet and 10 feet above #curb level#.
- (b) the storefront shall have transparent areas no more than 10 feet in width, measured horizontally, and which transparent areas shall be separated by a mullion of no less than six inches in width; and
- (c) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.



STOREFRONT ILLUSTRATION

(4/8/98)

**109-24  
Sign Regulations**

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

- (a) #signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;
- (b) all permitted #signs# which project from the front #building# wall shall be located not less than 10 feet above #curb level#; and
- (c) #signs# may not cover columns, cornices or sills.

(2/3/77)

**109-30  
HOUSTON STREET CORRIDOR (Area B)**

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

(2/3/77)

**109-31**  
**Special Use Regulations**

(2/3/77)

**109-311**  
**Special regulations for existing commercial or manufacturing uses**

The continuation, #enlargement#, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area B, shall be governed by the underlying district regulations.

(2/2/11)

**109-312**  
**Special use regulations for new development**

For any #building# or portion of a #building developed# or #enlarged# after February 3, 1977, within Area B, #uses# listed in the underlying district regulations are permitted, except that such #uses# shall not include those listed in Use Groups 6D, 8C and 12D.

(2/2/11)

**109-32**  
**Bulk Regulations**

The #bulk# regulations of the underlying district shall apply to the Houston Street Corridor (Area B), except as set forth in this Section.

(2/2/11)

**109-321**  
**Floor area regulation**

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52.

(3/22/16)

### **109-322**

#### **Lot coverage regulations**

For any #zoning lot# within Area B, the maximum #lot coverage# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	100
#Interior# or #through lot#	70

(2/2/11)

### **109-323**

#### **Height and setback regulations**

The #street wall# of any #building# for the first two #stories# or 23 feet, whichever is greater, shall be located on the #street line# and extend the entire length of the #street line# of the #zoning lot# not occupied by existing #buildings# to remain. However, at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines parallel to, and 10 feet from each #street line#. No #street wall# shall be required along a #street line# bounding any portion of a #zoning lot# which is less than 25 feet in depth measured from the #street line# of a #wide street#.

For #street walls# above the level of the second #story# or 23 feet, whichever is greater, at least 50 percent of the aggregate length of the #street walls# shall be located on the #street line#. The remainder of the aggregate length of the mandatory #street walls# at each #story# may be recessed from the #street line# to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25 percent of the aggregate

length of the #street walls# at each #story#.

The mandatory minimum height above #curb level# of a required #street wall# without setback shall be 60 feet on a #wide street# and 23 feet on a #narrow street#, or the height of the #building#, whichever is less. No setback shall be permitted on a #narrow street# below a height of 55 feet.

The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building or other structure# shall penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.

In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.

(2/3/77)

**109-33**  
**Special Front Wall Regulations**

(11/16/89)

**109-331**  
**Building facades**

For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

(12/11/07)

**109-332**  
**Treatment of the ground level wall**

For a #building# wall facing a #narrow street#, at least 25 percent of the total surface area of such #building# wall up to a height of 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, shall be transparent.

Transparent areas may include storefronts subject to Section 109-50 (SPECIAL REVIEW PROVISIONS). Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent area at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

(2/2/11)

#### **109-34**

##### **Open Recreation Space and Landscaping Requirements**

For any #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable, landscaped #open recreation space#, accessible to the occupants of such #development# or #enlargement# or to the public. Such #open recreation space# shall be located either at the ground level and/or roof level, and shall be landscaped and properly maintained in accordance with the provisions of Section 109-142 (Landscaping regulations).

(5/8/13)

#### **109-35**

##### **Curb Cuts**

(5/8/13)

#### **109-351**

##### **Curb cut regulations**

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

(4/30/08)

## 109-36

### Mandatory Street Trees

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups of at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area B, shall provide #street# trees as set forth in Section 26-41 (Street Tree Planting), except that for a #zoning lot# frontage on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.

(3/22/16)

## 109-37

### Noise Attenuation

For any #residential# or #commercial use# in a #development# within Area B:

- (a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial uses#, shall be provided. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy; and
- (b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections 27-752 to 27-756 of the Building Code of the City of New York.

(2/2/11)

**109-40**

**BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)**

The provisions of this Section are applicable within Area C, as shown on the District Plan in Appendix A of this Chapter.

(2/3/77)

**109-41**

**Bulk Regulations**

(2/2/11)

**109-411**

**Height and setback regulations**

The maximum height of any #building or other structure# shall not exceed 85 feet or eight #stories# above #curb level#, whichever is less, unless authorized by the City Planning Commission pursuant to Section 109-514. The front #building# wall shall extend along the full length of the #front lot line# not occupied by existing #buildings to remain and shall rise without setback.

(2/2/11)

**109-412**

**Lot coverage regulations**

Within Area C, the maximum #lot coverage# for any #zoning lot# shall be:

	Above Ground Floor (in percent)	At Ground Floor Only (in percent)
#Residential Use#	60	60
#Commercial Use#	70	100

(2/2/11)



**109-42****Open Recreation Space and Landscaping Requirements**

All #buildings developed# after February 3, 1977, that contain #residences# shall provide a minimum of 20 percent of the #lot area# of the #zoning lot# as usable landscaped #open recreation space# in conformance with the requirements of Section 109-142 (Landscaping regulations).

(2/2/11)

**109-43****Additional Requirements**

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in Sections 109-211 (Use Group LI), 109-23 (Storefronts in New Buildings and Alterations of Existing Storefronts) and 109-24 (Sign Regulations).

(2/3/77)

**109-50****SPECIAL REVIEW PROVISIONS**

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

(11/16/89)

**109-51****Modification of the Provisions of the Special Little Italy District**

(2/2/11)

**109-514****Modifications by authorization**

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an

application, except that there shall be no modifications of any provision of Section 109-12, 109-22, 109-32 or 109-41 unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an #enlargement#, provided that:

- (a) the #building# is an existing old law or new law tenement, not higher than seven #stories#;
- (b) any additional #floor area# created through such elimination of a #non-complying inner court# is not more than 10 percent of the existing #floor area# of the #building#, and the width of such #inner court# is not more than 20 feet;
- (c) the renovation of such #building# will result in improved arrangements for adequate access of light and air, and for privacy between #dwelling units#, to the newly created #dwelling units# and to the surrounding developments;
- (d) such #enlargement# will not increase the density of population or intensity of #use# to the detriment of the occupants of the #buildings# in the #block# or nearby #blocks#;
- (e) the #enlargement# as proposed shall comply with the applicable provisions of Sections 109-14, 109-17, 109-25, 109-34 or 109-42, except as otherwise modified by the Commission; and
- (f) the Commission is in receipt of a report from the Department of Buildings and the Fire Department concerning said #building#.

The City Planning Commission may prescribe other additional conditions and safeguards to enhance the character of the surrounding area.

(2/3/77)

**109-52**  
**Special Permit Provisions**

(2/3/77)

**109-521**  
**Modification of accessory off-street parking facilities**

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section 109-16 or Section 109-351.

(2/2/11)

**109-522**  
**Special provisions for the preservation of certain existing buildings**

#Buildings# listed in Appendix B of this Chapter, shall not be demolished or have their external architectural features altered, except as set forth in this Section.

The City Planning Commission, by special permit, may allow:

- (a) in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or
- (b) the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and
- (c) the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#. #Enlargements# of such #buildings# shall be subject to all applicable district

regulations. The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #uses# proposed on the site prior to any construction are in conformance with the purposes of the Special District.

(2/2/11)

### **109-523**

#### **Applications for special permit**

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections 109-16 and 109-351 of this Chapter, shall include: a site plan showing the location and proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such #development# or #enlargement# and an indication of the routes that will provide vehicular access to a #manufacturing#, #commercial# or #community facility# establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section 109-522, shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

(2/3/77)

### **109-525**

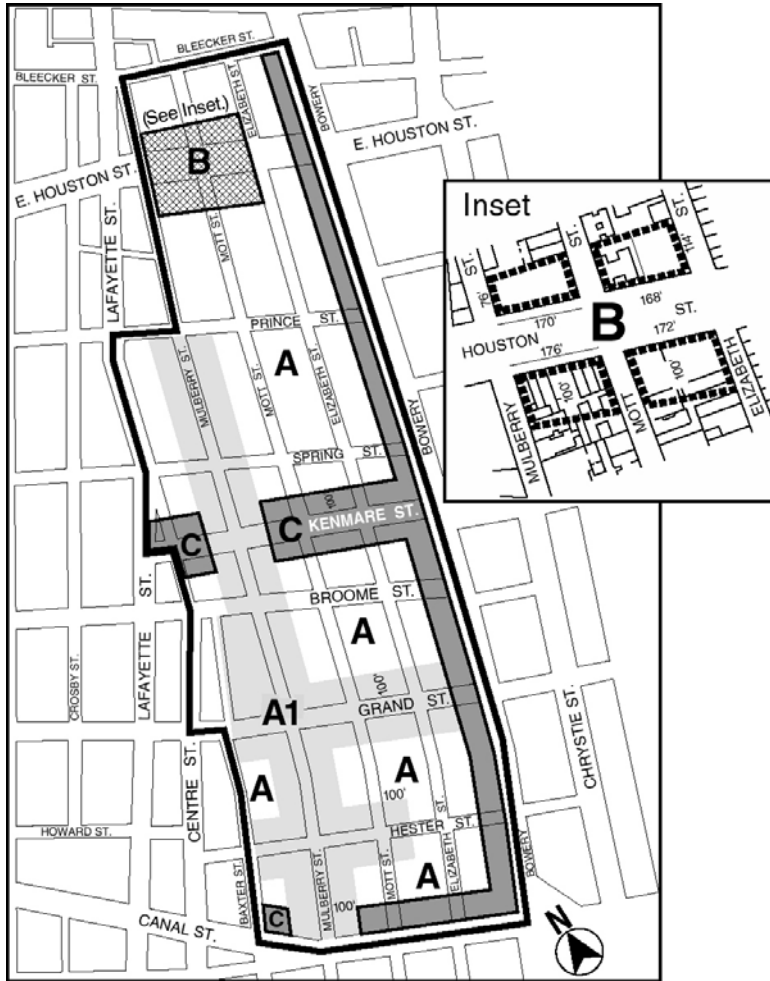
#### **Relationship to public improvement projects**



In all cases, the City Planning Commission shall deny an application for a special permit whenever the #development# or #enlargement# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities) which is approved by the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

(11/16/89)

#### **Appendix A**

# Special Little Italy District Map



-  District Boundary
-  Preservation Area
-  Mulberry Street Regional Spine
-  Houston Street Corridor
-  Bowery, Canal, Kenmare Street

(2/3/77)

## APPENDIX B Buildings of Special Significance

#Buildings# of special significance to be preserved in accordance with the provisions of Section 109-522 are as follows:

Block Number	Lot Number	Address
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206	1	113 Baxter Street
470	12	363 Broome Street
471	41	375 Broome Street
470	64	124-126 Bowery
472	31	240 Centre Street
492	21	209 Elizabeth Street
507	17-21	260-268 Elizabeth Street
471	28	174 Grand Street
471	58	190 Grand Street
471	57	192 Grand Street
238	6	128-130 Mott Street
508	6	256-258 Mott Street
508	9	262-272 Mott Street
509	34	277 Mott Street
481	23	201-205 Mulberry Street
509	1	266 Mulberry Street
492	44	11 Spring Street
480	21	34-36 Spring Street