



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

ZONING DIVISION

Amanda M. Burden, AICP, *Director*  
Department of City Planning

September 17, 2007

**Re: N 080078 ZRY - Yards Zoning Text Amendments**  
**N 080081 ZRY - Street Tree Planting Zoning Text Amendments**

Dear Community Board Chair:

The Department of City Planning is proposing two zoning text amendments dealing with yard regulations and street tree planting requirements.

The proposed text amendment relating to yards (N 080078 ZRY) would clarify, revise or introduce new regulations throughout the zoning resolution with respect to yards and open space requirements within all zoning districts. These yard and open space requirements will also create additional green space throughout the city.

The proposed text amendment relating to street tree planting (N 080081 ZRY) would require street tree planting within all zoning districts and a planting strip between the sidewalk and the curb in lower-density residential zoning districts (R1 - R5).

Copies of the two applications which include the proposed zoning text are included herein for your review. The proposed zoning text amendments (N 080078 ZRY and N 080081 ZRY) are not subject to the Uniform Land Use Review Procedure (ULURP), and do not require a public hearing by community boards. However, if your board has any comments or recommendations on either of these applications, please send them no later than November 26, 2007 to:

City Planning Commission  
Calendar Information Office  
22 Reade Street, Room 2E  
New York, NY 10007-1216

Thomas C. Wargo, *Director*  
Beth Lebowitz, *Deputy Director*  
22 Reade Street, New York, N.Y. 10007-1216 Room 3E (212) 720-3262  
FAX (212) 720-3244  
nyc.gov/planning



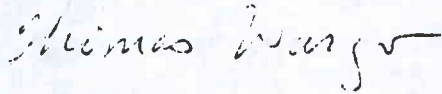
September 17, 2007

Re: N 080078 ZRY - Yards Zoning Text Amendments  
N 080081 ZRY - Street Tree Planting Zoning Text Amendments

If you have questions regarding the proposed text amendment relating to yards (N 080078 ZRY), please contact Ron Rizzotti at (212) 720-3268. Questions regarding the proposed text amendment relating to street tree planting (N 080081 ZRY) should be directed to Nicole Rodriguez at (212) 720-3247.

Additional information about these proposals are also available on the Department of City Planning's web site [www.nyc.gov/planning](http://www.nyc.gov/planning)

Sincerely yours,



Thomas Wargo

Enclosure

c: Laurence Parnes, DCP  
Philip Sperling, DCP  
Jacquelyn Harris, DCP  
All Community Boards  
All Borough Presidents  
All Borough Boards



# Land Use Review Application

Department of City Planning

22 Reade Street, New York, NY 10007-1216

## N 0 8 0 0 7 8 Z R Y

City Planning will assign and stamp reference numbers here

APPLICATION NUMBER

### RECEIVED

APPLICATION NUMBER

APPLICATION NUMBER

SEP 14 2007

APPLICATION NUMBER

NYC Department of City Planning

Thomas Wargo

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) \*

APPLICANT'S PRIMARY REPRESENTATIVE

22 Reade St

Director, Zoning Division, NYC Dept of City Pl

STREET ADDRESS

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

NY NY 10007  
CITY STATE ZIP

22 Reade St  
STREET ADDRESS

212.720.3262 212.720.3244  
AREA CODE TELEPHONE # FAX#

NY NY 10007  
CITY STATE ZIP

212.720.3262 212.720.3244  
AREA CODE TELEPHONE # FAX#

\* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)  
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.) TELEPHONE # FAX #

N/A  
STREET ADDRESS

Yards Text Amendments  
PROJECT NAME (IF ANY)

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY) ZONING SECTIONAL MAP NO(S).

TAX BLOCK AND LOT NUMBER BOROUGH COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO  YES  IF YES, IDENTIFY N/A

### 3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

### 4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

- CHANGE IN CITY MAP.....MM \$ \_\_\_\_\_
- ZONING MAP AMENDMENT.....ZM \$ \_\_\_\_\_
- ZONING TEXT AMENDMENT..... ZR \$ 0
- ZONING SPECIAL PERMIT.....ZS \$ \_\_\_\_\_
- ZONING AUTHORIZATION.....ZA \$ \_\_\_\_\_
- ZONING CERTIFICATION.....ZC \$ \_\_\_\_\_
- PUBLIC FACILITY, SEL./ACQ.....PF \$ \_\_\_\_\_
- MODIFICATION \$ \_\_\_\_\_
- FOLLOW-UP \$ \_\_\_\_\_
- RENEWAL \$ \_\_\_\_\_
- OTHER \$ \_\_\_\_\_

APPLICATION NO. \_\_\_\_\_

APPLICATION NO. \_\_\_\_\_

If Positive Declaration, has PDEIS been filed? \_\_\_\_\_ If yes, attach copy.  
 If PDEIS has not been filed, has final scope been issued? \_\_\_\_\_ If yes, date issued: \_\_\_\_\_

**6. COASTAL ZONE MANAGEMENT**

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No  Yes

**7. RELATED ACTIONS BY CITY PLANNING**

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
N/A			

**8. RELATED ACTIONS BY OTHER AGENCIES**

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
N/A			

**9. FUTURE ACTIONS REQUIRED**

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

N/A

**10. APPLICANT**  
(Attach authorizing resolution(s), if applicable)

Thomas Wargo, Director, Zoning Division,  
 NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE

Thomas Wargo 9/1  
 SIGNATURE OF APPLICANT DATE

NYC Department of City Planning  
 APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

**11. CO-APPLICANTS**

(Attach authorizing resolution(s), if applicable)

\_\_\_\_\_  
 NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

\_\_\_\_\_  
 CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

\_\_\_\_\_  
 STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

\_\_\_\_\_  
 NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

\_\_\_\_\_  
 CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

\_\_\_\_\_  
 STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

**ADMINISTRATIVE CODE**

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

**NOTICE**

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.



# City Map Change . . . . . MM

**Proposed City Map Change**  
(Check appropriate boxes)

APPLICATION NO

- 1. ESTABLISH NEW..... STREET       PARK       PUBLIC PLACE       GRAD
- 2. ELIMINATE EXISTING.....  STREET       PARK       PUBLIC PLACE       GRAD
- 3. CHANGE EXISTING STREET.....  WIDTH       ALIGNMENT       GRAC
- 4. EASEMENT  
Delineate New.....      Remove Existing.....      Modify Existing.....
- 5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY .....

# Zoning Map Change . . . . . ZM

APPLICATION NO

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

**Proposed Zoning Map Change(s)**

CHANGE #1	FROM:	EXISTING	TO:	PROPOSED
CHANGE #2	FROM:	EXISTING	TO:	PROPOSED
CHANGE #3	FROM:	EXISTING	TO:	PROPOSED
CHANGE #4	FROM:	EXISTING	TO:	PROPOSED
CHANGE #5	FROM:	EXISTING	TO:	PROPOSED

# Zoning Text Amendment . . . . . ZR

## N 0 8 0 0 7 8 Z R Y

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

**Affected Zoning Resolution (ZR) Sections**

ZR SECTION NUMBER

ZONING RESOLUTION SECTION TITLE

See Attachment B

Lower Density Growth Management Areas (LDGMA). The benefits of these provisions in LDGMA are now proposed to be extended citywide to all R1 through R5 Districts.

### Yard and Open Space Amendments

Current text requires one rear yard on any zoning lot. Many zoning lots are irregularly shaped and have multiple rear lot line, thereby leading to ambiguity in the application of rear yard requirements. The proposed text (Sections 23-47, 24-36, 33-26 and 43-26) will clarify that all rear lot lines require a rear yard with a depth of 30 feet in residence districts, and wherever residential use is provided in commercial districts. It will also clarify that all rear lot lines require a rear yard with a depth of 20 feet in commercial or manufacturing districts. In addition, new text will clarify that for zoning lots with multiple rear lot lines, if a rear yard extends away from a street line, the depth of such rear yard would be determined based upon whether the lot line it coincides with is the adjoining zoning lot's side or rear lot line and whether it is in a high or low density zoning district (Sections 23-543, 24-393, 33-303, 43-313).

Currently, corner lot regulations only pertain to the portion of a corner lot within 100 feet of the corner. The remainder of the lot is subject to through or interior lot provisions. Text pertaining to yards required beyond 100 feet of the corner would be clarified. Rear yards would be required for corner lots, beyond 100 feet of the corner and the depth of such rear yard would be determined based upon whether the lot line it coincides with is the adjoining zoning lot's side or rear lot line and whether it is in a high or low density zoning district. (Sections 23-471, 24-361, 33-261, 43-261).

Interior or through zoning lots within 100 feet of a corner or along the short dimension of a block are allowed to waive rear yard requirements.(Sections 23-541, 23-542) These sections would be amended to allow only high density zoning districts (R6 –R10) to qualify for this waiver.

The current text allows for automobile parking in the front yard of developments in R1 and R2 zoning districts. (Section 23-44). The proposal would amend this section to disallow required parking in the front yard in R1 and R2 districts.

The proposal would increase the bonus for detached garages in a rear yard within a side lot ribbon from 100 square feet to up to 300 square feet. (Section 23-141) Currently this bonus excludes R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, R5B and R5D districts. This amendment would extend the bonus to all R3, R4 and R5 districts.

Current text allows for fences, walls and steps as permitted obstructions in a yard. Zoning regulations have no limit on the height of steps or fences (building code limits the height of fences to 8 feet). Walls are currently limited to 8 feet in height by zoning. The proposal would limit the height of fences and walls in a front yard to 4 feet and limit the height of steps in a front yard so that they may only access the first story or first story of a residence above a basement. (Section 23-44)

There are no current regulations limiting the amount of pavement in the front of a residence. This sometimes leads to the paving of the entire front yard. The proposal would establish a minimum percentage of planted area in the front of a residence, based on the street frontage of the zoning lot. (Section 23-451) For zoning lots with less than 20 feet of street frontage, 20% of the front yard would need to be planted. 20 to 34 feet

of street frontage would require 25% of the front yard to be planted. 35 to 59 feet of street frontage would require 30% of the front yard to be planted. 60 feet or more of street frontage would require 50% of the front yard to be planted. On corner lots and through lots, the minimums would have to be met on each street frontage. For rowhouses on tax lots, the minimums would have to be met in front of each rowhouse. Planting would be defined as: "any combination of grass, groundcover, shrubs, trees or other living plant material".

Sections 23-51 and 35-54 require portions of developments in R6-R10 districts that are within 25 feet of a boundary of a R1-R5 district to step down in height to create a transition between the high density and low density district. However this rule only applies where the zoning district boundary and a side lot line of a low density and high density district coincide. The proposed text would be amended to apply the transition rule to that portion of a development in a high density district that is within 25 feet of an adjacent zoning lot in a low density district, no longer requiring the zoning lot line and district boundary line to be coincident.

LDGMA regulations define a "rear building" as one that is wholly beyond 50 feet of a street line and wholly beyond the prolongation of the rear wall of a "front building" (Sections 23-711, 23-881). The proposal is to redefine a rear building as one that has 75 percent or more of its floor area beyond 50 feet of a street line and rear wall of a front building. This will prevent "snout houses" from being constructed to avert this regulation.

The proposal would place a minimum width of 15 feet and maximum width 18 feet for curb cuts that access townhouses. Currently there is only a maximum of 15 feet, but no minimum width requirements. (Section 25-631)

Currently, no rear yard equivalents are required for through lots in R1, R2 and R3 districts. New regulations will require rear yard equivalents for through lots that are 110 feet or more in depth in R1, R2 and R3 districts. (Section 23-533)

*Extend the following LDGMA regulations to all Low Density Districts (R1-R5)*

The proposal would mandate that for corner lots in R1-R5 zoning districts, one required side yard must be at least 20 feet in width. (Sections 23-461, 23-89). Dependant on the zoning district, currently one side yard for corner lots could be between 0 and 15 feet.

Zoning lots in R1-R5 districts with two or more residential buildings or building segments would have to provide a 30 foot open area, which may not be used for parking or driveways, to the rear of such buildings or building segments. (Sections 23-882, 23-89). Current regulations allow for little or no useable space behind a building if it is located on a corner lot.

The maximum pitch of a driveway would be limited to 11% for residences in R1-R5 districts (Section 25-634). Currently there are no citywide regulations pertaining to driveway pitch.

23-451	Planting Requirement
23-461	Side yards for single- or two-family residences
23-47	Minimum Required Rear Yards
23-471	Beyond one hundred feet of a street line
23-51	Special Provisions Applying along District Boundaries
23-531	Excepted districts
23-532	Excepted through lots
23-533	Required rear yard equivalents
23-541	Within one hundred feet of corners
23-542	Along short dimension of block
23-543	For portions of through lots
23-56	Modifications of Rear Yard Regulations
23-711	Standard minimum distance between buildings
23-88	Minimum Distance between Lot Lines and Building Walls
23-881	Minimum Distance between Lot Lines and Building Walls in Lower Density Growth Management Areas
23-882	Minimum Distance between Lot Lines and Building Walls in R1 through R5 Districts
23-89	Open Area Requirements for Residences in Lower Density Growth Management Areas in the Borough of Staten Island
24-36	Minimum Required Rear Yards
24-361	Beyond one hundred feet of a street line
24-382	Required rear yard equivalents
24-391	Within one hundred feet of corners
24-392	Along short dimension of block
24-393	For portions of through lots
24-41	Modifications of Rear Yard Regulations



25-621	Location of parking spaces in certain districts
25-631	Location and width of curb cuts in certain districts
25-632	Driveway and curb cut regulations in lower density growth management areas
25-634	Maximum driveway grade
26-32	Minimum Distance Between Walls and Lot Lines
33-26	Minimum Required Rear Yards
33-261	Beyond one hundred feet of a street line
33-281	Excepted districts
33-303	For portions of through lots
33-32	Modifications of Yard Regulations
35-52	Modification of Side Yard Requirements
35-54	Special Provisions Applying along District Boundaries
35-541	Special yard provisions
35-542	Special height and setback regulations
43-26	Minimum Required Rear Yards
43-261	Beyond one hundred feet of a street line
43-313	For portions of through lots
43-33	Modifications of Rear Yard Regulations
73-69	Rear Yard Modifications
115-225	Transition area

## APPLICABILITY AND GENERAL PURPOSES

\* \* \*

### 23-012

#### Lower density growth management areas

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

Section 11-44	(Authorizations or Permits in Lower Density Growth Management Areas)
Section 12-10	(DEFINITIONS - Floor area; Lower density growth management area and Private road)
Section 23-141	(Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts)
Section 23-32	(Minimum Lot Area or Lot Width for Residences)
Section 23-44	(Permitted Obstructions in Required Yards or Rear Yard Equivalents)
Section 23-461	(Side yards for single- or two-family residences)
Section 23-462	(Side yards for all other residential buildings)
Section 23-533	(Required rear yard equivalents)
<del>Section 23-541</del>	<del>(Within one hundred feet of corners)</del>
<del>Section 23-542</del>	<del>(Along short dimension of block)</del>
Section 23-631	(Height and setback in R1, R2, R3, R4 and R5 Districts)
Section 23-711	(Standard minimum distance between buildings)
Section <del>23-88</del> <u>23-881</u>	(Minimum Distance Between Lot Lines and Building Walls in Lower Density Growth Management Areas)

\* \* \*

### 23-141

#### Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts