

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Michael R. Bloomberg, Mayor

CITY PLANNING COMMISSION
Amanda M. Burden, Director

Article II: Residence District Regulations

Chapter 6 - Special Urban Design Guidelines - Streetscape Special Requirements for Developments in R9 and R10 Districts, Developments with Private Roads and Street Tree Planting

Effective date of most recently amended section of Article II Chapter 6: 4/30/08

Date of file creation: Web version of Article II Chapter 6: 01/04/10

CITY PLANNING COMMISSION
nyc.gov/planning

DEPARTMENT OF CITY PLANNING
©Copyright 2010 NYC Department of City Planning



8/12/04

Chapter 6
Special Urban Design Guidelines - Streetscape
Special Requirements for Developments in R9 and R10 Districts,
Developments with Private Roads and Street Tree Planting

4/30/08

26-00
Applicability of this Chapter

The regulations of this Chapter shall apply to:

- (a) #developments# in R9 and R10 Districts, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District or to any #building developed# or #enlarged# pursuant to the Quality Housing Program;
- (b) #developments# in R3, R4 and R5 Districts accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS), except where such #developments#:
 - (1) consist entirely of #single-family detached residences#; or
 - (2) are accessed by #private roads# that existed on February 6, 2002; or
 - (3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;
- (c) #developments# in #lower density growth management areas# accessed by #private roads#, as set forth in Section 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS); and
- (d) #developments#, #enlargements# or conversions in all districts, as applicable, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS).

2/6/02

26-10

SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS

An application to the Department of Buildings for a permit respecting any new #development# shall include a plan and an elevation, drawn to a scale of at least one-sixteenth inch to a foot, of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, a central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

2/6/02

26-11

General Purposes

The urban design guidelines are established to strengthen, at street level, the relationship of new developments with existing buildings and to improve the quality of the streetscape by:

- (a) maintaining the visual continuity of new developments at street level;
- (b) enhancing the visual character of the neighborhood; and
- (c) reducing conflict between pedestrian and vehicular circulation.

4/30/08

26-12

General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of Section 26-10, the regulations of Sections 26-13 through 26-17, inclusive, are intended to:

- (a) guide the location of arcades to assure horizontal continuity of new developments with existing building arcades and to maintain visual continuity at street level;

- (b) require transparency and/or articulation of front walls to improve the visual quality of the street;
- (c) improve the quality of the street environment;
- (d) limit the number and location of curb cuts, minimizing undue conflict between pedestrian and vehicular movements; and
- (e) eliminate trash on sidewalks by requiring central refuse storage areas within the zoning lot.

2/6/02

26-13

Definitions

For the purposes of Sections 26-10 through 26-17, inclusive, the following definitions shall apply:

Development

"Development" includes construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot# or an #enlargement# involving an increase in #lot coverage#.

Contiguous lot

A "contiguous lot" is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.

Contiguous block

A "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the new #development#.

2/6/02

26-14

Horizontal Continuity

Horizontal continuity regulations set forth in this Section are intended to relate new #developments# with existing #buildings#, at #street# level, in order to maintain visual and functional continuity relating to the following aspects.

10/17/07

26-141
Arcades

#Arcades# shall be bonused only where the #zoning lot# of a #development# occupies:

- (a) the entire #street line# of a #block# and when the #arcade# extends the full length of such #street# frontage; or
- (b) a portion of the #street line# of a #block# and the contiguous #zoning lot# contains an #arcade# extending the full length of the #street# frontage, and no walls are existing where the two #arcades# abut; or where the contiguous #zoning lot# is vacant. Such #arcade# shall be located at the same elevation as the existing #arcade#.

#Arcades# may be interrupted by a bonusable #open space# such as a #publicly accessible open area#.

4/30/08

26-142
Street wall articulation

When any building wall of a #development# that is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, at least 25 percent of the total surface area of such walls between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such building wall, 50 feet or more in length, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such

wall if less than 12 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

2/6/02

26-15

Curb Cuts

No curb cuts are permitted on #wide streets#. Curb cuts are permitted along #narrow streets# provided that no #zoning lot# has more than one curb cut on any #narrow street# frontage.

Additional curb cuts, in excess of one for each #narrow street# frontage, for #zoning lots# in excess of 30,000 square feet of #lot area#, or curb cuts on #wide streets# for #zoning lots# that have no #narrow street# frontage may be allowed, provided that the City Planning Commission and the Department of Transportation certify to the Commissioner of Buildings that such additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.

An application to the Commission for certification respecting any additional curb cut shall be made on a standard application form for such certification and shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut. The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such curb cuts.

In cases where a #zoning lot# has no #narrow street# frontage, the Commission may waive the applicable #accessory# off-street parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided).

The parking requirements set forth in Sections 25-21, 25-31 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

2/6/02

26-16

Central Refuse Storage Area

All new #developments# shall provide facilities for central trash storage within the #zoning lot#. Where such facilities are provided outside of a #building#, such facilities shall be screened by an enclosure containing materials compatible with the materials of the front building wall of the #development#.

In all cases, there shall be an area for central trash collection provided at the rate of 75 square feet for uncompressed garbage or 50 square feet for compressed garbage for each 10,000 square feet of #lot area#. Such area shall be ventilated.

2/6/02

26-17

Streetscape Modifications

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Chapter. Such modifications will be allowed when the Commission finds that such modifications will enhance the design quality of the #development#.

2/6/02

26-20

SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS

To provide for the orderly development of #residences# that are distant from #streets#, site planning requirements are established in Sections 26-20 through 26-27, inclusive. The regulations of this Section are intended to:

- (a) optimize vehicular access within a #development# containing #private roads#;
- (b) regulate the size of and distance between curb cuts to minimize undue conflict between pedestrian and vehicular movement;

- (c) provide for sidewalks to facilitate social interaction and enhance pedestrian safety; and
- (d) provide for tree planting along #private roads# in order to enhance the visual and environmental character of the neighborhood.

2/6/02

26-21

Requirements for Private Roads

#Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops. The minimum width of a #private road# shall be 38 feet from curb to curb along its entire length or, for #developments# where at least three #accessory# parking spaces are provided for every two #dwelling units# and no such spaces are located within the bed of a #private road#, the minimum width shall be 34 feet. The entrance to any #group parking facility# may be narrower than such minimum widths for a distance not to exceed 20 feet, and a #private road# may contain a landscaped median provided the paved width of such #private road# meets the minimum width required exclusive of such medians. The City Planning Commission may modify the required width of a #private road#, pursuant to Section 26-26 (Modification and Waiver Provisions).

2/6/02

26-22

Requirements for Curbs and Curb Cuts

Curbs shall be provided along each side of the entire length of a #private road#.

A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#. Curb cuts providing access from #private roads# to parking spaces located outside the road bed of the #private road# shall not exceed a width of 18 feet, including splays.

A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.

4/30/08

26-23

Requirements for Planting Strips and Trees

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip.

Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.

2/6/02

26-24

Requirements for Sidewalks

A minimum four-foot wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting strips. However, no sidewalk shall be required along that side of a #private road# that does not have a building wall facing it.

2/6/02

26-25

Requirements for Open Areas Between Required Sidewalks and Buildings

An area open to the sky at least five feet in depth shall be provided between a required sidewalk and any #building#, except that any driveway or parking space located within such open area shall have a depth of at least 18 feet measured perpendicular to such sidewalk. Such open area shall be planted except for parking spaces and entryways to #buildings#. Where an open area at least 18 feet in depth is required, overhangs of #buildings# above the first #story# that project not more than three feet into the required open area are permitted, provided the lowest level of the overhang is at least seven feet above grade at the face of the #building#. Supports for such overhang are permitted, provided that the total area occupied by such supports does not

exceed 15 percent of the area underneath the overhang.

2/6/02

26-26

Modification and Waiver Provisions

- (a) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:
 - (1) such modifications or waivers will enhance the design quality of the #development#;
 - (2) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and
 - (3) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.
 - (4) No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet.
- (b) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #developments# within the #Special South Richmond Development District#, that:
 - (1) contain #designated open space# and a portion of the #waterfront esplanade#, where such #development#:
 - (i) has been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or
 - (ii) is conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or
 - (2) are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or

- (3) have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in accordance with Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.

In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #development# constitutes a good site plan, and that such #development# provides adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping.

2/6/02

26-27

Waiver of Bulk Regulations for Developments within Unimproved Streets

In R3, R4 and R5 Districts, and in C1 and C2 Districts mapped within R3, R4 and R5 Districts, and in C3 Districts, the City Planning Commission may authorize the waiver of #bulk# regulations for:

- (a) #developments# of at least 20 #dwelling units# accessed by #private roads# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law; and
- (b) #developments# of less than 20 #dwelling units# accessed by #private roads# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #development# has received an authorization pursuant to paragraph (a) of Section 26-26;

The Commission may authorize the waiver of #bulk# regulations affected by such #streets# where such #development# would be #non-complying# absent such waiver, provided the Board of Standards and Appeals has prescribed conditions pursuant to Section 35 of the General City Law which require the portion of

the #development# to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such waivers shall only be as necessary to address #non-compliance# resulting from the location of the #development# within and outside the unimproved #streets#.

The Commission shall find that the #private roads# are adequate to serve present and future transportation needs and that, through the grant of such waivers, the #development# complies to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped, and that the #private road# system results in a good site plan.

8/12/04

26-30

SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

For all #developments# accessed by #private roads# in #lower density growth management areas#, the provisions of Sections 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superceded in accordance with the provisions of this Section.

8/12/04

26-31

Yards

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Sections 23-40, inclusive, and 23-50, inclusive, shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a building wall facing it. Furthermore, where a #building# on a #through lot# fronts upon a #street# and a #private road#, one #front yard# shall have a depth of at least 30 feet. Where such 30 foot #front yard# adjoins a #street#, such #yard# shall include a landscaped strip at least eight feet wide to screen the #yard# from such #street#, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type expected to form a year-round dense screen at least six

feet high within three years.

4/30/08

26-32

Minimum Distance Between Walls and Lot Lines

- (a) Except in the Borough of Staten Island, the minimum distances set forth in Section 23-711 (Standard minimum distance between buildings) shall not apply between two #buildings# where each such #building# faces a #front yard# required pursuant to Section 26-31. In lieu thereof, such #buildings# shall be at least 13 feet apart.
- (b) For the purposes of applying the provisions of Section 23-88 (Minimum Distance Between Lot Lines and Building Walls), the required curb of the #private road# shall be considered to be a #street line#.

8/12/04

26-33

Entrances, Parking Location and Curb Cuts

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No required #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

- (a) are perpendicular to the roadbed;
- (b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed or within 20 feet of being opposite to one another; and
- (c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and eight feet wide, within which a tree of at least three-inch caliper is planted.

All #accessory# off-street parking spaces shall comply with the parking location and curb cut regulations set forth in Section

25-632. For the purposes of applying such regulations, the #private road# shall be considered to be a #street#. In addition, the provisions of Sections 25-64 (Restrictions on Use of Open Space for Parking) and 25-66 (Screening) shall apply.

8/12/04

26-34

Lighting, Signage and Crosswalks

All #private roads# shall be #developed# with street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

8/12/04

26-35

Screening

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips shall be densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

9/28/04

26-36

Modification and Waiver Provisions

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through 26-35, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

(a) such modifications result in a site plan that provides

sufficient open areas for the residents of the
#development#;

- (b) any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan; and
- (c) such modifications will not impair the essential character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

4/30/08

26-40

STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS

4/30/08

26-41

Street Tree Planting

In accordance with applicability requirements of underlying district regulations, one #street# tree, pre-existing or newly planted, shall be provided for every 25 feet of #street# frontage of the #zoning lot#. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the #street# adjacent to the #zoning lot#.

Where the Department of Parks and Recreation determines that such tree planting would be infeasible adjacent to the #zoning lot#, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, such tree shall be planted in an alternative location, to be selected by the Department of Parks and Recreation, except that if the Department of Parks and Recreation determines that no alternative location is available, or if no alternative location is provided within 30 days of an application for a Department of Parks and Recreation permit, such off-site tree shall be waived. Off-site trees shall be planted at alternative locations as follows:

- (a) within an existing empty #street# tree pit or planting strip; or
- (b) within an unpaved area owned by the City of New York.

All such alternative locations shall be within the Community District or one-half mile of the #development# site.

In lieu of planting an off-site tree in an available alternative location, or in the event that planting adjacent to the #zoning lot# cannot be completed due to the season, funds equivalent to the cost of planting such tree, as established by rule of the Department of Parks and Recreation, may be deposited in an account of the City of New York. Such funds shall be dedicated to the planting of #street# trees by the City at an alternative location or, in the case of an off-season deposit, in front of the #zoning lot# at the next appropriate planting season.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

4/30/08

26-42 Planting Strips

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement# or converted #building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover. Such planting strip shall be located adjacent to and extend along the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required. Driveways are permitted to traverse such planting strip, and utilities are permitted to be located within such planting strip.

