



BUILDINGS BULLETIN 2012-003

Zoning

Supersedes: None

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Purpose: This document clarifies the applicability of “predominantly built-up area” bulk regulations for existing residential buildings.

Related Code/Zoning Section(s): ZR 12-10 (definition of “predominantly built-up area”)

Subject(s): Predominantly Built-Up Area; Infill Regulations; Existing building, predominantly built-up area, non-compliances; Non-compliances; Existing building, enlargement, predominantly built-up area

A. Background

When a zoning lot is located within a “predominantly built-up area” (“PBUA”), as defined by ZR 12-10, such lot may be developed or enlarged pursuant to the optional bulk regulations for PBUA within Article II, Chapter 3 of the Zoning Resolution. This bulletin is to clarify when an existing residential building may be altered or enlarged pursuant to PBUA bulk regulations while retaining existing construction that would otherwise not comply with PBUA.

B. Buildings existing prior to March 8, 1973

Zoning text relating to PBUA was adopted on March 8, 1973. Any residential building that was lawfully erected before such date and that is located within a PBUA is qualified to be enlarged pursuant to PBUA regulations, and the construction existing prior to such date that would otherwise not comply with PBUA regulations may remain. In addition, in the case of a building erected prior to March 8, 1973 that was subsequently enlarged on or after such date, such building may qualify to be further enlarged under PBUA provided that the initial Post-1973 enlargement complied with PBUA regulations.

Examples

1. PBUA bulk regulations, for both R4 and R5 districts, allow greater FAR and lot coverage than are otherwise permitted in R4 and R5 districts. PBUA also requires a deeper front yard than is otherwise permitted. A PBUA enlargement of an existing building erected prior to March 8, 1973 that results in both the greater FAR and lot coverage may be permissible even when an existing front yard is less than what is required under PBUA bulk regulations, provided that such enlargement does not decrease the size of such front yard.

2. Similarly, PBUA also requires a lower building height than otherwise permitted. If an existing building erected prior to March 8, 1973 exceeds the maximum height permitted under PBUA, an enlargement of such building pursuant to PBUA regulations may be permissible provided that no portion of the enlargement or other new buildings elements are proposed above the maximum height under PBUA, except for permitted obstructions.
3. A two-story building erected prior to March 8, 1973 with a 40-foot rear yard, and enlarged after such date resulting in a two-story building with a 30-foot rear yard, may qualify to be further enlarged today under PBUA regulations because the first Post-73 enlargement would have otherwise complied with PBUA (i.e. did not exceed the maximum height under PBUA and did not provide less than the required rear yard for PBUA of 30 feet).

C. Buildings erected on or after March 8, 1973

For any building lawfully erected on or after March 8, 1973 and located within a PBUA, such building may qualify to be altered or enlarged pursuant to PBUA regulations provided the entire building fully complies with all applicable PBUA bulk regulations. A further summary of the applicability of PBUA to existing buildings where enlargements have already occurred is found directly below:

D. Table The table below summarizes the applicability of PBUA to existing buildings where enlargements have already occurred.

Summary of the Applicability of Predominantly Built-Up Area Regulations to Existing Buildings						
Existing Building Originally Constructed		See next column	Subsequent Alterations or Enlargements		See next column	Use of PBUA Today?
Year	PBUA Compliant?		Year	PBUA Compliant?		
Pre-1973	x	→	Pre-1973	✓ or x	→	✓
		→	Post-1973	x	→	x
				✓	→	✓
Post-1973	✓	→	Post-1973	x	→	x
				✓	→	✓
	x	→	Post-1973	✓ or x	→	x