

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
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CITY PLANNING COMMISSION  
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### Article III: Commercial District Regulations

#### Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

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CITY PLANNING COMMISSION  
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12/15/61

**Chapter 4  
Bulk Regulations for Residential Buildings in Commercial  
Districts**

12/15/61

**34-00  
APPLICABILITY AND DEFINITIONS**

9/28/04

**34-01  
Applicability of this Chapter**

The #bulk# regulations of this Chapter apply to any #residential building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, in C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply to #residential buildings#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15,

1961, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions of Existing Non-Residential Buildings), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

10/29/07

### **34-011**

#### **Quality Housing Program**

In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

In the above listed districts without a letter suffix and in C5-2, C5-3, C5-4, C5-5, C6-1, C6-1A, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the #bulk# regulations applicable to Quality Housing #developments# may, as an alternative, be applied under the same conditions set forth in Sections 23-011 and 34-112. In addition, all Quality Housing #buildings# shall comply with Section 34-233 (Special provisions applying along district boundaries).

11/19/87

### **34-02**

#### **Definitions**

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

12/15/61

### **34-10**

#### **APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS**

7/26/01

**34-11  
General Provisions**

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations for #residential buildings# set forth in Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 to 34-24, inclusive, relating to Exceptions to Applicability of Residence District Controls.

12/15/61

**34-111  
Residential bulk regulations in C1 or C2 Districts whose bulk is governed by surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence District# within which such #Commercial Districts# are mapped apply, except that when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts apply.

10/29/07

**34-112  
Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

<u>Districts</u>	<u>Applicable #Residence District#</u>
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C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7
C1-6A C2-6A C4-4A C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

10/17/07

**34-113**

**Existing public amenities for which floor area bonuses have been received**

- (a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which no #floor area# bonus has been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was

granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction in size of existing public open areas

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

12/15/61

**34-20**

**EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS**

7/26/01

**34-21**

**General Provisions**

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section 34-11 (General Provisions) are modified by the provisions of Sections 34-22 (Modification of Floor Area and Open Space Regulations), 34-23 (Modification of Yard Regulations) and 34-24 (Modification of Height and Setback Regulations). The purpose of these

modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

6/12/96

**34-22**

**Modification of Floor Area and Open Space Regulations**

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) and 23-15 (Maximum Floor Area Ratio in R10 Districts), and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

10/17/07

**34-221**

**Maximum floor area ratio**

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# for a #residential building# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade)

Section 34-225 (Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan).

6/12/96

**34-222**

**Change of use**

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# and maximum #floor area ratio# shall not apply to such change of #use#.

10/17/07

**34-223**

**Floor area bonus for a public plaza**

C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

In the districts indicated, except for #buildings developed# pursuant to the Quality Housing Program, for each square foot of #public plaza developed# in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

10/17/07

**34-224**

**Floor area bonus for an arcade**

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, except for #buildings developed# pursuant to the Quality Housing Program, for each square foot of #arcade developed# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by three square feet.

10/17/07

**34-225**

**Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan**

In C4-7 Districts within Community District 7 in the Borough of Manhattan, the total #floor area# permitted on a #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

7/26/01

**34-23**  
**Modifications of Yard Regulations**

7/26/01

**34-231**  
**Modification of front yard requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #front yard# shall be required for any #residential building#.

7/26/01

**34-232**  
**Modification of side yard requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided, such open area shall have a width of not less than eight feet.

7/26/01

**34-233**

**Special provisions applying along district boundaries**

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, if a #Commercial District# boundary coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District and a #side lot line# of any adjoining #zoning lot# in such #Commercial District#, a #front yard# is required for any #residential building# on such #zoning lot# in the #Commercial District#. The depth of such #front yard# shall be equal to the required depth of a #front yard# in the adjacent #Residence District#.

C1 C2 C3 C4 C5 C6

- (b) In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# with a width of at least eight feet is required for a #residential building# on a #zoning lot# within the #Commercial District#.

In addition, if a #residential building# is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, that portion of such #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).

7/26/01

**34-24**

**Modification of Height and Setback Regulations**

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

- (a) Application of sky exposure planes

In the districts indicated, except as set forth in paragraph

(a) of Section 34-233 (Special provisions applying along district boundaries), no #front yard# is required for any #residential building# in a #Commercial District#.

Therefore, in applying the height and setback regulations in a #Commercial District#, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. In cases where the provisions of paragraph (a) of Section 34-233 apply, the #sky exposure plane# is measured from a point above the #front yard line#.

C1 C2

(b) When mapped within R3 or R4A Districts

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #residential buildings#.

(c) When mapped within R4, R4B or R4-1 Districts

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #residential buildings#.

C4-4 C4-5 C4-2F C4-6 C4-7 C5 C6

(d) Special provisions for narrow buildings

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply to #buildings or other structures# unless such #buildings# are #developed# or #enlarged# pursuant to the Quality Housing Program.