



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 24-01 - Applicability of This Chapter

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## 24-01 - Applicability of This Chapter

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LAST AMENDED

4/18/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #community facility building#, or to the #community facility# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

The #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# in any #Residence District# which contains a #residential building#, or to the #residential# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

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.

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 to #large-scale community facility developments# or to #community facility# #uses# in #large-scale residential developments# are set forth in Article VII, Chapters 9 or 8, respectively.

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

For the purposes of this Chapter, the regulations applicable to an R7-2 District shall apply to R7-3 Districts, unless otherwise specified.

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

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

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## 24-011 - Quality Housing Program

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LAST AMENDED

3/22/2016

The applicability of the Quality Housing Program to #community facility buildings# or portions of #buildings# containing #community facility# #uses# is set forth in this Section, except as modified in Section [24-012](#) (Exceptions to the bulk regulations of this Chapter).

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #community facility building# or portion of a #building# containing #community facility# #uses# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. In all other R6, R7, R8, R9 or R10 Districts, if the #residential# portion of a #building# containing a #community facility# #use# is #developed# or #enlarged# pursuant to the Quality Housing Program, the entire #building# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. However, for houses of worship in R8A, R8X, R9A, R9X, R10A and R10X Districts or, where located in #Quality Housing buildings# in other R8 through R10 Districts without a letter suffix, the #street wall# location provisions of Section [23-661](#) are optional.

For all such #buildings# using the height and setback regulations for #Quality Housing buildings#, any permitted obstruction

listed in Section [24-51](#) that is not listed in Section [23-62](#) shall also be considered a permitted obstruction.

Special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section [24-013](#) (Special provisions for certain community facility uses).

#Quality Housing buildings# shall comply with the additional provisions set forth in Article II, Chapter 8 (The Quality Housing Program). In R5D Districts, certain provisions of Article II, Chapter 8, shall apply as set forth in Section [28-01](#) (Applicability of this Chapter).

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## **24-012 - Exceptions to the bulk regulations of this Chapter**

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LAST AMENDED

6/6/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) #Buildings# used partly for #community facility# #uses#

Except as provided in paragraph (b) of this Section, in R3-1, R3A, R3X, R4-1, R4A, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility# #use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility# #use# and partly for #residential use# only where:

- (1) such #community facility# #use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or
- (2) such #building# has received an authorization pursuant to Section [24-04](#) (Modification of Bulk Regulations in Certain Districts).

(b) #Buildings# containing certain #community facility# #uses# in #lower density growth management areas#

- (1) In R1 through R5 Districts in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:
  - (i) ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
  - (ii) child care services as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.
- (2) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3, shall apply, except that:
  - (i) the provisions of Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;

- (ii) in lieu of Sections [23-46](#) (Minimum Required Side Yards) and [23-66](#) (Required Side and Rear Setbacks), Sections [24-35](#) (Minimum Required Side Yards) and [24-55](#) (Required Side and Rear Setbacks) shall apply; and
- (iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section [12-10](#), pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.

(c) Special provisions for certain #community facility# #uses#

Special provisions for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations listed under Use Group III(A), are set forth in Section 24-013.

(d) #Quality Housing buildings#

For #Quality Housing buildings#, the provisions of Section [24-011](#) shall apply.

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## 24-013 - Special provisions for certain community facility uses

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LAST AMENDED

6/6/2024

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations listed under Use Group III(A).

(a) #Buildings# containing #long-term care facilities#

(1) In R1 and R2 Districts

In R1 and R2 Districts, where a #long-term care facility# is permitted pursuant to Section [74-131](#) (Long-term care facilities), the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (a) of Section [24-111](#) (Maximum floor area ratio for certain community facility uses), except as permitted by the City Planning Commission pursuant to Section [74-902](#) (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

(2) In R3 through R5 Districts

In R3-2 Districts, and R4 or R5 Districts without a letter or number suffix, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) the #lot coverage# regulations of Section [24-11](#) (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall apply in lieu of the maximum #lot coverage# set forth in Section [23-144](#) (Affordable independent residences for seniors);
- (ii) the minimum size of #dwelling unit# provisions of Section [23-23](#) shall not apply;
- (iii) in R3-2 Districts, the height and setback regulations of Section [24-50](#) shall apply in lieu of Section [23-60](#); and
- (iv) in R5 Districts, the provisions of paragraph (j)(2) of Section [23-631](#) shall be modified so that the height

of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section [74-903](#) (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

In R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long-term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section [24-111](#), except as permitted by the Commission pursuant to Section [74-903](#).

(3) In R6 through R10 Districts

In R6 through R10 Districts, the #bulk regulations# of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) in R6A Districts or R6 Districts without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;
- (ii) in R7A Districts or R7 Districts without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6; and
- (iii) the minimum size of #dwelling unit# provisions of Section [23-23](#) shall not apply.

In R6 through R10 Districts without letter suffixes, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section [74-903](#).

(4) Applicability of #affordable independent residences for seniors bulk# provisions

Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of this Chapter apply to #buildings#, or portions thereof, containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

(1) In R1 and R2 Districts

In R1 and R2 Districts the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (a) of Section [24-111](#), except as permitted by the Commission pursuant to Section [74-902](#).

(2) In R3 through R5 Districts and R6 through R10 Districts without a letter suffix

In R3 through R5 Districts, and in R6 through R9 Districts without a letter suffix, the maximum #floor area

ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (b) of Section [24-111](#), except as permitted by the Commission pursuant to Section [74-903](#).

For #zoning lots# in R3-2, R4, R5, R6 and R7-1 Districts, except for R4-1, R4A, R4B, R5D and R6B Districts, with #buildings# containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section [24-162](#) shall not apply. In lieu thereof, the provisions of Section [24-161](#) shall apply.

In R10 Districts without a letter suffix, the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations shall be as set forth in Section [24-11](#) (Maximum Floor Area Ratio and Percentage of Lot Coverage).

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied.

(3) In R6 through R10 Districts with a letter suffix

In R6 through R10 Districts with a letter suffix, the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, inclusive, shall apply.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts with a letter suffix, and the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts without a letter suffix, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section [28-01](#) (Applicability of this Chapter).