Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

24-04 - Applicability of Article II, Chapter 3 Regulations

File generated by https://zr.planning.nyc.gov on 11/22/2026

24-04 - Applicability of Article II, Chapter 3 Regulations

LAST AMENDED
12/5/2024

For #community facility# #buildings# or #buildings# used partly for #community facility# #use# and partly for #residential use#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) All #bulk# regulations

(1) In all districts, the #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) for #qualifying affordable housing# may be applied to #buildings# subject to an #affordable housing regulatory agreement# if #qualifying affordable housing# includes #community facility# #uses#.

(2) 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 (Residential Bulk Regulations 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:

(i) 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

(ii) such #building# has received an authorization pursuant to Section 24-06 (Modification of Bulk Regulations in Certain Districts).

(b) Height and setback

(1) In R6 through R12 Districts with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations.

(2) In all other #Residence Districts#, the #residential# height and setback regulations may be applied as follows:

(i) the height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied in accordance with the applicable #Residence District# regulations;

(ii) the height and setback regulations of Section 23-43, inclusive, may be applied in accordance with the applicable #Residence District# regulations.

However, for Districts subject to the #street wall# location requirements of paragraph (b) of Section 23-431, such regulations need not apply to houses of worship listed under Use Group III(B).

Any obstructions permitted to penetrate a maximum height limit pursuant to Section 23-41 (Permitted Obstructions), inclusive, shall also be permitted in addition to those set forth in Section 24-51 (Permitted Obstructions).

(c) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential# #bulk# regulations may also be applied to the entire #building#:

(1) the #yard# regulations of Section 23-30, inclusive, applicable to a #multiple dwelling residence#;

(2) the maximum #lot coverage# requirements of Section 23-36, inclusive; and

(3) for #community facility# #uses# with sleeping accommodations:

(i) the special #floor area# allowances of Section 23-23, inclusive;

(ii) the #court# regulations of Section 23-35, inclusive; and

(iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37.

Any obstructions permitted within a specific open area pursuant to Section 23-30, inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article II, Chapter 4.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.