Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

33-03 - Applicability of Article II, Chapter 3 Regulations

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LAST AMENDED
12/5/2024

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

(a) Height and setback

(1) In #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District 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, as modified by the provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

(2) In all other #Commercial 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 to #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive.

(ii) The height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive.

(b) 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 #rear yard#, #rear yard equivalent# and open area along #side lot line# requirements of Section 23-30, inclusive, applicable to a #multiple dwelling residence#; and

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

(i) the special #floor area# allowances of Section 23-23 (Special Floor Area Provisions for Multiple Dwelling Residences), inclusive;

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

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

Any obstructions permitted within a specific open area pursuant to Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), 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 III, Chapter 3.

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.