



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **123-60 - SPECIAL BULK REGULATIONS**

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## 123-60 - SPECIAL BULK REGULATIONS

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LAST AMENDED  
12/10/1997

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## 123-61 - General Provisions

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LAST AMENDED  
3/22/2016

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#, and the #bulk# regulations set forth in paragraph (a) of Section [24-013](#) (Special provisions for certain community facility uses) shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. The #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and other #community facility uses# in a #building or other structure#. Exceptions to the applicability of such underlying #bulk# regulations are set forth in Sections [123-60](#) through [123-66](#), inclusive. Where, pursuant to paragraph (a) of Section [24-013](#), #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, the exceptions to the underlying #bulk# regulations set forth in this Chapter applicable to #affordable independent residences for seniors# shall also apply to #long-term care facilities#.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

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## 123-62 - Maximum Floor Area Ratio for Community Facilities

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LAST AMENDED  
2/2/2011

The maximum #floor area ratio# permitted for a #community facility use# pursuant to Article IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for a #community facility use# shall be the maximum #floor area ratio# allowed for a #community facility use# pursuant to the designated #Residence District# regulations set forth in Section [24-10](#) (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive. #Lot coverage# requirements shall not apply.

When the designated district is an R7-3 District, the maximum #floor area ratio# for a #community facility use# shall be 5.0.

When the designated district is an R9-1 District, the maximum #floor area ratio# for a #community facility use# shall be 9.0.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section [62-11](#). In lieu thereof, the applicable maximum #floor area ratio# set forth for #community facility uses# in Section [62-30](#) (SPECIAL BULK REGULATIONS) through [62-32](#) (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

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## 123-63 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

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LAST AMENDED  
11/22/2022

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section [23-151](#) (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections [23-153](#) (For Quality Housing buildings) or [23-155](#) (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section [62-11](#). In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections [62-30](#) (SPECIAL BULK REGULATIONS) through [62-32](#) (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section [23-154](#) (Inclusionary Housing). The locations of such districts are specified in [APPENDIX F](#) of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
MX-1 – Community District 1, The Bronx	R6A R7D
MX 2 - Community District 2, Brooklyn	R7A R8A R8X
MX 4 – Community District 3, Brooklyn	R6A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A R7D R7X
MX 11 - Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 - Community District 6, The Bronx	R7A R7X
MX 16 - Community Districts 5 and 16, Brooklyn	R6A R7A R7D R8A
MX 18 - Community District 1, The Bronx	R7X

MX 19 - Community District 16, Brooklyn	R6A R7A
MX 20 - Community District 8, Brooklyn	R7A
MX 22 – Community District 4, Brooklyn	R7D
MX 23 – Community District 1, Queens	R6A R7A
MX 24 – Community District 1, Queens	R6A R7-3 R7X R9 R9-1
MX 25 – Community District 6, Brooklyn	R6B

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## 123-64 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings

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LAST AMENDED

4/20/2016

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

(a) Maximum #floor area ratio#

(1) #Manufacturing# or #commercial# #uses#

The maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# under the provisions of Section [43-12](#), in accordance with the designated M1 District.

(2) #Community facility uses#

The maximum #floor area ratio# permitted for #community facility uses# shall be the applicable maximum #floor area ratio# permitted for #community facility uses# in #Residence Districts# under the provisions of Section [24-10](#) (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, in accordance with the designated #Residence District#.

(3) #Residential uses#

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section [23-14](#), inclusive, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section [123-63](#), in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential use#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing uses# shall be the base #floor area ratio# set forth in Section [23-154](#) (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing#, pursuant to Section [23-90](#), inclusive.

(b) #Lot coverage# requirements

#Lot coverage# requirements shall not apply.

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## **123-641 - Floor area bonus for a public plaza or arcade in connection with mixed use buildings**

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LAST AMENDED  
2/2/2011

Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, as defined in Section [62-11](#), #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

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## **123-65 - Special Yard Regulations**

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LAST AMENDED  
7/26/2001

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## **123-651 - Special yard regulations for residential buildings**

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LAST AMENDED  
7/26/2001

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #residential buildings# other than #single-# or #two-family residences#, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet.

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## **123-652 - Special yard regulations for mixed use buildings**

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LAST AMENDED  
2/2/2011

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a

#side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# where any window of such #dwelling unit# faces onto such #rear yard#.

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## **123-653 - Special yard regulations applying on waterfront blocks**

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LAST AMENDED  
4/22/2009

On #waterfront blocks#, as defined in Section [62-11](#), the #rear yard# regulations of Section [62-33](#) (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of Section [123-652](#) shall apply.

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## **123-654 - Special provisions applying along district boundaries**

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LAST AMENDED  
4/22/2009

Along such portion of the #Special Mixed Use District# boundary that coincides with a #side lot line# of a #zoning lot# within an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet shall be required within the #Special Mixed Use District#.

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## **123-655 - Special permitted obstructions in required yards or rear yard equivalents for affordable independent residences for seniors**

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LAST AMENDED 3/22/2016

A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residents for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be a permitted obstruction within a #rear yard# or #rear yard equivalent# on #zoning lots# in #Special Mixed Use Districts# with R6 through R10 District designations, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less, and provided that such space shall be accessible to all residents of the #building#.

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## **123-66 - Height and Setback Regulations**

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LAST AMENDED  
6/6/2024

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the provisions of Section [123-661](#) (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply. On #waterfront blocks#, as defined in Section [62-11](#), where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section [62-34](#), inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section [123-661](#) shall apply.

In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R10 District, the provisions of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall apply. However, in certain zoning districts in certain #Special Mixed Use Districts#, such provisions are modified by the special rules of Section [123-663](#) (Special rules for certain districts in certain Special Mixed Use Districts).

However, for M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights between the applicable #Manufacturing District# regulations set forth in Section [43-46](#), or the applicable #Residence District# regulations set forth in this Section, inclusive, depending on the particular M1 District and #Residence District# pairing.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

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## **123-661 - Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations**

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LAST AMENDED  
7/26/2001

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections [23-62](#), [24-51](#) and [43-42](#) (Permitted Obstructions) shall apply to any #mixed use building#.

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## **123-662 - All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

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LAST AMENDED  
7/14/2022

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section [23-662](#) shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section [23-662](#), the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section [26-52](#) (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section [23-663](#). In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section [23-664](#) shall apply. Separate maximum #building# heights are set forth within Sections [23-662](#) and [23-664](#) for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#.

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections [23-62](#), [24-51](#) or [43-42](#). In addition, in all Districts, within a required setback area, a dormer may be provided in accordance with the provisions of paragraph (c)(1) of Section [23-](#)



However, all #buildings or other structures# on #waterfront blocks#, as defined in Section [62-11](#), shall comply with the height and setback regulations set forth for the designated #Residence District# as set forth in Section [62-34](#) (Height and Setback Regulations on Waterfront Blocks), inclusive.

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## 123-663 - Special rules for certain districts in certain Special Mixed Use Districts

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LAST AMENDED

7/14/2022

For zoning districts in certain #Special Mixed Use Districts# specified by this Section, the height and setback regulations of paragraphs (a) and (b) of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall be modified as follows:

- (a) In R8X Districts within #Special Mixed Use District# 2:
- (1) the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the underlying maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, “predominantly” shall mean at least 75 percent of the #floor area# of a #building#; and
  - (2) in Historic Districts designated by the Landmarks Preservation Commission, the maximum base height of a #street wall# may vary between the maximum base height of this Section, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than such maximum base height. For the purposes of this paragraph, a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.
- (b) In R7-2 Districts within #Special Mixed Use District# 15:
- (1) a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet;
  - (2) at least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#; and
  - (3) existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.
- (c) In R6A Districts within #Special Mixed Use District# 23, where such R6A District is paired with an M1-5 District, the

underlying height and setback regulations applicable to an R7A District shall apply.

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## **123-67 - Residential Conversion**

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LAST AMENDED

2/2/2011

- (a) The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings) shall not apply in #Special Mixed Use Districts#, except as expressly set forth herein.

In #Special Mixed Use Districts#, in any community district in the City, the #conversion# to #residences# of non-#residential# portions of #buildings#, in existence on or prior to December 10, 1997, shall be permitted subject to Sections [15-11](#), [15-12](#) and [15-30](#), paragraph (b).

#Uses# in #buildings# in existence on or prior to December 10, 1997, containing both #residential# and non-#residential# uses#, shall not be subject to the provisions of Section [123-31](#) (Provisions Regulating Location of Uses in Mixed Use Buildings).

For the purposes of applying paragraph (a) of Section [15-111](#) to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.

- (b) The #conversion# to #residences# of non-#residential# portions of #buildings# constructed after December 10, 1997, shall comply with the special #bulk# regulations of this Chapter for new #residential# #development#.