



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **35-24 - Applicability of Residential Bulk Rules to Non-residential Portions of Mixed Buildings**

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## 35-24 - Applicability of Residential Bulk Rules to Non-residential Portions of Mixed Buildings

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LAST AMENDED  
12/5/2024

For the non-residential portion of mixed buildings or for commercial or community facility buildings on the same zoning lot as residences, 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; or
  - (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, 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 III, Chapter 5.

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.