Zoning Resolution

THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

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Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

34-00 - APPLICABILITY AND DEFINITIONS

LAST AMENDED
7/26/2001

34-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. 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.

34-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying# #buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alteration would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to 74-61.

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

34-03 - Applicability to Specific Districts

LAST AMENDED
12/5/2024

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

34-10 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

LAST AMENDED
12/15/1961

34-11 - General Provisions

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations of Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 through 34-24, relating to exceptions to applicability of #Residence District# controls.

34-111 - Residential bulk regulations in Cl or C2 Districts whose bulk is governed by surrounding Residence District

LAST AMENDED
12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence District# within which such #Commercial Districts# are mapped apply, except that:

(a) on #qualifying residential sites# within the #Greater Transit Zone#, where such districts are mapped within R1 through R5 Districts, the #bulk# regulations for R5 Districts without a letter suffix shall apply; and

(b) on non-#qualifying residential sites#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply.

Such district modifications shall apply for the purposes of applying the provisions of Article II, Chapter 3, and the remaining provisions of this Chapter, unless otherwise specified.

34-112 - Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

LAST AMENDED
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #residential equivalent# of the #Commercial District# as set forth in the following table:

Districts	Applicable #residential equivalent#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-6A C2-6A C4-4A C4-4L C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C4-8 C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C4-9 C6-3	R9

C1-8A C2-7A C6-3A	R9A
C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X
C4-11 C6-11	R11
C4-11A	R11A
C4-12 C6-12	R12

34-113 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
10/17/2007

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which no #floor area# bonus has been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction in size of existing public open areas

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

34-20 - EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

LAST AMENDED
12/15/1961

34-21 - General Provisions

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section 34-11 (General Provisions) are modified by the provisions of Sections 34-22 (Modification of Floor Area Regulations), 34-23 (Modification of Yard Regulations) and 34-24 (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

34-22 - Modification of Floor Area Regulations

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-20 (FLOOR AREA REGULATIONS), inclusive, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

34-221 - Maximum floor area ratio

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade)

However, for #Commercial Districts# with a #residential equivalent# of an R10 or R11 District with a letter suffix, no #floor area# bonuses for #public plazas# or #arcades# shall be permitted.

34-222 - Change of use

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations pertaining to maximum #floor area ratio# shall not apply to such change of #use#.

34-223 - Floor area bonus for a public plaza

LAST AMENDED
12/5/2024

C4-6 C4-7 C4-11 C4-12 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

In the districts indicated, for each square foot of #public plaza# provided in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) may be increased by six square feet.

34-224 - Floor area bonus for an arcade

LAST AMENDED
12/5/2024

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11 C6-12

In the districts indicated, for each square foot of #arcade# provided in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) may be increased

by three square feet.

34-23 - Modification of Yard and Open Area Regulations

LAST AMENDED
12/5/2024

34-231 - Modification of front yard requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required for any #residential building#.

34-232 - Modification of side yard requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections 23-311 and 23-312 shall be permitted in

such open areas.

34-233 - Change of use

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations pertaining to minimum required #open space ratio# shall not apply to such change of #use#.

34-24 - Modification of Height and Setback Regulations

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

(a) In Commercial Districts with R1 through R5 equivalency

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through

R5 District, the modifications to #residential# height and setback regulations set forth in Section 35-62 shall be applied.

(b) In Commercial Districts with R6 through R12 equivalency

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts:

(1) the modifications to #residential# height and setback regulations set forth in Section 35-63, inclusive, shall be applied;

(2) the special height and setback provisions for certain areas set forth in Section 36-64 shall be applied; and

(3) where the optional #bulk# regulations for #sky exposure plane buildings# are utilized, the provisions set forth in Section 35-71, inclusive, shall be applied. Where any of such optional provisions are utilized, all the other associated #bulk# provisions shall apply.