



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **33-00 - APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

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## **33-00 - APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

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LAST AMENDED  
12/15/1961

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### **33-01 - Applicability of This Chapter**

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LAST AMENDED  
10/10/2013

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. 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.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #community facility# #uses# in #large-scale residential developments# are set forth in Article VII, Chapter 8 and special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 9.

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

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-13, paragraph (b) and 33-15, paragraph (a).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area#, to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

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### **33-011 - Quality Housing Program**

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LAST AMENDED  
3/22/2016

The applicability of the Quality Housing Program to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use# is set forth in this Section.

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article III, Chapter 5. Special regulations are set forth for

#buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 33-012 (Special provisions for certain community facility uses).

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## 33-012 - Special provisions for certain community facility uses

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LAST AMENDED

3/22/2016

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 or C2 Districts mapped within R1 or R2 Districts, where a #long-term care facility# is permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) the #lot coverage# provisions of Section 23-144 shall not apply;
- (ii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;
- (iii) the #yard# regulations of Sections 33-20 and 33-30 shall apply in lieu of Sections 23-40 and 23-50;
- (iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section 33-40 shall apply in lieu of Section 23-60; and
- (v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, or in

C3A Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (d) or (e) of Section 33-121, as applicable, except as permitted by the Commission pursuant to Section 74-903.

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;
- (ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;
- (iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;
- (iv) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section 35-532 (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and
- (v) the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

(4) Applicability of #affordable independent residences for seniors# #bulk# provisions

Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of this Chapter apply to #buildings#, or portions thereof, containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

(1) *#Commercial Districts#* with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum *#floor area ratio#* for a *#building#* that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the *#floor area ratio#* set forth in paragraph (b) of Section 33-121, except as permitted by the Commission pursuant to Section 74-902.

(2) *#Commercial Districts#* with a residential equivalent of an R3 through R10 District

In C1 or C2 Districts mapped within R3 through R9 Districts, the maximum *#floor area ratio#* for a *#building#* that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the *#floor area ratio#* set forth in paragraphs (d) or (e) of Section 33-121, except as permitted by the Commission pursuant to Section 74-903.

In other *#Commercial Districts#* with a residential equivalent of R3 through R9 Districts, the maximum *#floor area ratio#* for a *#building#* that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the *#floor area ratio#* set forth in paragraphs (a) and (b) of Section 33-123 (Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts), as applicable, except as permitted by the Commission pursuant to Section 74-903.

In C1 or C2 Districts mapped within R10 Districts or in *#Commercial Districts#* with a residential equivalent of an R10 District, the maximum *#floor area ratio#* for a *#building#* that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the *#floor area ratio#* set forth in the tables of Sections 33-121 or 33-123, as applicable.

In R6 through R10 Districts without a letter suffix, the height and setback regulations for *#Quality Housing buildings#* set forth in Article II, Chapter 3, may be applied. However, the provisions of Section 23-66 are modified by Section 35-65 (Height and Setback Requirements for Quality Housing Buildings).

(c) Applicability of Quality Housing Program elements

For all *#buildings#* containing *#long-term care facilities#* that utilize the *#bulk#* regulations for *#affordable independent residences for seniors#* in Article II, Chapter 3, as modified by Section 35-65, and for *#buildings#* containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for *#Quality Housing buildings#* in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such *#uses#*, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

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## **33-02 - Definitions**

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LAST AMENDED  
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

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## **33-03 - Street Tree Planting in Commercial Districts**

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LAST AMENDED  
9/7/2017

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
  - #Special Bay Ridge District#;
  - #Special Bay Street Corridor District#;
  - #Special Clinton District#;
  - #Special Downtown Brooklyn District#;
  - #Special Downtown Far Rockaway District#;
  - #Special Downtown Jamaica District#;
  - #Special East Harlem Corridors District#;
  - #Special Grand Concourse District#;
  - #Special Hillside Preservation District#;
  - #Special Hudson Yards District#;
  - #Special Little Italy District#;
  - #Special Long Island City Mixed Use District#;
  - #Special Ocean Parkway District#;
  - #Special South Richmond Development District#;
- (c) #enlargements#, pursuant to the Quality Housing Program, of #single-# or #two-family residences# by 20 percent or more;
- (d) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or
- (e) construction of a detached garage that is 400 square feet or greater.

The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C and 16D.

For areas designated as #lower density growth management areas#, pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

- Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)
- Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area; Private road)
- Section 22-14 (Use Group 4 – Ambulatory diagnostic or treatment health care facilities)
- Section 32-11 (Use Groups 1 and 2)
- Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)
- Section 33-121 (In districts with bulk governed by Residence District bulk regulations)
- Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District)
- Section 36-21 (General Provisions)
- Section 36-231 (In districts with high, medium or low parking requirements)
- Section 36-27 (Waiver for Certain Small Zoning Lots)
- Section 36-521 (Size of spaces)
- Section 36-581 (Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx)
- Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS)
- Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND); inclusive
- Section 73-125 (Ambulatory diagnostic or treatment health care facilities)
- Section 107-412 (Special bulk regulations for certain community facility uses in lower density growth management areas)
- Section 107-42 (Minimum Lot Area and Lot Width for Residences)
- Section 107-464 (Side yards for permitted non-residential use)
- Section 107-62 (Yard, Court and Parking Regulations)
- Section 119-05 (Applicability of Parking Location Regulations)
- Section 119-214 (Tier II requirements for driveways and private roads)
- Section 128-052 (Applicability of Article I, Chapter 2)

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### **33-05 - Outdoor Table Service Areas**

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Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.