



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **23-00 - APPLICABILITY AND GENERAL PURPOSES**

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## 23-00 - APPLICABILITY AND GENERAL PURPOSES

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LAST AMENDED  
12/15/1961

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### 23-01 - Applicability of This Chapter

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LAST AMENDED  
3/22/2018

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #residential# #building or other structure#, or to the #residential# portion of a #building or other structure# used for both #residential# and #community facility# #uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to any #zoning lot# or portion of a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility# #uses#, except as set forth in Section 24-012 (Exceptions to the bulk regulations of this Chapter). 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 #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively.

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

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 Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# 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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### 23-011 - Quality Housing Program

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LAST AMENDED  
11/23/2021

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings# #converted#

pursuant to Article I, Chapter 5.

In R5D Districts, only certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of This Chapter).

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:
- (1) the existing #buildings# contain no #residences# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to #Quality Housing buildings#; or
  - (2) the existing #buildings# contain #residences#, and:
    - (i) such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Section 23-662 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio# and #lot coverage# standards applicable to #Quality Housing buildings#; or
    - (ii) for #developments# or #enlargements# on #zoning lots# 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):
      - (a) the entire #zoning lot# will comply with the #floor area ratio# set forth in Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable;
      - (b) the entire #zoning lot# will comply with the #lot coverage# regulations for the applicable zoning district set forth in Section 23-153 (For Quality Housing buildings); and the #development# or #enlargement# :
        - (1) will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 1 of paragraph (b) of Section 23-664;
        - (2) in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(3) of Section 23-664, will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664; or

- (3) in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(4) of Section 23-664 and is located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664, will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

R6 R7 R8 R9 R10

- (c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:
  - (1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments), except that they may be permitted as an alternative to apply within #Large Scale Residential Developments# located:
    - (i) in C2-5 Districts mapped within R9-1 Districts in Community District 3 in the Borough of Manhattan.
  - (2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

#Special 125th Street District#;

#Special Bay Street Corridor District#;

#Special Downtown Brooklyn District#;

#Special Downtown Far Rockaway District#;

#Special Downtown Jamaica District#;

#Special East Harlem Corridors District#;

#Special Flushing Waterfront District#;

#Special Gowanus Mixed Use District#;

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Inwood District#;

#Special Jerome Corridor District#;

#Special Limited Commercial District#;

#Special Long Island City Mixed Use District#;

#Special Lower Manhattan District#, as modified in Section 91-05;

#Special Ocean Parkway District#;

#Special St. George District#;

#Special Transit Land Use District#; or

#Special Tribeca Mixed Use District#.

R6 R7 R8 R9 R10

- (d) In the districts indicated, for #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of the total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).

R6 R7 R8 R9 R10

- (e) In the districts indicated, where a Special Purpose District modifies the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, the additional provisions for #Quality Housing buildings# set forth in Article II, Chapter 8 shall continue to apply. In addition, where any Special Purpose District that requires elements of Article II, Chapter 8 to apply to non-#Quality Housing buildings#, all associated #floor area# exemptions shall apply.

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## **23-012 - Lower density growth management areas**

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LAST AMENDED  
3/22/2016

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 23-12 (Permitted Obstructions in Open Space)
- Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts)
- Section 23-32 (Minimum Lot Area or Lot Width for Residences)
- Section 23-33 (Special Provisions for Development of Existing Small Lots)
- Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas)
- Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)
- Section 23-462 (Side yards for all other buildings containing residences)
- Section 23-532 (Required rear yard equivalents)
- Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts)
- Section 23-711 (Standard minimum distance between buildings)
- Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas)
- Section 24-012 (Exceptions to the bulk regulations of this Chapter)
- Section 24-04 (Modification of Bulk Regulations in Certain Districts)
- Section 25-028 (Applicability of regulations to certain community facility uses in lower density growth management areas)
- Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)
- Section 25-23 (Requirements Where Group Parking Facilities Are Provided)
- Section 25-31 (General Provisions)
- Section 25-331 (Exceptions to application of waiver provisions)
- Section 25-62 (Size and Location of Spaces)
- Section 25-621 (Location of parking spaces in certain districts)
- Section 25-622 (Location of parking spaces in lower density growth management areas)
- Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas)
- Section 25-631 (Location and width of curb cuts in certain districts)
- Section 25-632 (Driveway and curb cut regulations in lower density growth management areas)
- Section 25-64 (Restrictions on Use of Open Space for Parking)
- Section 25-66 (Screening)
- Section 26-00 (APPLICABILITY OF THIS CHAPTER)

- Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive
- 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 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 54-313 (Single- or two-family residences with non-complying front yards or side yards)
- Section 105-702 (Applicability of lower density growth management area regulations)
- Section 107-412 (Special bulk regulations for certain community facility uses in lower growth management areas)
- Section 107-42 (Minimum Lot Area and Lot Width for Residences)
- Section 107-421 (Minimum lot area and lot width for zoning lots containing certain community facility uses)
- 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 128-051 (Applicability of Article I, Chapter 2)

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## **23-013 - Harassment**

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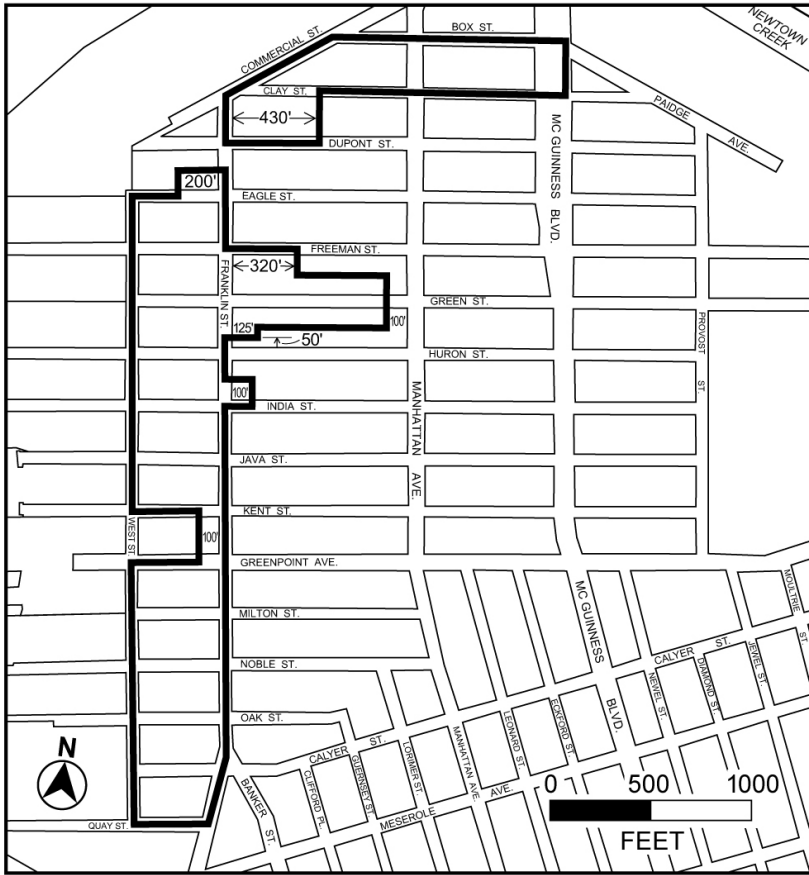
LAST AMENDED  
3/1/2006

Within the Greenpoint-Williamsburg #anti-harassment areas# in Community District 1, Borough of Brooklyn, as shown in the diagrams in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (Harassment) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in Section 93-90, paragraph (a), shall be modified:

Anti-harassment area

“Anti-harassment area” shall mean the Greenpoint-Williamsburg #anti-harassment areas# as shown in the diagrams:



**—** *Anti-harassment area*

(23-013.1)





— Anti-harassment area

(23-013.2)

**Greenpoint-Williamsburg Anti-Harassment Areas**

Referral date

“Referral date” shall mean October 4, 2004.

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

- (i) increase the #floor area ratio# pursuant to the provisions of Sections 23-90 or 62-352 (Inclusionary Housing); or
- (ii) increase the maximum height of a #building# or the height above which the gross area per #residential# #story# of a #building# is limited pursuant to the provisions of Section 62-354 (Special height and setback regulations), paragraphs (b)(2) and (d); or
- (iii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

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**23-02 - General Purposes of Residential Bulk Regulations**

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The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.

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## 23-03 - Street Tree Planting in Residence Districts

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LAST AMENDED

11/30/2017

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 Long Island City Mixed Use District#;
  - #Special Ocean Parkway District#;
  - #Special SoHo-NoHo Mixed Use 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.

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## 23-04 - Planting Strips in Residence Districts

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LAST AMENDED

2/2/2011

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family# #residences#, except as provided in paragraph (b) 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 Downtown Jamaica District#;
  - #Special Hillside Preservation District#;
  - #Special Ocean Parkway District#;
  - #Special South Richmond Development District#;
- (c) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or
- (d) construction of a detached garage that is 400 square feet or greater.