23-01 - Applicability of This Chapter
23-01 - Applicability of This Chapter

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.

23-011 - Quality Housing Program

LAST AMENDED
12/11/2017

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.

(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 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;
(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).

(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.

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

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)
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)
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.