



Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

96-105 - Dwelling unit regulations

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LAST AMENDED
2/2/2011

(a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, the density requirements of the underlying districts shall be inapplicable. In lieu thereof, the required #lot area per dwelling unit# of a #development#, #enlargement#, #extension# or #conversion# of an existing #building# to a #residential use# shall not be less than 168 square feet and the number of two-bedroom units on a #zoning lot# shall not be less than 20 percent.

In addition, the minimum density requirement and the 20 percent, two-bedroom unit requirement set forth in this Section shall apply to any alteration that creates additional #dwelling units# or additional zero-bedroom units. Alterations that reduce the percentage of apartments that contain two bedrooms are not permitted unless the resulting #building# meets the 20 percent, two-bedroom requirement.

However, notwithstanding any provision to the contrary contained in this Section, the minimum density requirement and the 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement and the density requirement of this Section for an #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

- (1) that such #residences# are sponsored by a voluntary non-profit organization;
- (2) that the location and size of such facility does not create an undue concentration of #dwelling units# of this type and #community facilities# with sleeping accommodations within the immediate area;
- (3) that there are social service, health and related programs for the residents including a maintenance and security plan;
- (4) that on-site recreation areas for the use of the residents are provided; and
- (5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the residential character of the surrounding area.

(b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#, which #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.