



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

33-03 - Applicability of Article II, Chapter 3 Regulations

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LAST AMENDED

12/5/2024

For **commercial buildings**, **community facility buildings** or **buildings** used partly for **commercial use** and partly for **community facility use**, the following regulations shall apply with regard to the applicability of certain **bulk** regulations from Article II, Chapter 3.

- (a) Height and setback
 - (1) In **Commercial Districts** mapped within, or with a **residential equivalent** of an R6 through R12 District with a letter suffix, the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all **buildings** in accordance with the applicable **Residence District** regulations, as modified by the provisions of Section [35-60](#) (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.
 - (2) In all other **Commercial Districts**, the **residential** height and setback regulations may be applied as follows:
 - (i) The height and setback regulations of Section [23-42](#) (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to **Commercial Districts** mapped within, or with a **residential equivalent** of an R1 through R5 District, in accordance with the applicable **Residence District** regulations, as modified by the provisions of Section [35-60](#), inclusive.

- (ii) The height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#), inclusive.

(b) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential bulk# regulations may also be applied to the entire #building#:

- (1) the #rear yard#, #rear yard equivalent# and open area along #side lot line# requirements of Section [23-30](#), inclusive, applicable to a #multiple dwelling residence#; and
- (2) for #community facility# #uses# with sleeping accommodations:
 - (i) the special #floor area# allowances of Section [23-23](#) (Special Floor Area Provisions for Multiple Dwelling Residences), inclusive;
 - (ii) the #court# regulations of Section [23-35](#) (Court Regulations), inclusive; and
 - (iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section [23-37](#) (Other Open Area Regulations).

Any obstructions permitted within a specific open area pursuant to Section [23-30](#) (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article III, Chapter 3.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.