



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **34-20 - EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS**

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## **34-20 - EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS**

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LAST AMENDED  
12/15/1961

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### **34-21 - General Provisions**

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LAST AMENDED  
7/26/2001

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section [34-11](#) (General Provisions) are modified by the provisions of Sections [34-22](#) (Modification of Floor Area and Open Space Regulations), [34-23](#) (Modification of Yard Regulations) and [34-24](#) (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

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### **34-22 - Modification of Floor Area and Open Space Regulations**

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LAST AMENDED  
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section [23-10](#) (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive, and made applicable to such districts in Section [34-11](#) (General Provisions), are modified as set forth in this Section.

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### **34-221 - Maximum floor area ratio**

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LAST AMENDED  
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section [34-223](#) (Floor area bonus for a public plaza)

Section [34-224](#) (Floor area bonus for an arcade)

Section [34-225](#) (Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan).

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### **34-222 - Change of use**

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LAST AMENDED  
6/12/1996

C1 C2 C3 C4 C5 C6

A non-residential use occupying a building, or portion thereof, that was in existence on December 15, 1961, may be changed to a residential use and the regulations on minimum required open space ratio and maximum floor area ratio shall not apply to such change of use.

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### **34-223 - Floor area bonus for a public plaza**

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LAST AMENDED  
2/2/2011

C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

In the districts indicated, except for Quality Housing buildings, for each square foot of public plaza provided in accordance with the provisions of Section [37-70](#), inclusive, the total floor area permitted on that zoning lot under the provisions of Section [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts) may be increased by six square feet.

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### **34-224 - Floor area bonus for an arcade**

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LAST AMENDED  
2/2/2011

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, except for Quality Housing buildings, for each square foot of arcade provided in accordance with the provisions of Section [37-80](#) (ARCADES), the total floor area permitted on that zoning lot under the provisions of Section [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts) may be increased by three square feet.

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### **34-225 - Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan**

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LAST AMENDED  
3/22/2016

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum residential floor area ratio may be increased pursuant to the Inclusionary Housing provisions of Sections [23-154](#) and [23-90](#).

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### **34-23 - Modification of Yard Regulations**

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LAST AMENDED  
7/26/2001

### **34-231 - Modification of front yard requirements**

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LAST AMENDED  
7/26/2001

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section [34-233](#) (Special provisions applying along district boundaries),

no #front yard# shall be required for any #residential building#.

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## 34-232 - Modification of side yard requirements

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LAST AMENDED

12/6/2023

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section [34-233](#) (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided, such open area shall have a width of not less than eight feet. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), inclusive, shall be permitted in such open areas.

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## 34-233 - Special provisions applying along district boundaries

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LAST AMENDED

3/22/2016

C1 C2 C3 C4 C5 C6

(a) In the districts indicated, if a #Commercial District# boundary coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District and a #side lot line# of any adjoining #zoning lot# in such #Commercial District#, a #front yard# is required for the portion of such #zoning lot# in the #Commercial District# within 25 feet of the district boundary. The depth of such #front yard# shall be equal to the required depth of a #front yard# in the adjacent #Residence District#.

C1 C2 C3 C4 C5 C6

(b) In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# with a width of at least eight feet is required for a #residential building# on a #zoning lot# within the #Commercial District#.

In addition, the provisions of paragraph (e) of Section [34-24](#) shall apply to such #building#.

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## 34-24 - Modification of Height and Setback Regulations

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LAST AMENDED

3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section [34-11](#) (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

(a) Application of #sky exposure planes#

In the districts indicated, except as set forth in paragraph (a) of Section [34-233](#) (Special provisions applying along

district boundaries), no #front yard# is required for any #residential building# in a #Commercial District#. Therefore, in applying the height and setback regulations in a #Commercial District#, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. In cases where the provisions of paragraph (a) of Section [34-233](#) apply, the #sky exposure plane# is measured from a point above the #front yard line#.

C1 C2

- (b) When mapped within R3 or R4A Districts

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #residential buildings#.

- (c) When mapped within R4, R4-1 or R4B Districts

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #residential buildings#.

C4-2F C4-4 C4-5 C4-6 C4-7 C5 C6

- (d) Special provisions for narrow #buildings#

In the districts indicated, the provisions of Section [23-692](#) (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (4) of Section [23-692](#) shall not apply.

C1 C2 C3 C4 C5 C6

- (e) Special provisions applying along district boundaries

The portion of a #Quality Housing building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the provisions of Section [23-693](#) (Special provisions applying adjacent to R1 through R6B Districts).

C1 C2 C4 C5 C6

- (f) For #Quality Housing buildings#

In the districts indicated, for #buildings# utilizing the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, the height and setback provisions of Section [23-66](#) (Height and Setback Requirements for Quality Housing Buildings) shall be modified by the provisions of Section [35-65](#), and, for #buildings# containing #affordable independent residences for seniors#, the permitted obstructions set forth in Section [23-44](#) shall be modified by the provisions of Section 35-532.