Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

96-104 - Dwelling unit regulations

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LAST AMENDED
12/5/2024

(a) #Dwelling unit# distribution

The density provisions set forth in Section 23-52 (Maximum Number of Dwelling Units) shall apply. In addition, for #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, or alterations that create additional #dwelling units#, at least 20 percent of the #dwelling units# on the #zoning lot# shall contain two bedrooms. However, notwithstanding any provision to the contrary contained in this Section, the minimum 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 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#, where such #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.