Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

33-00 - APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

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33-00 - APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

33-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. 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.

33-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# 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).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to 74-61.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

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

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.

33-04 - Street Tree Planting in Commercial Districts

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

In C8 Districts, the #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving:

From Use Group VI

Automotive repair and maintenance

#Automotive service stations#

Industrial drycleaning and laundry services

From Use Group IX

All #uses# listed under Use Group IX(A) and IX(C).

33-05 - Outdoor Table Service Areas

LAST AMENDED
2/24/2022

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

33-06 - Special Provisions for C7 Districts Mapped Prior to June 6, 2024

LAST AMENDED
6/6/2024

For the purpose of applying the #bulk# regulations of this Chapter, C7 Districts mapped prior to June 6, 2024, shall be considered C7-1 Districts.