

**Zoning for Quality and Affordability**

**Summary of proposed changes to Article III, Chapter 3 – Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

- Establishes that long-term care facilities in all commercial zoning districts (except C1 and C2 districts mapped within R5D and one- and two-family residence districts) shall utilize the bulk provisions in Article II, Chapter III (Bulk Regulations for Residential buildings in Residence Districts), and not the provisions of this chapter, except by special permit.
- Creates greater clarity on the applicable bulk regulations for buildings in contextual zoning districts and for buildings utilizing the Quality Housing option.
- Creates greater clarity on how to apply floor area regulations in mixed buildings.
- References to re-numbered or re-titled sections are updated. Terms removed or revised in the proposal are updated. Other edits for general clarity are also included.

If you would have comments or questions on this draft, please send them to [ahousing@planning.nyc.gov](mailto:ahousing@planning.nyc.gov).

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## **Article III - Commercial District Regulations**

### **Chapter 3**

#### **Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

#### **33-00**

##### **APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

#### **33-01**

##### **Applicability of this Chapter**

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.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments#, #community facility uses# in #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapter 8.

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

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-13, paragraph (b) and 33-15, paragraph (a).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area#, to #residences# in #buildings#

erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

### **33-011**

#### **Quality Housing Program**

The applicability of the Quality Housing Program to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial use# and partly for #community facility use# is set forth in this Section.

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article III, Chapter 5. Special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 33-012 (Special Provisions for Certain Community Facility Uses).

**Commented [DCP1]:** Adding new text intended to make clearer the applicability of Quality Housing bulk regulations for community facility buildings in certain zoning districts.

### **33-012**

#### **Special Provisions for Certain Community Facility Uses**

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, where a #long-term care facility# is authorized by the City Planning Commission pursuant to the provisions of Section 22-42, or permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

**Commented [DCP2]:** Adding new section to direct readers to new provisions and clarify applicability of existing provisions for long-term care facilities and philanthropic or non-profit institutions with sleeping accommodations. Similar to the additional language in 24-013.

**Commented [DCP3]:** Adding provision requiring long-term care facilities to utilize bulk regulations applicable to Affordable Independent Residences for Seniors (found in 23-00) in certain R3 through R5 districts and their commercial equivalents. The bulk regulations of this chapter would only be allowed by special permit.

In C1 or C2 Districts mapped within R3 through R5 Districts, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D Districts, or in C3 or C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. However, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (d) or (e) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), as applicable, except as permitted by the City Planning Commission pursuant to Section 74-903.

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the applicable #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. However, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) are modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

**Commented [DCP4]:** Adding provision requiring long-term care facilities to utilize bulk regulations applicable to Affordable Independent Residences for Seniors (found in 23-00) in R6 through R10 districts. The bulk regulations of this chapter would only be allowed by special permit and only for lots in districts without letter suffixes.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

**Commented [DCP5]:** Adding provision describing the applicability of special floor area regulations for philanthropic or non-profit institutions with sleeping accommodations found in this chapter.

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraph (b) of Section 33-121, except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) #Commercial Districts# with a residential equivalent of an R3 through R10 District

In C1 or C2 Districts mapped within R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (d) or (e) of Section 33-121, except as permitted by the City Planning Commission pursuant to Section 74-903.

In other #Commercial Districts# with a residential equivalent of an R3 through R9 Districts the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (a) and (b) of Section 33-123, as applicable, except as permitted by the City Planning Commission pursuant to Section 74-903.

In C1 or C2 Districts mapped within R10 Districts or in #Commercial Districts# with a residential equivalent of an R10 District, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in the Tables of Sections 33-121 or 33-123, as applicable.

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied. However, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) are modified by Section 35-65.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section 35-65, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

**Commented [DCP6]:** Adding provision to apply the Quality Housing Program to buildings containing long-term care facilities and philanthropic or non-profit institutions with sleeping accommodations, as these uses have many residential attributes.

\* \* \*

\* \* \*

**33-12**

**Maximum Floor Area Ratio**

**C1 C2 C3 C4C5 C6 C7 C8**

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in this Section, except as otherwise provided in the following Sections:

\* \* \*

Any given lot area shall be counted only once in determining #floor area ratio#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Commented [DCP7]: Adding clarification on how floor area regulations apply in buildings with different uses.

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 20 percent.

In addition, the following limitations on maximum permitted #floor area# shall apply:

\* \* \*

**33-121**

**In districts with bulk governed by Residence District bulk regulations**

**C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5**

In the districts indicated, for a #zoning lot# containing a #commercial# or #community facility use#, the maximum #floor area ratio# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

\* \* \*

In addition, the following provisions shall apply:

- (a) For #zoning lots# containing both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial uses# set forth in Column A.

\* \* \*

(b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility uses# on a #zoning lot# containing both #commercial uses# and #community facility uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section ~~74-902~~ 74-901 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)

\* \* \*

(d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing ~~nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations, or in C1 and C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D districts, for any #zoning lot# containing #long-term care facilities#,~~ the total #floor area# for all such #community facility uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 unless modified pursuant to Section ~~74-902~~ 74-903.

Commented [DCP8]: Removing various outdated terms.

Commented [DCP9]: Editing this paragraph to reflect the proposal for long-term care facilities found in 24-00.

Commented [DCP10]: Updating cross reference to applicable special permit.

(e) ~~The maximum #floor area ratio# for any #zoning lot# used partly for #commercial uses# and partly for #long-term care facilities# in C1 and C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D districts, nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums or and philanthropic or non-profit institutions with sleeping accommodations in C1 or C2 Districts mapped within R3 through R9 Districts, shall not exceed the amount permitted for a #zoning lot# containing #commercial uses# as set forth for the applicable #Residence District# within which such #Commercial District# is mapped in Column A. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111, or, for #Quality Housing buildings#, as set forth in Section 23-153, exceeds the amount permitted for a #zoning lot# containing #commercial uses#, as set forth in Column A, the provisions of paragraph (b) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section ~~74-902~~ 74-903.~~

Commented [DCP11]: Making various changes to this paragraph to reflect the proposal for long-term care facilities found in 24-00.

Commented [DCP12]: Replacing 'nursing homes' and replacing with updated term, and removing other outdated terms.

\* \* \*

Commented [DCP13]: Updating cross reference to applicable special permit.

### 33-123

#### Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing #community facility uses#, or for a #zoning lot# containing both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

\* \* \*

For #zoning lots# containing both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial uses# in Section 33-122.

In addition, the following provisions shall apply:

- (a) In all #Commercial Districts# except ~~C7 and~~ C8 Districts, or districts with a residential equivalent of an R10 District, for any #zoning lot# containing ~~nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums and~~ philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for such the #community facility use# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 (Maximum floor area ratio for certain community facility uses), or, for #Quality Housing buildings#, as set forth in Section 23-153, applying the equivalent #Residential District# (indicated in Section 34-112) for the #Commercial District# in which such #use# is located, unless modified pursuant to Section ~~74-903 74-902~~.
- (b) ~~The~~ maximum #floor area ratio# for any #zoning lot# used partly for #commercial use# and partly for ~~nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums and~~ philanthropic or non-profit institutions with sleeping accommodations in #Commercial Districts# other than C8 Districts, or districts with a residential equivalent of an R10 District, shall not exceed the amount permitted for a #zoning lot# containing #commercial uses# by the applicable district regulations. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111, or, for #Quality Housing buildings#, as set forth in Section 23-153, exceeds the amount permitted for a #zoning lot# containing #commercial uses#, the provisions of paragraph (b) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section ~~74-903 74-902~~.

Commented [DCP14]: Removing various outdated terms.

Commented [DCP15]: Updating cross reference to applicable special permit.

Commented [DCP16]: Making various changes to this paragraph to reflect the proposal for long-term care facilities found in 24-00.

Commented [DCP17]: Removing various outdated terms.

Commented [DCP18]: Updating cross reference to applicable special permit.

\* \* \*

### 33-20 YARD REGULATIONS

\* \* \*

### 33-23 Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Commercial Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

\* \* \*



(b) In any #rear yard# or #rear yard equivalent#:

(1) Balconies, unenclosed, subject to the provisions of Section 24-166-65;

Commented [DCP19]: Updating cross reference.

\* \* \*

**33-40  
HEIGHT AND SETBACK REGULATIONS**

**Definitions and General Provisions**

All #buildings# in #commercial districts# shall comply with the height and setback regulations set forth in this Section, inclusive. However, the height and setback regulations of this Section, inclusive, shall not apply in C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts. In lieu thereof, all #buildings# in such districts shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article III, Chapter 5.

Commented [DCP20]: Clarifying that buildings in the listed contextual districts do not utilize the provisions of this chapter and instead the provisions of 35-00 shall apply. This is similar to provisions added in 24-00.

\* \* \*

**33-43  
Maximum Height of Walls and Required Setbacks**

\* \* \*

**33-431  
In C1 or C2 Districts with bulk governed by surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

(a) In the districts indicated, for #buildings other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

Commented [DCP21]: Clarifying that Quality Housing buildings do not utilize the provisions of this chapter. The provisions of 35-00 apply.

\* \* \*

~~C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5~~

~~(b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457,~~

~~inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.~~

**Commented [DCP22]:** Removing redundant provision to avoid confusion. As stated above, buildings in contextual districts do not utilize the provisions of this chapter and instead the provisions of 35-00 apply.

**33-432**

**In other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

(a) In the districts indicated, ~~for #buildings other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure#, except as otherwise set forth in this Section, shall be as set forth in the following table:~~

**Commented [DCP23]:** Clarifying that Quality Housing buildings do not utilize the provisions of this chapter. The provisions of 35-00 apply.

\* \* \*

~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

(b) ~~In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.~~

**Commented [DCP24]:** Removing redundant provision to avoid confusion. As stated above, buildings in contextual districts do not utilize the provisions of this chapter and instead the provisions of 35-00 apply.

**33-433**

**Special height and setback regulations**

(a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-~~672~~ 634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

**Commented [DCP25]:** Updating cross reference to reflect relocated provision.

(b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to Section 23-674 (Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan) ~~the #residential bulk# regulations of the Quality Housing Program.~~

**Commented [DCP26]:** Updating cross reference to reflect relocated provision.

(c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements of Section 23-60.

**Commented [DCP27]:** Clarifying that only regulations applicable to R5D districts in 23-60 shall apply.

\* \* \*

**33-44**

**Alternate Front Setbacks**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, ~~for buildings other than Quality Housing buildings.~~ if an open area is provided along the full length of the front lot line with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the front lot line. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no building or other structure shall penetrate the alternate sky exposure plane set forth in this Section, and the sky exposure plane shall be measured from a point above the street line.

Commented [DCP28]: Clarifying that Quality Housing buildings do not utilize the provisions of this chapter. The provisions of 35-00 apply.

\* \* \*

**33-45  
Tower Regulations**

\* \* \*

**33-451  
In certain specified Commercial Districts**

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

\* \* \*

Unenclosed balconies, subject to the provisions of Section ~~24-166-65~~ (Balconies in R3 through R10 Districts), are permitted to project into or over open areas not occupied by towers.

Commented [DCP29]: Updating cross reference to reflect relocated provision.

\* \* \*

**33-49  
Special Height and Setback Limitations**

\* \* \*

**~~33-493~~  
Special provisions along certain district boundaries**

~~C1-6A C1-7A C1-8A C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

~~In the districts indicated, and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, the development# or enlargement# of a building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for~~

~~R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).~~

\* \* \*

END

**Commented [DCP30]:** Removing redundant provision to avoid confusion. As stated above, buildings in contextual districts do not utilize the provisions of this chapter and instead the provisions of 35-00 apply.