**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 62-13 - Applicability of District Regulations

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## 62-13 - Applicability of District Regulations

LAST AMENDED
11/12/2025

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

#Special Sheepshead Bay District#

#Special Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

The regulations of this Chapter shall apply in the following Special Purpose Districts, except as specifically modified within the Special Purpose District provisions:

#Special Flushing Waterfront District#

#Special Gowanus Mixed Use District#

#Special Inwood District#

#Special Long Island City Mixed Use District#

#Special St. George District#.

## 62-131 - Applicability of Article VII, Chapter 3

LAST AMENDED
12/5/2024

The following special permits by the Board of Standards and Appeals shall not be applicable within #waterfront blocks#:

Section 73-64 (Modifications for Community Facility Uses)

Section 73-68 (Height and Setback and Yard Modifications).

The following special permits by the Board of Standards and Appeals shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 73-13 (Community Facilities) shall be applicable, except that:

(a) all references to #floor area ratio# shall be modified in accordance with the provisions of Sections 62-32 and 62-333 pertaining to #floor area ratio# and #lot coverage#, which provisions the Board may modify pursuant to Section 73-12; and

(b) all findings involving the amount and distribution of #open space# shall be made using the open area of the lot resulting from the maximum #lot coverage# set forth in Section 62-333; and

Section 73-45 (Modification of Off-site Parking Provisions); and

Section 73-47 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section 62-40 (SPECIAL PARKING AND LOADING REGULATIONS).

## 62-132 - Applicability of Article VII, Chapters 4, 5, 8 and 9

LAST AMENDED
12/5/2024

The following special permits by the City Planning Commission shall not be applicable on #waterfront blocks#:

Section 74-72 (Bulk Modification)

Section 74-75 (Educational Construction Fund Projects)

Section 74-81 (Through Block Arcades)

Section 74-83 (Developments with Existing Buildings)

Section 74-85 (Covered Pedestrian Space).

The following special permits and authorizations by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 74-195 (Public parking garages or public parking lots in high density central areas) shall be applicable, subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section 62-836 (Public parking facilities on waterfront blocks); and

Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-411 (Accessory residential roof parking) and 62-421 (Accessory non-residential roof parking) shall apply;

Section 74-711 (Landmark preservation in all districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted;

Section 74-74 (Large-scale General Development);

Sections 74-79 (Transfer of Development Rights From Landmark Sites) and 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum #floor area ratio# for the applicable district set forth in Section 62-32 (Floor Area Regulations on Waterfront Blocks). Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-50 and 62-60;

Section 78-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE RESIDENTIAL DEVELOPMENTS); and

Section 79-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE COMMUNITY FACILITY DEVELOPMENTS).

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks).

For the purposes of modifying the height and setback regulations of Section 62-34, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32, inclusive. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-372 (Distance between legally required windows and lot lines).

## 62-133 - Applicability of Residential Design Elements

LAST AMENDED
12/5/2024

#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), shall be deemed to have met the requirements for recreation space specified in Section 23-63

(Required Recreation Space in Multiple Dwelling Residences). In addition, for the purposes of Section 23-613 (Front yard planting requirements), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

## 62-134 - Applicability of Article VII, Chapter 7

LAST AMENDED
2/2/2011

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), shall be applicable on #waterfront blocks#, as modified in the following Section:

Section 77-28 (Height and Setback Regulations) shall be applicable, except that all references to #street# frontage shall be inapplicable. In lieu thereof, the percentage of the #zoning lot# in each district shall be used to determine the quantitative requirements. Furthermore, the height and setback regulations applicable to the district in which more than 50 percent of the #lot area# on the #zoning lot# is located, may apply to the entire #zoning lot# provided that the greatest distance from the mapped district boundary to any #lot line# of the #zoning lot# in the district in which less than 50 percent of the area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.