Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

11-20 - INTERPRETATION OF PROVISIONS

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11-20 - INTERPRETATION OF PROVISIONS

LAST AMENDED
12/15/1961

11-21 - Provisions Are Minimum Requirements

LAST AMENDED
12/15/1961

In interpreting and applying the provisions of this Resolution, such provisions shall be considered as the minimum requirements:

(a) to promote and protect public health, safety and general welfare, as set forth in the Preamble to this Resolution and in the statements of legislative intent for the respective districts and other regulations; and

(b) to provide a gradual remedy for existing conditions which are detrimental thereto.

11-22 - Application of Overlapping Regulations

LAST AMENDED
12/15/1961

Whenever any provision of this Resolution and any other provisions of law, whether set forth in this Resolution or in any other law, ordinance or resolution of any kind, impose overlapping or contradictory regulations over the #use# of land, or over the #use# or #bulk# of #buildings or other

structures#, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

11-23 - Demolition and Replacement

LAST AMENDED
3/22/2016

The alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development# for the purposes of the following provisions. The provisions of this Section shall apply notwithstanding the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings). However, these provisions shall not apply where the #building# to be replaced is a #single-# or #two-family residence# utilizing the provisions of Article V.

Section 23-611 (Street tree planting)

Section 23-612 (Planting strips in residence districts)

Section 33-04 (Street Tree Planting in Commercial Districts)

Section 37-35 (Parking Wrap and Screening Requirements)

Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR)

Section 81-42 (Retail Continuity Along Designated Streets)

Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair)

Section 81-72 (Use Regulations Modified)

Section 82-12 (Mandatory Off-Street Relocation of a Subway Stair)

Section 91-43 (Off-street Relocation or Renovation of a Subway Stair)

Section 93-14 (Ground Floor Level Requirements)

Section 93-65 (Transit Facilities)

Section 93-66 (Open Area Requirements in the Large-Scale Plan Subdistrict A)

Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES)

Section 95-03 (Transit Easement)

Section 95-04 (Certification of Transit Easement Volume)

Section 95-08 (Special Use Regulations)

Section 97-12 (Arts and Entertainment Use Requirement)

Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue)

Section 98-53 (Required Open Areas on the East Side of the High Line)

Section 98-54 (Transparency Requirements on the East Side of the High Line)

Section 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS)

Section 101-11 (Special Ground Floor Use Regulations)

Section 101-43 (Off-street Relocation or Renovation of a Subway Stair)

Section 108-30 (MODIFICATION OF STREET TREE REQUIREMENTS)

Section 109-33 (Special Front Wall Regulations)

Section 117-42 (Special Bulk and Use Regulations in the Court Square Subdistrict)

Section 117-44 (Mandatory Subway Improvements)

Section 117-45 (Developer's Notice)

Section 117-55 (Mandatory sidewalk widening)

Section 118-30 (OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT)

Section 119-112 (Tier I tree planting requirements)

Section 119-216 (Tier II tree planting requirements)

Section 124-30 (MANDATORY IMPROVEMENTS)

Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS)

Section 126-21 (Street Tree Planting)

11-24 - Equivalence of Use Group Classifications

LAST AMENDED
6/6/2024

#Uses# existing prior to June 6, 2024, within a Use Group that on June 6, 2024, were recategorized into another Use Group shall not be considered a change of #use# for the purposes of applying the provisions of this Resolution.

11-25 - District Designations Appended with Suffixes

LAST AMENDED
6/29/1994

All regulations applicable to a district designation shall be applicable to such district designation appended with a suffix, except as otherwise set forth in express provisions of this Resolution. If a section lists an R4 District, therefore, the provisions of that section shall also apply to R4-1, R4A and R4B Districts, unless separate provisions for the districts with suffixes are listed within such section. Wherever a section lists only a district with a suffix, the provisions applicable to such district are different from the provisions of that district without a suffix. If a section lists only a C4-6A District, therefore, the provisions of that section are not applicable to a C4-6 District.

11-27 - Regulations Concerning Effective Date of Amendment and Alteration Permits

LAST AMENDED
6/29/1989

11-271 - Alteration permits filed for residential occupancy prior to May 18, 1981, in certain M1-6 Districts

LAST AMENDED
6/29/1989

In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

(a) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#; and

(b) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

11-272 - Alteration applications filed prior to effective date of amendment C821182 ZMM, rezoning the area between Canal Street, Baxter Street, White Street and Broadway

LAST AMENDED
6/29/1989

In the #Manufacturing District# located in the area between Canal Street, Baxter Street, Walker Street, Centre Street, White Street and Broadway, #residential use# shall not be permitted. However:

(a) all #dwelling units# for which an alteration application to permit such #use# was filed with the Department of Buildings prior to December 16, 1982, and a temporary or permanent certificate of occupancy is obtained not later than December 16, 1984, shall be a permitted #use#; and

(b) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on August 31, 1982, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than August 31, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.

11-28 - Regulations Concerning Effective Date of Permits Issued Pursuant to BSA Variances

LAST AMENDED
6/29/1989

11-281 - Permits issued pursuant to variances granted prior to the effective date of amendment C880800 ZMM, removing the Special Yorkville-East 86th Street District

LAST AMENDED
6/29/1989

If, within the area affected by #zoning map# amendment C880800 ZMM, a variance to modify #bulk# regulations was granted prior to June 30, 1989, and a permit was issued in accordance with the terms of said variance within two years of the grant of said variance, construction pursuant to said permit may be continued.