



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

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

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

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LAST AMENDED

10/9/2013

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 [74-82](#) (Through Block Arcades)

Section [74-84](#) (Developments with Existing Buildings)

Section [74-85](#) (Special Height and Setback Regulations)

Section [74-87](#) (Covered Pedestrian Space).

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

Section [74-51](#) (Public Parking Garages or Public Parking Lots Outside High Density Central Areas); and

Section [74-52](#) (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);

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);

Section [74-79](#) (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](#). Modifications may also include public access and #visual corridor# requirements set forth in Sections [62-50](#) and [62-60](#);

Section [74-922](#) (Certain large retail establishments) shall be applicable except that, on #existing piers#, the provisions of Section [62-241](#) (Uses on existing piers and platforms) shall also be applicable;

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 [62-341](#) (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section [62-341](#), 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](#). 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 [23-86](#) (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).