



Buildings

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Zoning

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Purpose: This document clarifies whether or not “a predominantly built up area” as defined in Section 12-10 of the New York City Zoning Resolution (“ZR”), may be located in a Special Mixed Use District (“MX”) as defined by ZR 123-00.

Related Code/Zoning Section(s): ZR 12-10 (definition of Predominantly built-up area)
ZR 123-61 (Special Mixed Use Districts, Special Bulk Regulations, General Provisions)

Subject(s): Zoning, Predominantly built-up area
Zoning, Special Mixed Use Districts (MX)

A “predominantly built-up area” may be located in a Special Mixed-Use District. The definition of a “Predominantly built-up area” (ZR 12-10) includes that such area be a “block” (ZR 12-10) entirely located within an R4 or R5 district. Special Mixed Use Districts, established on the Zoning Map as “MX” and pursuant to ZR 123-00, pair a residence district with a manufacturing district (e.g. M1-2/R5). Within such districts, residential and community facility uses and developments are subject to the residential district regulations. Similarly commercial and manufacturing uses and developments are subject to the manufacturing district regulations. ZR 123-61 states in pertinent part that “. . . [i]n Special Mixed Use Districts, the bulk regulations set forth in Article II, Chapter 3, shall apply to all residential uses in a building or other structure. . . .” Such reference to Article II, Chapter 3 shall be interpreted to include the bulk regulations governing “Predominantly built-up areas”.

Therefore, when an R4 or R5 district is paired with a manufacturing district within an MX district and such district is established over an entire block, development or enlargement in such a block may utilize the provisions of Predominantly built-up area, provided that all other criteria of the Predominantly built-up area definition (ZR 12-10) are met.