



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Article VI - Special Regulations Applicable to Certain Areas

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Zoning Resolution

THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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Chapter 1 - Special Regulations Applying Around Major Airports

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 1 - Special Regulations Applying Around Major Airports

61-00 - GENERAL PROVISIONS

LAST AMENDED
10/25/1993

The maximum height of buildings or other structures shall be regulated by the special controls set forth in this Chapter established pursuant to the authority conferred under Article 14 of the General Municipal Law, in order to prevent the construction of obstructions to air navigation in the vicinity of major airports, and thus to protect the lives and property of persons residing within such vicinity and of persons in airplanes which are approaching, taking off from, or circling such airports, thereby promoting public health, safety, and general welfare.

The definitions applicable to this Chapter are set forth in Section [61-30](#).

61-10 - FLIGHT OBSTRUCTION AREAS FOR MAJOR AIRPORTS

LAST AMENDED
12/15/1961

61-11 - Designation of Major Airports

LAST AMENDED
10/25/1993

The major airports are hereby designated to include John F. Kennedy International, LaGuardia, and U.S. Naval Air Station (Floyd Bennett Field). For the purposes of this Chapter, the runways for such airports shall be the runways as shown in the diagrams in Section [61-42](#) (Runways for Major Airports).

61-12 - Establishment of Flight Obstruction Area; Division into Districts

LAST AMENDED
12/15/1961

A #flight obstruction area# is hereby established in the vicinity of any such major airport.

Each #flight obstruction area# shall be divided into two parts, the Airport Approach District and the Airport Circling District, as described in this Section (and as shown, for convenient reference only, in the #flight obstruction area# maps available on request at the offices of the City Planning Commission).

61-121 - Airport Approach District

LAST AMENDED
12/15/1961

The Airport Approach District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft approaching or taking off from the runways of such airport, and, more specifically, below the following #airport referenced imaginary surfaces#: the #approach surfaces#, the #transitional surfaces# and those parts of the #horizontal surface# and the #conical surface# which coincide with such #approach surfaces# and #transitional surfaces#.

61-122 - Airport Circling District

LAST AMENDED
12/15/1961

The Airport Circling District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft circling such airport and, more specifically, below the following #airport referenced imaginary surfaces#: those parts of the #horizontal surface# and the #conical surface# which do not coincide with the #approach surfaces# and the #transitional surfaces#.

61-20 - HEIGHT RESTRICTIONS

LAST AMENDED
12/15/1961

61-21 - Restriction on Highest Projection of Building or Structure

LAST AMENDED
12/15/1961

Notwithstanding any other provisions of this Resolution, except as provided in Section [61-22](#) (Permitted Projection within any Flight Obstruction Area), the highest projection of any #building or other structure# hereafter constructed or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall not penetrate:

- (a) the #approach surfaces#, the #transitional surfaces#, the #horizontal surface#, or the #conical surface#, whichever is more restrictive, within the Airport Approach District of the #flight obstruction area#; and
 - (b) the #horizontal surface# or the #conical surface# within the Airport Circling District of the #flight obstruction area#.
-

61-22 - Permitted Projection within any Flight Obstruction Area

LAST AMENDED
12/15/1961

However, within a #flight obstruction area#, the highest projection of any such #building or other structure# may, in any event, extend to a height of 30 feet above #curb level#.

61-30 - DEFINITIONS

Airport reference point (or points)

The "airport reference point" (or "points") is a point (or points) within the boundaries of each major airport, as indicated on the #flight obstruction area# maps for each such major airport. The point or points applicable to each major airport are set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

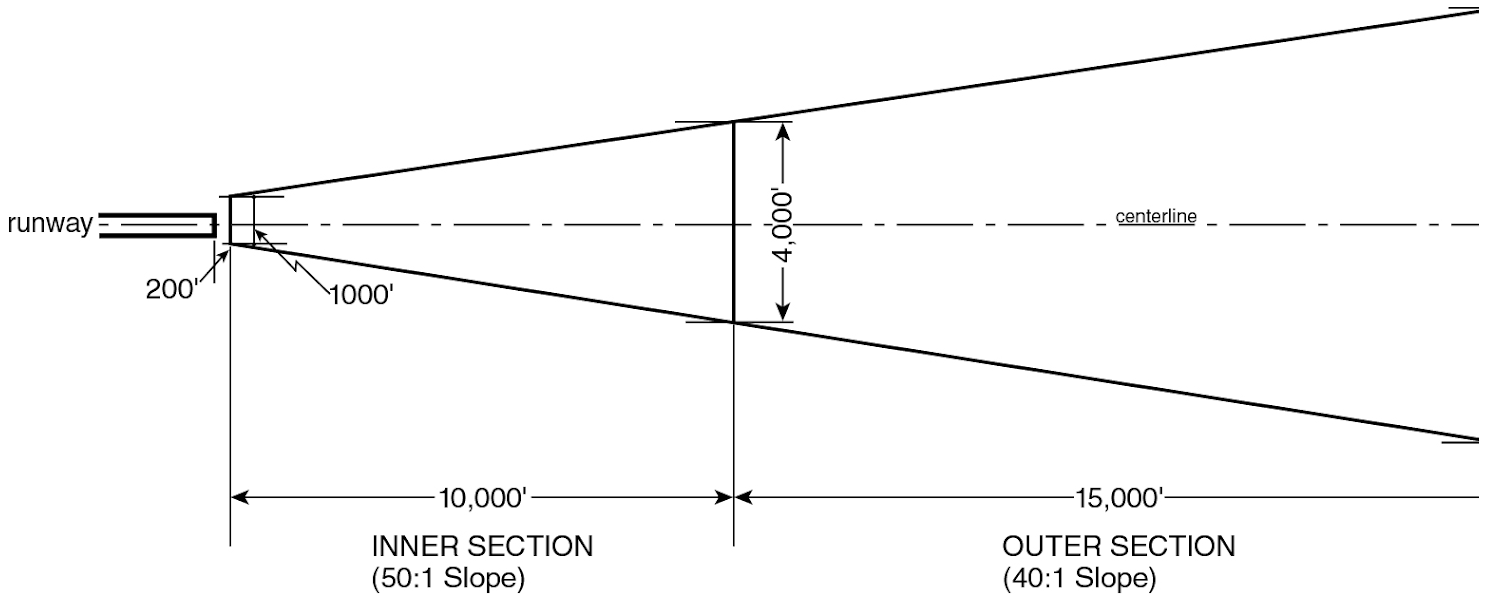
Airport referenced imaginary surfaces

"Airport referenced imaginary surfaces" include the #horizontal surface#, the #conical surface#, the #approach surfaces# and the #transitional surfaces#.

Approach surfaces

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended center line of any runway. Such #approach surfaces#, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

- (a) The plane of the inner section:
 - (1) begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway;
 - (2) extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline;
 - (3) has a width of 1,000 feet measured along the line described in paragraph (a)(1) of this Section, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in paragraph (a)(2) of this Section; and
 - (4) rises at a slope of one foot in height for every 50 feet of horizontal distance.
- (b) The plane of the outer section:
 - (1) begins at the outer edge of the inner section;
 - (2) extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline;
 - (3) has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway center line) to a width of 8,500 feet at the outer edge of such outer section; and
 - (4) rises at a slope of one foot in height for every 40 feet of horizontal distance.



DESCRIPTION OF APPROACH SURFACE

Conical surface

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the #horizontal surface#, which:

- (a) rises at a slope, measured in an imaginary vertical plane passing through the #airport reference point# (or #points#), of one foot for every 20 feet in horizontal distance; and
- (b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Established airport elevation

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Flight obstruction area

The "flight obstruction area" comprises all areas of land or water below the #airport referenced imaginary surfaces# for each airport.

Horizontal surface

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which:

- (a) is located at a height of 150 feet above the #established airport elevation# for any major airport; and
- (b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Transitional surfaces

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all #approach surfaces#, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which:

- (a) rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the center line of the runway; and
- (b) extend to the point of intersection with the #horizontal surface# or the #conical surface#.

61-40 - TABLES OR DIAGRAMS

LAST AMENDED
12/15/1961

61-41 - Airport Reference Point, Established Elevation and Specified Radii

LAST AMENDED
10/25/1993

The #airport reference point# (or #points#), #established airport elevation#, and radii for the #horizontal# and #conical surfaces# for each such major airport shall be established as set forth in the following table:

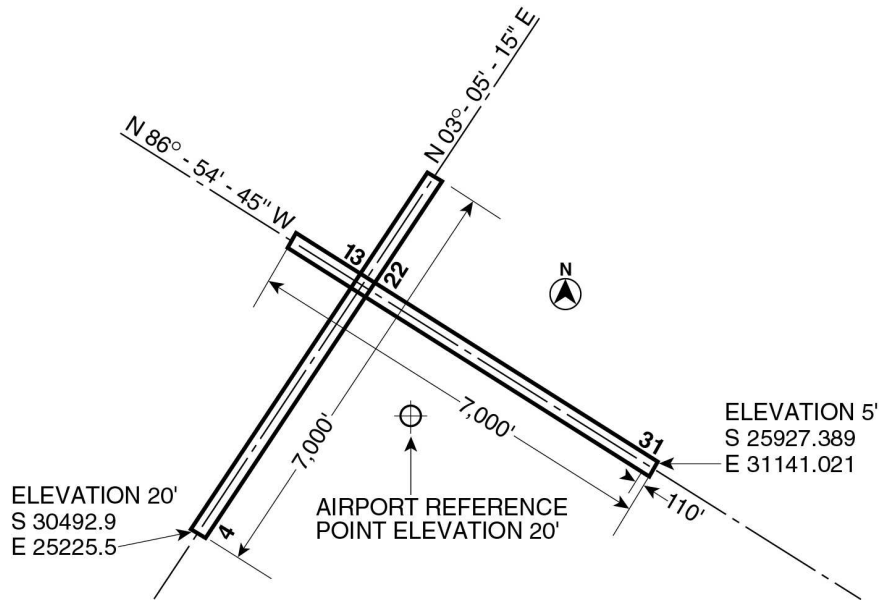
APPLICATION TO MAJOR AIRPORTS

#Airport Reference Points(s)#	LaGuardia	John F. Kennedy International	U.S. Naval Air Station (Floyd Bennett Field)
Primary point:			
North Latitude	40° 46'29.0"	40° 38'19.4"	40° 35'33.0"
West Longitude	73° 52'20.0"	73° 46'21.8"	73° 53'27.5"
Secondary Point:			
North Latitude	-	40° 38'57.9"	-
West Longitude	-	73° 47'47.9"	-
#Established airport elevation# (feet above mean sea level)	20	12	15
#Horizontal surface# radius, measured in feet from #airport reference point(s)#	10,000	13,000	11,500
#Conical surface# radius, measured in feet from #airport reference point(s)#	15,000	20,000	18,500

61-42 - Runways for Major Airports

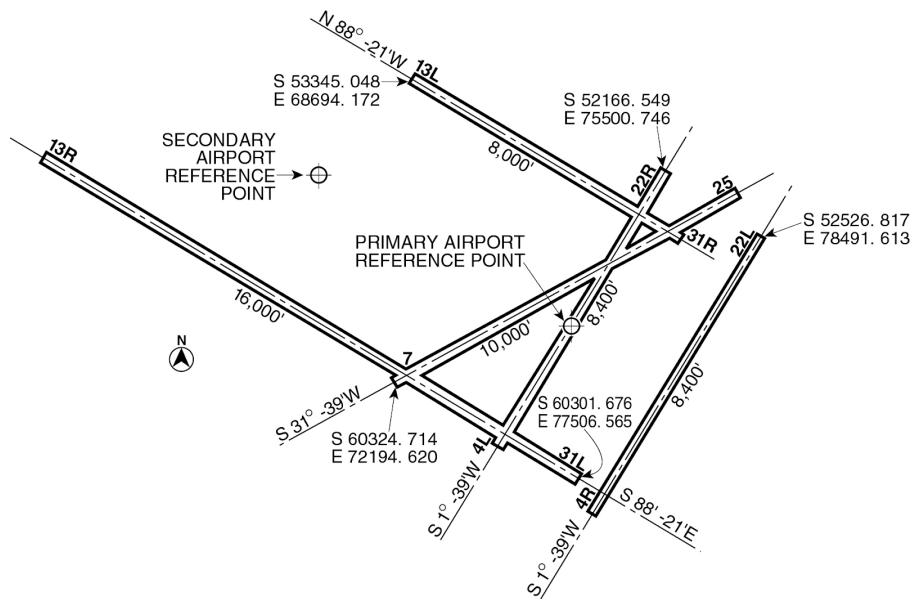
LAST AMENDED
10/25/1993

The runways for each such major airport shall be the runways set forth in the following diagrams:



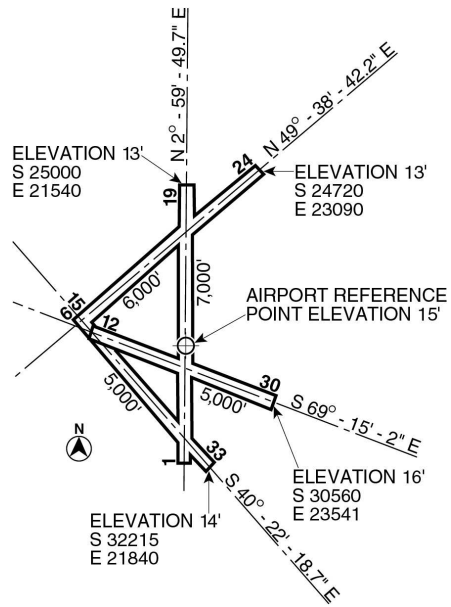
LaGUARDIA AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



J. F. KENNEDY INTERNATIONAL AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



U. S. NAVAL AIR STATION

(FLOYD BENNETT FIELD)

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



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Chapter 2 - Special Regulations Applying in the Waterfront Area

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Chapter 2 - Special Regulations Applying in the Waterfront Area

62-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

The provisions of this Chapter establish special regulations which are designed to guide development along the City's waterfront and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to maintain and reestablish physical and visual public access to and along the waterfront;
 - (b) to promote a greater mix of uses in waterfront developments in order to attract the public and enliven the waterfront;
 - (c) to encourage water-dependent (WD) uses along the City's waterfront;
 - (d) to create a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities;
 - (e) to preserve historic resources along the City's waterfront;
 - (f) to protect natural resources in environmentally sensitive areas along the shore; and
 - (g) to allow waterfront developments to incorporate resiliency measures that help address challenges posed by coastal flooding and sea level rise.
-

62-10 - GENERAL PROVISIONS

LAST AMENDED
10/25/1993

62-11 - Definitions

†

LAST AMENDED
12/6/2023

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS) and Section [64-11](#) (Definitions).

Development

For the purposes of this Chapter, a "development" shall also include:

- (a) an #enlargement#;
- (b) any alteration that increases the height or coverage of an existing #building or other structure#;
- (c) an #extension#; or
- (d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section [62-21](#) (Classification of Uses in the Waterfront Area) to another such #use#.

However, a #development# shall not include incidental modifications to a #zoning lot#, including but not limited to, the addition of deployable flood control measures and any associated permanent fixtures, the addition of temporary structures such as trash receptacles, food carts or kiosks, and the incorporation of minor permanent structures such as light stanchions, bollards, fences, or structural landscaped berms and any associated flood gates. All such modifications shall remain subject to any associated permitted obstruction allowances, as applicable.

Furthermore, a #development# shall not include the exclusive addition of #energy infrastructure equipment#, #accessory# mechanical equipment, electric vehicle charging facilities, as a primary or #accessory# #use#, or #qualifying exterior wall thickness#, whether added to a #building# or to an open area of

the #zoning lot#.

Floating structure

A “floating structure” is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

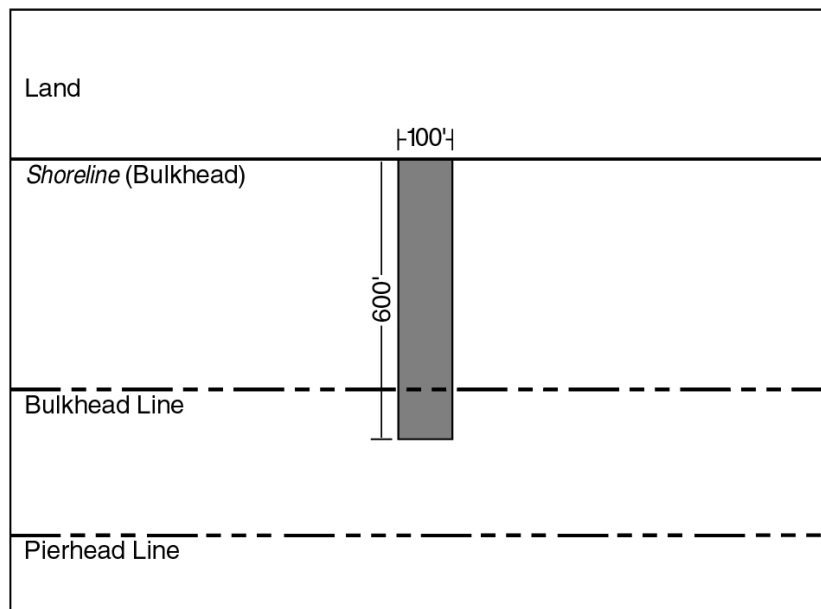
Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a “temporary #floating structure#.” Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

Pier


A “pier” is a structure at the water’s edge, not otherwise defined as a #platform#, that is:

- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
- (b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



Pier

	Pier (or Pier Portion)	Length - 600 feet
		Width - 100 feet
		Ratio - 6:1 > 1:2 (length to width)

(62 - 11.1)

Pier, existing

An “existing pier” is a #pier# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

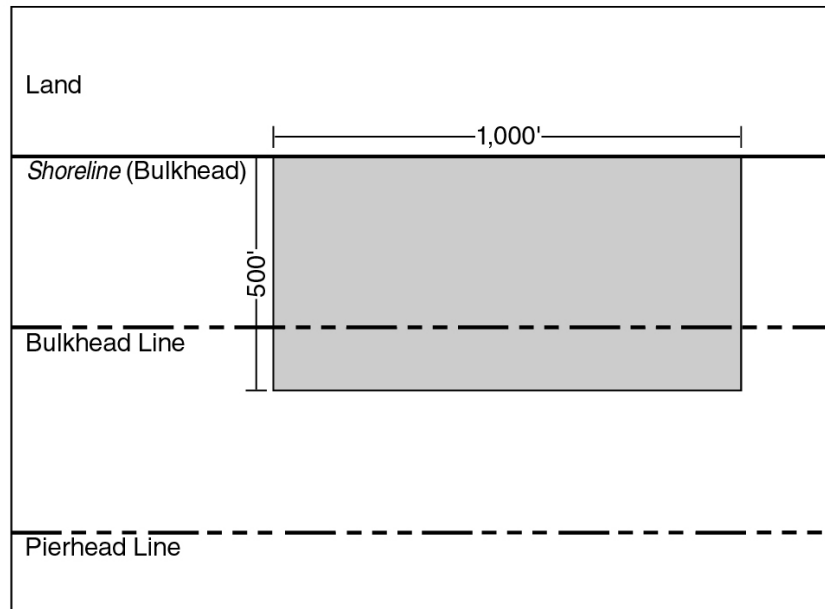
Pier, new

A “new pier” is any #pier# other than an #existing pier#.

Platform

A “platform” is a pile-supported or solid-core structure at the water’s edge, or a portion thereof, that:

- (a) is permanently connected to the land; and
- (b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.

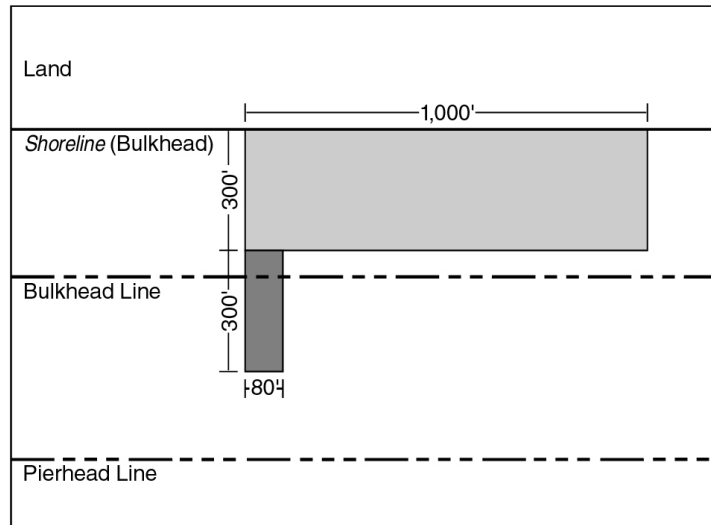


Platform

 Platform

Length - 500 feet
Width - 1,000 feet
Ratio - $0.5:1 \leq 1:2$ (length to width)

(62 - 11.2)



Platform with Pier Portion

<div style="display: inline-block; width: 15px; height: 15px; background-color: #cccccc; margin-right: 5px;"></div> <i>Pier</i> (or <i>Pier Portion</i>)	Platform: Length - 300 feet Width - 1,000 feet Ratio - 0.3:1 < 1:2 (length to width)
<div style="display: inline-block; width: 15px; height: 15px; background-color: #808080; margin-right: 5px;"></div> <i>Platform</i>	Pier: Length - 300 feet Width - 80 feet Ratio - 3.75:1 > 1:2 (length to width)

(62 - 11.3)

Platform, existing

An “existing platform” is a #platform# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Platform, new

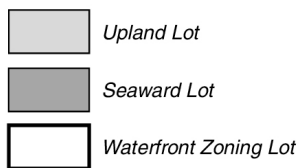
A “new platform” is any #platform# other than an #existing platform#.

Predominant or predominantly

“Predominant” or “predominantly” shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area# or #pier# #water coverage#, as applicable.

Seaward lot

A “seaward lot” is the portion of a #waterfront zoning lot# located seaward of the bulkhead line, except for any land above water included as part of the #upland lot#.



SEAWARD/UPLAND LOTS

(62 - 11.4)

Shore public walkway

A “shore public walkway” is a linear public access area running alongside the shore or water edges of a #platform# on a #waterfront zoning lot#.

Supplemental public access area

A “supplemental public access area” is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements. A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

Tidal wetland area

A “tidal wetland area” is an area planted with species tolerant of saline water inundation that is located between the mean low water line and the landward edge of the stabilized natural shore or bulkhead. Such area may be used to satisfy requirements for #waterfront yards#, #shore public walkways# and planting in this Chapter.

Upland connection

An “upland connection” is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, #public park# or other accessible public place.

Upland lot

An “upland lot” is the portion of a #waterfront zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of

the bulkhead line, such land above water shall be included as part of the #upland lot# (see illustration of Seaward/Upland Lots).

Visual corridor

A “visual corridor” is a public #street# or open area within one or more #zoning lots# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

Water coverage

“Water coverage” is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

Waterfront block or waterfront zoning lot

A “waterfront block” or “waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

- (a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;
- (b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and
- (c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a #public park# along the waterfront, shall be deemed outside of the #waterfront block#.

Waterfront public access area

A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or public access area on a #pier# or #floating structure#.

Waterfront yard

A “waterfront yard” is that portion of a #waterfront zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of the #shoreline#, stabilized natural shore, bulkhead or water edge of a #platform#, as applicable, for a depth or width as set forth in this Chapter.

62-12 - Applicability to Developments in the Waterfront Area

LAST AMENDED
2/2/2011

Within the #waterfront area#, all #developments# on #zoning lots# within #waterfront blocks# shall be subject to all provisions of this Chapter, unless stated otherwise. #Developments# on other #zoning lots# within the #waterfront area# shall be subject to the regulations of this Chapter only when part of a #large-scale development#, any portion of which is within a #waterfront block#, or when on #zoning lots# located in an area designated as part of a Waterfront Access Plan in accordance with Section [62-90](#) (WATERFRONT ACCESS PLANS). The provisions of this Chapter shall not be deemed to supersede or modify the regulations of any State or Federal agency having jurisdiction on affected properties.

- (a) Any #development# approved by special permit or authorization of the City Planning Commission or any #zoning lot# subject to a restrictive declaration in conjunction with a land use action by the Commission and City Council, or former Board of Estimate, as applicable, prior to October 25, 1993, may be started or continued pursuant to such special permit, authorization or the terms of such restrictive declaration.

Notwithstanding the provisions of this Chapter except as set forth in paragraphs (a)(1) through (a)(6) of this Section, the Commission may authorize modifications of such special permit or authorization, or the terms of a restrictive declaration may be modified by the Commission and, if applicable, the City Council, provided such modifications do not:

- (1) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section [62-30](#) (SPECIAL BULK REGULATIONS);
 - (2) extend the location of the exterior walls of any #building# within a #waterfront block# above the maximum base height for the district as set forth in Section [62-34](#) (Height and Setback Regulations on Waterfront Blocks);
 - (3) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to October 25, 1993;
 - (4) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;
 - (5) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform# approved prior to October 25, 1993; or
 - (6) involve a change that would create a requirement for public access or #visual corridors# without providing such public access or #visual corridors# in accordance with the provisions of Section [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS).
- (b) #Developments# for which an application for certification pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.
- (c) Design changes to a previously certified application, including applications certified pursuant to paragraph (b) of this Section, may be made only upon further certification by the Chairperson of the Commission that such changes would not increase the degree of non-compliance or would result in a greater level of compliance with this Chapter.
- (d) #Developments# for which an application for authorization or special permit pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.
- (e) #Developments# for which an application for an authorization or special permit, other than an authorization or special permit pursuant to this Chapter, was filed prior to April 22, 2009, may be continued pursuant to the terms of such authorization or special permit and, to the extent not modified under the terms of such authorization or special permit, shall be subject to the regulations of this Resolution that were in effect at the time such authorization or special permit was granted.

62-13 - Applicability of District Regulations

LAST AMENDED
11/23/2021

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 Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

The regulations of this Chapter shall not apply in the #Special Sheepshead Bay District#, except that Section [94-061](#) (Permitted residential, community

facility and commercial uses) shall be modified to permit all WD #uses# listed in Section [62-211](#) from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

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 St. George District#.

62-131 - Applicability of Article VII, Chapter 3

LAST AMENDED

4/22/2009

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 [73-12](#) (Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts) shall be applicable, except that:

- (a) all references to #floor area ratio# and #open space ratio# shall be modified in accordance with the provisions of Section [62-32](#) 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 [62-32](#); and

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

Section [73-49](#) (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, 8 and 9

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).

62-133 - Applicability of the Quality Housing Program

- (a) In R6, R7, R8, R9 and R10 Districts with a letter suffix, and in any C1 or C2 District mapped within such Districts, and in any other #Commercial District# with a letter suffix, any #zoning lot# within a #waterfront block# with #buildings# containing #residences# shall comply with the applicable district #bulk# regulations as set forth in this Chapter, and shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program), except as modified in this Section.
- (b) In R6, R7, R8, R9 and R10 Districts, and in any C1 or C2 District mapped within such Districts, and in #Commercial Districts# with R6 through R10 residential equivalents, any #building# containing #residences# on a #zoning lot# on a #waterfront block# shall comply with the applicable district #bulk# regulations as set forth in this Chapter. The #bulk# regulations in Article II, Chapter 3, applicable to Quality Housing #developments# shall not apply. However, all other requirements of the Quality Housing Program set forth in Article II, Chapter 8, shall apply.

#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 [28-20](#) (RECREATION SPACE AND PLANTING AREAS). Also, for the purposes of Section [28-23](#) (Planting Areas), 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. The provisions in such Section for #Quality Housing buildings# shall be inapplicable. 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.

62-135 - Applicability of bulk regulations to long-term care facilities

LAST AMENDED 3/22/2016

For #buildings# containing #long-term care facilities#, the applicable provisions of Sections [24-013](#), [33-012](#) and [35-012](#) shall apply. Where a #building# containing a #long-term care facility# is required to utilize the #bulk# regulations applicable to #affordable independent residences for seniors# in Article II, Chapter 3, such provisions shall be modified by the #bulk# regulations applicable to #affordable independent residences for seniors# set forth in Section [62-30](#) (SPECIAL BULK REGULATIONS), inclusive, except that:

- (a) in R6A Districts or R6 Districts without a letter suffix, in C1 or C2 Districts mapped within R6A or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A or R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;
- (b) in R7A Districts or R7 Districts without a letter suffix, in C1 or C2 Districts mapped within R7A or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A or R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6; and
- (c) the minimum size of #dwelling unit# provisions of Section [23-23](#) shall not apply.

62-14 - Integration of Waterfront Access Plans

LAST AMENDED
4/22/2009

Waterfront Access Plans shall be set forth in Section [62-90](#) of this Chapter. Such plans shall supersede, supplement or modify certain provisions of this Chapter. Except as expressly stated otherwise in the plan, all provisions of this Chapter remain in effect in the area subject to such plan.

62-20 - SPECIAL USE REGULATIONS

62-21 - Classification of Uses in the Waterfront Area

LAST AMENDED
10/25/1993

The following #uses# shall be classified in accordance with their relationship to the water: Water-Dependent (WD) or Waterfront-Enhancing (WE). Such #uses# are listed in this Section only in the lowest numbered Use Group in which they appear. Where a WD or WE #use# appears in more than one Use Group, its additional listing is noted by a cross-reference.

#Uses# listed shall only be permitted in accordance with applicable district #use# regulations, unless expressly stated otherwise in this Chapter.

62-211 - Water-Dependent (WD) uses

LAST AMENDED
4/22/2009

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

From Use Group 4:

Non-profit private beach clubs

Non-profit private boat clubs

From Use Group 6:

*Docks for ferries, other than #gambling vessels#, limited as to passenger load (also listed in Use Group 14)

*Docks for water taxis (also listed in Use Group 14)

Docks or mooring facilities for non-commercial pleasure boats (also listed in Use Group 14)

Terminal facilities at river crossings for access to electric, gas or steam lines

From Use Group 7:

#Boatels#, provided that the units are #predominantly# occupied by persons with boats docked at the facility

From Use Group 9:

*Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited as to dock capacity per #zoning lot# (also listed in Use Group 14)

From Use Group 10:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load

From Use Group 13:

Boat fuel sales establishments, open or enclosed, without restriction as to location

Commercial beaches

From Use Group 14:

Boat fuel sales establishments, open or enclosed, restricted to location within 10 feet of a boat dock berth

Boat launching facilities for non-commercial pleasure boats

Boat rental establishments, open or enclosed

*Boat storage, repair or painting establishments with size and location restrictions

From Use Group 16:

Boat sales establishments, open or enclosed

*Public transit yards, *trucking terminals, warehouses and *wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 17:

*Boat building or repair establishments, open or enclosed, for boats less than 200 feet in length

Docks for passenger ocean vessels, other than #gambling vessels#

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, with no restriction on vessel or dock capacity

Docks for vessels not otherwise listed, other than docks for #gambling vessels#

All other #uses# in Use Group 17 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 18:

Marine transfer stations for garbage

Sewage disposal plants

Ship or boat building establishments or repair yards, for vessels 200 feet in length or over

All other #uses# in Use Group 18 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Other Uses:

Airports

Heliports

Seaplane bases

#Uses# #accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

62-212 - Waterfront-Enhancing (WE) uses

LAST AMENDED

4/22/2009

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 3:

Art galleries, non-commercial

*Colleges or universities

Libraries

Museums

#Schools#

From Use Group 4:

Community centers

Houses of worship

*Ice skating rinks, outdoor

*Non-commercial clubs, with restrictions

**Playgrounds or private parks

Recreation centers, non-commercial

*Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

*Tennis courts, outdoor

From Use Group 5:

#Transient hotels#

From Use Group 6:

All #uses# in Use Groups 6A and 6C, not otherwise listed as WD #uses# (some #uses# also listed in Use Groups 12 and 14)

*Non-commercial clubs, without restrictions (also listed in Use Group 14)

From Use Group 7:

Bicycle rental or repair shops (also listed in Use Group 14)

*#Motels# or #tourist cabins#

Refreshment stands, drive-in (also listed in Use Group 13)

Sailmaking establishments

From Use Group 8:

*Ice vending machines, coin-operated (also listed in Use Group 14)

*Theaters

From Use Group 9:

*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

From Use Group 10:

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

From Use Group 12:

Arenas, auditoriums or stadiums, with capacity limited to 2,500 seats

*Eating or drinking establishments, with entertainment or dancing

*Historical exhibits

Indoor golf recreation centers

Skating rinks, enclosed

From Use Group 13:

Camps, overnight or outdoor day

*Children's amusement parks, limited to a 10,000 square foot #zoning lot#

Circuses, carnivals or fairs of a temporary nature

Commercial swimming pools

Golf driving ranges

Miniature golf courses

Outdoor ice or roller skating rinks

*Outdoor skateboard parks

From Use Group 14:

*Boat showrooms or sales establishments, restricted to boats less than 100 feet in length

Fishing tackle or equipment, rental or sales

*Sporting goods sales or rental establishments

From Use Group 15:

All #uses# listed

From Use Group 16:

Riding academies, open or enclosed

Stables for horses

#Uses# #accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

** Open to the sky except for seasonal enclosures not more than 30 feet high or greater than 200 feet in any other dimension

62-22 - Commercial Docking Facilities

LAST AMENDED

4/22/2009

Commercial docking facilities are listed in Use Groups 6, 9, 10, 14 and 17 in Sections [32-10](#) and [42-10](#). Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections [62-43](#) and [62-462](#) of this Chapter.

62-23 - Accessory Residential Docking Facilities

LAST AMENDED

10/25/1993

The definition of #accessory# #use# in Section [12-10](#) (DEFINITIONS) is modified in accordance with the provisions of this Section.

62-231 - Rental of accessory berths to non-residents

LAST AMENDED
4/22/2009

Berths or moorings for non-commercial pleasure boats provided as an #accessory# #use# to a #residential use# may be rented to persons who are not occupants of the #residences# to which such berths or moorings are #accessory#, for the accommodation of the non-commercial pleasure boats used by such non-residents, provided that:

- (a) not more than 40 percent of such berths or moorings are so occupied by non-residents;
- (b) except in Manhattan Community Boards 1 through 8, an additional off-street parking space, in a location adjacent to the docking facility, or off-site in accordance with the provisions of Section [62-412](#) (Accessory residential off-site parking), is provided for each berth or mooring so occupied;
- (c) such off-street parking spaces comply with all other provisions of this Resolution for the district in which they are located; and
- (d) the total number of #accessory# berths or moorings does not exceed the total number of #dwelling units# to which they are #accessory#.

62-232 - Off-site accessory residential berths

LAST AMENDED
10/25/1993

#Accessory# berths or moorings may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such berths or moorings are #accessory#, provided that:

- (a) both #zoning lots# are contiguous or would be contiguous except for their separation by a #street# or #street# intersection; and
- (b) both #zoning lots# are in common ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section [12-10](#)).

62-24 - Uses on Piers and Platforms

LAST AMENDED
4/22/2009

#Uses# on #existing piers# or #existing platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new piers# or #new platforms# shall be subject to the provisions of Section 62-242.

62-241 - Uses on existing piers and platforms

LAST AMENDED
4/22/2009

The #use# of an #existing platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

- (a) such #use# is a WD #use#; or
- (b) the #building or other structure# within which such #use# is located existed on October 25, 1993; or
- (c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section [62-342](#) (Developments on piers).

In addition, the following #use# regulations shall apply on #piers#:

- (d) the following #uses#, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment:

- (1) all #uses# in Use Groups 6A and 6C;

- (2) the following #uses# in Use Group 9A;
 - (i) clothing or costume rental establishments;
 - (ii) typewriter or other small business machine sales, rental or repairs;
 - (3) all #uses# in Use Group 10 with parking categories "B" or "B1";
 - (4) the preceding #uses#, when listed in other Use Groups;
 - (5) wholesale establishments or warehouses that provide #accessory# retail sales areas; and
- (e) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (d) of this Section.

Any #use# on an #existing pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section [62-835](#) (Developments on piers or platforms).

62-242 - Uses on new piers and platforms

LAST AMENDED
2/2/2011

#New piers# and #new platforms# shall be limited to WD #uses# or to the following WE #uses#: playgrounds or publicly accessible private parks. Changes of #use# to any other WE #use# are permitted only by special permit, pursuant to Section [62-835](#) (Developments on piers or platforms).

62-25 - Uses on Floating Structures

LAST AMENDED
4/22/2009

- (a) WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a #floating structure#, in accordance with the applicable district regulations, only if the #water coverage# of the #floating structure# does not exceed 5,000 square feet:

- (1) eating or drinking establishments as listed in Use Groups 6 or 12;
 - (2) theaters as listed in Use Group 8; and
 - (3) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.
- (b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-834.

The applicable district #sign# regulations are modified as follows:

- (1) no #advertising signs# shall be permitted in any district;
- (2) no #flashing signs# shall be permitted in any district;
- (3) the regulations pertaining to roof #signs# shall be inapplicable;
- (4) the maximum height of a #sign# shall be measured from water level in lieu of #curb level#;
- (5) the maximum dimension of the #floating structure# on each side shall be used in lieu of #street# frontage of the #zoning lot# to determine the permitted area of #signs#; and
- (6) each side of the #floating structure# shall be deemed to be a #street# frontage for the purposes of maximum size of #sign# computations and the maximum area of #signs# for each side shall be as set forth for each #street# frontage of a #corner lot#.

62-26 - Special Use Regulations for Public Parking Facilities

LAST AMENDED

4/22/2009

#Public parking lots# and #public parking garages# shall be permitted within #waterfront blocks# only as provided in this Section.

In C8 Districts and #Manufacturing Districts#, public parking facilities shall be permitted in accordance with the applicable district regulations. In other districts, public parking facilities shall be permitted within #waterfront blocks# only by special permit pursuant to Section 62-836. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

62-27 - Special Use Regulations for Playgrounds or Private Parks

LAST AMENDED

4/22/2009

Playgrounds and private parks shall be a permitted #use# in M2 and M3 Districts within the #waterfront area# in Community Districts 1, 2 and 4 in the Borough of Manhattan.

62-28 - Special Sign Regulations

LAST AMENDED

2/27/2001

Within a #waterfront block#, no #flashing sign# permitted in accordance with the applicable district regulations shall exceed 50 square feet in #surface area# and no more than one such #sign# shall be permitted for each establishment located on a #zoning lot#, except that no #flashing sign# shall be permitted on any #pier# or #platform#.

62-29 - Special Use Regulations for R6, R7, R8, R9 and R10 Districts

LAST AMENDED

4/22/2009

R6 R7 R8 R9 R10

In the districts indicated, any Use Group 6 or 9 #use#, listed in Section [62-212](#) (Waterfront-enhancing (WE) uses), shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

- (a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;
- (b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;
- (c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and
- (d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in Section [62-611](#) (Permitted obstructions).

62-291 - Special Provisions in Waterfront Access Plan BK-1

LAST AMENDED

4/22/2009

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section [32-15](#) (Use Group 6), shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

62-30 - SPECIAL BULK REGULATIONS

LAST AMENDED

4/22/2009

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. For the purposes of this Section, non-#waterfront blocks# included in Waterfront Access Plan BK-1 shall be considered to be #waterfront blocks#. Existing #non-complying# #buildings# or other

structures# shall be subject to the provisions of Article V (Non-conforming Uses and Non-complying Buildings).

A change of #use# involving a #building or other structure# lawfully existing on October 25, 1993, shall be permitted in accordance with the applicable district #use# regulations, as modified by the provisions of this Chapter. Any #non-compliances# created with respect to the provisions of this Section due solely to the change of #use# shall be deemed to be existing #non-compliances#. However, no #enlargement# or other alteration of such #buildings or other structures# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# with respect to the provisions of this Section.

Modification of the #bulk# regulations of Sections [62-31](#), [62-32](#), [62-33](#) or [62-341](#) shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections [62-837](#), [74-711](#), [74-74](#), [74-79](#), [78-00](#) or [79-00](#).

Provisions for modification of the #bulk# regulations on #piers# and #floating structures# are set forth in Sections [62-342](#) and [62-343](#).

In no event shall any #bulk# modification include modification of the provisions of paragraph (a) of Section [62-31](#) or the maximum #floor area ratio# for the applicable district set forth in Section [62-322](#).

62-31 - Bulk Computations on Waterfront Zoning Lots

LAST AMENDED
4/22/2009

On #waterfront zoning lots#, the areas of the #upland lot# and the #seaward lot# shall be computed separately.

(a) #Upland lot#

All #bulk# regulations pertaining to the #upland lot# shall be satisfied entirely on such portion of the #zoning lot#. All #floor area#, #dwelling units# or #rooming units# generated by such portion shall be located within the #upland lot# and all #lot coverage# computations shall be based solely on the area of the #upland lot#.

(b) #Seaward lot#

Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# that are structurally sound and physically accessible directly from the shore, with a surface that is capable of lawful occupancy, shall be deemed to be #lot area# for the purposes of determining allowable #floor area#, #dwelling units# or #rooming units#, or to satisfy any other #bulk# regulations, unless expressly stated otherwise. In no event shall the #water coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#. #Lot coverage# provisions shall not apply to the #seaward lot#.

Except where all #piers#, #platforms# or #floating structures# are occupied #predominantly# by WD #uses#, the maximum #water coverage# permitted on a #zoning lot# shall not exceed 50 percent and the #water coverage# of an #existing pier# or #platform# may not be increased by more than 10 percent.

(c) Special provisions for #bulk# distribution

#Floor area#, #dwelling units# or #rooming units# generated by #existing piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for #new piers# or #platforms#, except within Waterfront Access Plan BK-1. Such #bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an #existing pier# containing not less than 25 percent of the #water coverage# of such #existing pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the #existing pier#.

62-32 - Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

LAST AMENDED
10/25/1993

62-321 - Residential uses in R3, R4 and R5 Districts

LAST AMENDED
2/2/2011

The maximum #floor area ratio# and #lot coverage# for #residential buildings# or #residential# portions of #buildings# in R3, R4 and R5 Districts shall be in accordance with the applicable district regulations, except as provided in Section [62-323](#) (Affordable independent residences for seniors).

62-322 - Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

LAST AMENDED
10/17/2017

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the applicable regulations of Section [23-14](#) (Open Space and Floor Area Regulations in R1 Through R5 Districts) or Section [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the table below, except as provided for in Sections [23-154](#) (Inclusionary Housing), [62-323](#) (Affordable independent residences for seniors) and [62-35](#) (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE FOR RESIDENTIAL BUILDINGS OR RESIDENTIAL PORTIONS OF BUILDINGS

District	Maximum #Floor Area Ratio# ¹	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7D	4.20	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70
R10	10.00 ²	70

¹ In #Inclusionary Housing designated areas# and in #Mandatory Inclusionary Housing areas#, the #floor area ratio# has been modified, pursuant to Section [23-154](#) or Section [62-35](#), inclusive

² In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section [23-154](#)

62-323 - Affordable independent residences for seniors

In the districts indicated in the following table, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in Sections [23-144](#) and [23-155](#), as applicable, and the maximum #lot coverage# shall be as specified in the following table.

MAXIMUM LOT COVERAGE FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS

District	Maximum #Lot Coverage# (in percent)
R3	55
R4	55
R5	60
R5D R6B	60
R6 R6A R7B	65
R7 R7A R7D R7X	70
R8 R9 R10	70

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

62-324 - Community facility and commercial uses in Residence Districts

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following regulations shall apply:

- (a) The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply. In R7-3 and R9-1 Districts, the maximum #floor area ratio# shall be the maximum permitted for #residential buildings# pursuant to Section [62-322](#) (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts). For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).
- (b) The maximum percent of #lot coverage# specified in Section [24-11](#) (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the following #lot coverage# regulations shall apply to #community facility buildings# or to that portion of a #building# used for a #community facility# #use#:

MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITIES

District	Maximum #Lot Coverage# (in percent)
----------	-------------------------------------

R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 R7A R7D R7X R8 R9A	75
R9 R9-1 R9X R10	80

Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in the table in this Section.

In #Special Mixed Use Districts#, #lot coverage# requirements shall not apply to #community facility# #uses#.

In #Residence Districts#, when permitted, #commercial buildings# or #buildings# used partly for #commercial# #use#, shall comply with the regulations for #residential buildings# as set forth in Sections [62-321](#) and [62-322](#).

The maximum #floor area ratio# permitted for a #community facility# #use# shall be in accordance with the applicable district regulations, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in this Section, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

62-325 - Buildings in Commercial Districts

LAST AMENDED
10/7/2021

In #Commercial Districts#, for any #commercial# or #community facility# #uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

- (a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section;
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0; and
- (c) for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections [62-321](#) through [62-323](#) shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

62-326 - Buildings in Manufacturing Districts

LAST AMENDED
10/7/2021

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

62-327 - Maximum floor area ratio for a mixed use building in a Special Mixed Use District

LAST AMENDED
2/2/2011

The maximum #floor area ratio# for #zoning lots# containing a #mixed use building# in a #Special Mixed Use District# shall be in accordance with the provisions of Section [123-64](#) (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings).

62-33 - Special Yard Regulations on Waterfront Blocks

LAST AMENDED
2/2/2011

#Yard# regulations for #zoning lots# shall be governed by the provisions of this Section. For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts#, #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18, or for #developments# on #zoning lots# that are not #waterfront zoning lots#, #yards# shall be provided in accordance with the applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections [62-331](#) (Front yards and side yards) and [62-332](#) (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

62-331 - Front yards and side yards

LAST AMENDED 7/26/2001

#Front yards# and #side yards# shall be provided on #zoning lots# within #waterfront blocks# in accordance with applicable district regulations, except that:

- (a) any #rear lot line# of a #waterfront zoning lot# that intersects the #shoreline# shall be deemed to be a #side lot line# and be subject to #side yard# regulations; and
 - (b) #side yard# regulations shall be inapplicable along #side lot lines# that are coincident with or seaward of the #shoreline#. In lieu thereof, a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332.
-

62-332 - Rear yards and waterfront yards

LAST AMENDED
5/12/2021

#Rear yard# regulations shall be inapplicable on #waterfront zoning lots#. In lieu thereof, a #waterfront yard# shall be provided along the entire length of the #shoreline#, bulkhead or stabilized natural shore, whichever is furthest landward. In addition, the following rules shall apply to the #waterfront yard#:

- (a) Depth of the #waterfront yard#

The required minimum depth of a #waterfront yard# is set forth in the following table. Column A sets forth districts where the minimum depth is 30 feet, and Column B sets forth districts where the minimum depth is 40 feet. Such minimum depths shall be measured from the landward edge of the bulkhead, landward edge of stabilized natural shore, or, in the case of natural #shores#, the mean high water line.

Where a #platform# projects from the #shoreline#, stabilized natural shore, or bulkhead (see illustration below of Waterfront Yard), such #waterfront yard# shall, in lieu of following the shore at that portion, continue along the water edge of such #platform# until it again intersects the #shoreline#, stabilized natural shore, or bulkhead, at which point it shall resume following the #shoreline#, stabilized natural shore, or bulkhead.

WATERFRONT YARD DEPTH FOR ALL DISTRICTS

Column A

Column B

Districts with 30 Foot Requirement

Districts with 40 Foot Requirement

R1 R2 R3 R4 R5

R6 R7 R8 R9 R10

C1 C2 mapped in

C1 C2 mapped in

R1 R2 R3 R4 R5

R6 R7 R8 R9 R10

C3

C1-6 C1-7 C1-8 C1-9

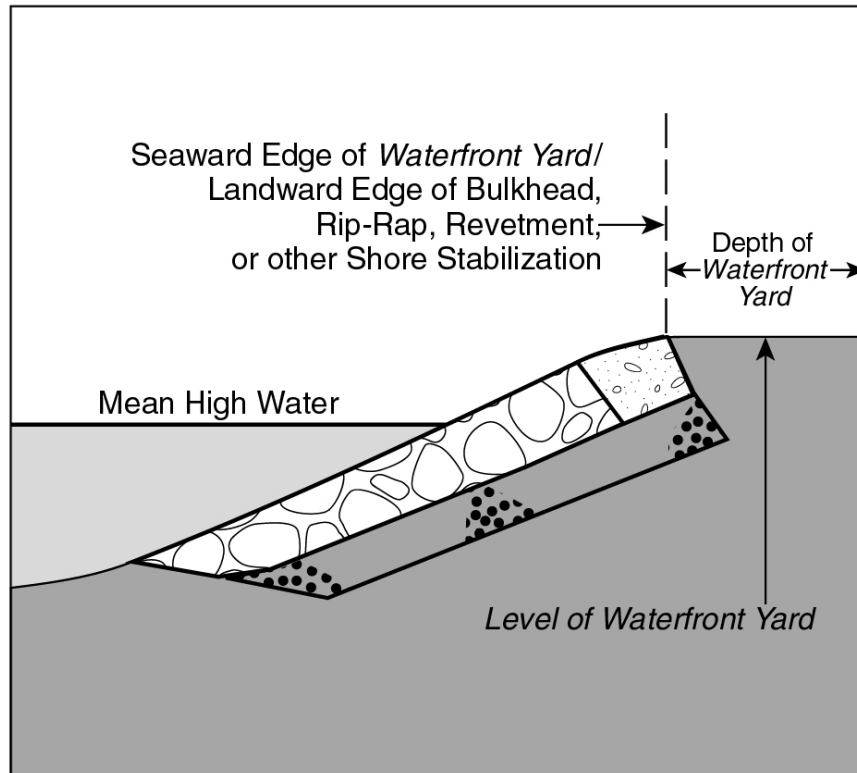
C2-6 C2-7 C2-8

C4 C5 C6 C7 C8

M1 M2 M3

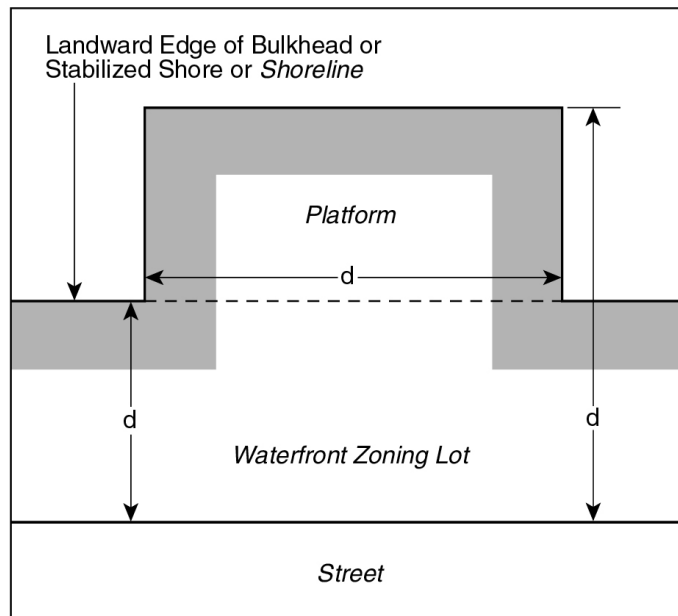
The minimum depth set forth in the preceding table may be reduced at the following locations provided no #waterfront yard# is reduced to less than 10 feet:

- (1) Along those portions of the landward edge of stabilized shore, bulkhead, natural #shoreline# or along those portions of the water edge of a #platform#, having a lot dimension, measured perpendicular to and landward from such edge, that is less than 70 feet in the case of districts in Column A or 80 feet in the case of districts in Column B. For such shallow portions of lots, the minimum depth may be reduced by one foot for each foot that the lot dimension measured from such edge is less than 70 or 80 feet, as applicable.
- (2) Along those portions of the water edge of a #platform# having a dimension, measured perpendicular from such water edge to an opposite water edge that is less than 100 feet in the case of districts in Column A or 120 feet in the case of districts in Column B. For such narrow portions of #platforms#, the minimum depth along each opposite edge may be reduced by one-half foot for each foot that the #platform# dimension is less than 100 or 120 feet, as applicable.
- (3) Where a #tidal wetland area# is provided, the depth of the #waterfront yard# may be reduced by a foot for every foot of stabilized natural shore or intertidal planting area beyond the landward edge of the bulkhead, stabilized natural shore or #shoreline# up to seven feet. Such reduction in depth shall not extend along more than 30 percent of the #shoreline# of the #waterfront zoning lot#.



WATERFRONT YARD AT STABILIZED SHORELINE

(62-332a.1)



d Dimension for Determining Minimum Depth or Width of *Waterfront Yard* on Narrow/Shallow Lots and *Platforms*

 *Waterfront Yard*

WATERFRONT YARD

(62-332a.2)

(b) The level of the #waterfront yard#

The level of required #waterfront yards# shall not be higher than the elevation of the top of the adjoining existing bulkhead, existing stabilized

natural shore or mean high water line, as applicable, except that natural grade level need not be disturbed in order to comply with this requirement.

The level of the portion of a #waterfront yard# on a #platform# shall not be more than three feet higher than the abutting level of the non-platformed portion of the #waterfront yard#, of which it is the continuation, except that the level of a #platform# existing on October 25, 1993 need not be altered in order to comply with this requirement.

However, the level of the #waterfront yard# may be modified as follows:

- (1) For #zoning lots# not required to provide #waterfront public access areas# pursuant to Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements), the level of #waterfront yards# may be raised either to:
 - (i) the #flood-resistant construction elevation# or six feet above #shoreline#, whichever is higher; or
 - (ii) a higher elevation, provided that the #waterfront yard# complies with the applicable provisions of paragraph (b)(2) of this Section, depending on the condition of the shared #lot line#.
- (2) For #zoning lots# with required #waterfront public access areas# pursuant to Section [62-52](#), the level of #waterfront yards# may be raised to a higher elevation, provided that such elevated #waterfront yard# complies with the following provisions, depending on the condition of the adjacent #zoning lot# :
 - (i) where a #waterfront yard# adjoins a #street#, #public park#, or #waterfront public access area# on an adjacent #zoning lot#, the level of the #waterfront yard# within 15 feet of the shared #lot line# shall not exceed three feet above the level of the adjoining #street#, #public park# or #waterfront public access area#, and the width of the circulation path at the #lot line# is greater than that required by paragraph (a) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas). However, the elevation of the required circulation path shall be no higher than the grade of the adjacent #street#, #public park#, or #zoning lot# at the #lot line#.
 - (ii) where a #waterfront yard# does not adjoin a #street#, #public park#, or #waterfront public access area# on an adjacent #zoning lot#, the level of the #waterfront yard# at the shared #lot line#, may exceed the level of the adjacent #zoning lot#:
 - (a) up to a maximum of six feet above the #shoreline#; or
 - (b) to a level higher than six feet above the #shoreline#, where the Chairperson of the City Planning Commission certifies, pursuant to Section [62-811](#) (Waterfront public access and visual corridors) that:
 - (1) the applicant has submitted a plan indicating the proposed level of the #waterfront yard# at the #lot line# of adjacent #zoning lots# and the level of such adjacent #zoning lots# adjacent to the #waterfront yard#; and
 - (2) submitted proof of a legal instrument, executed by the fee owner of any #zoning lot# that is adjacent to the subject #waterfront yard#, and binding upon all necessary parties in interest, that the owner will develop a #waterfront public access area# with a grade that meets that of the adjacent #zoning lots# based on the proposed level of the subject #waterfront yard# as reflected in the submitted plan. Such legal instrument shall run with the land and shall be recorded against all affected parcels of land.

(c) Permitted obstructions

No #building or other structure# shall be erected above the lowest level of a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall include permitted obstructions as listed in Sections [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and [62-611](#), except that enclosed #accessory# off-street parking spaces and walls exceeding four feet in height shall not be permitted. Where any power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, are located in a #front yard#, the entire width of the portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation.

In addition, the following #rear yard# obstructions shall not be permitted except when #accessory# to #single-# or #two-family residences# in #detached#, #semi-detached# or #zero lot line buildings#:

Balconies, unenclosed;

Greenhouses, non-commercial, #accessory#;

Parking spaces, off-street, open or enclosed, #accessory#;

Swimming pools, #accessory#;

Terraces or porches, open.

62-34 - Height and Setback Regulations on Waterfront Blocks

LAST AMENDED

7/26/2001

Height and setback regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section. However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# in Use Group 16, 17 or 18 shall be exempt from the requirements of this Section.

62-341 - Developments on land and platforms

†

LAST AMENDED

12/6/2023

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections [62-342](#) and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(1) #Street lines#

For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section [62-354](#), a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(2) #Initial setback distance#

For the purposes of paragraph (c) of this Section, an #initial setback distance# shall be a horizontal distance measured for a depth of 15 feet from a #narrow# #street line# and 10 feet from a #wide# #street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

(3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section [23-631](#) (General provisions).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections [23-62](#), inclusive, [24-51](#), [33-42](#) or [43-42](#) and, where applicable, Sections [64-331](#), [64-332](#) or [64-432](#), shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

(i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in paragraph (d) of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-623.

(ii) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height, specified in Table

A, by not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of this paragraph, (a)(4)(ii), the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

(iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this paragraph, (a)(4)(iii).

In R6 through R10 Districts, #Commercial Districts#, other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, C7 and C8-1 Districts, and #Manufacturing Districts#, other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly.

In C4-1, C7, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility# #uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly.

In all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning# #lot line#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 C7 C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

(1) #Buildings# containing #residences#

- (i) In R1 and R2 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, no #building# containing #residences#, except for a #predominantly# #community facility building#, shall exceed a height of 35 feet.
- (ii) In R3, R4 and R5 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for #predominantly# #community facility buildings#.

(2) #Predominantly# #community facility buildings#

The underlying height and setback regulations shall not apply. In lieu thereof, any portion of a #predominantly# #community facility building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However, within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.

(3) #Buildings# containing #commercial# #uses#

The underlying height and setback regulations for #commercial# #uses# are modified as follows: no #building# containing #commercial# #uses# shall exceed a height of 30 feet, except for #mixed buildings# as set forth in paragraph (b)(1) of this Section or #predominantly# #community facility buildings# as set forth in paragraph (b)(2) of this Section.

(4) Other structures

All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C7, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the

wind turbine assembly.

(c) Medium and high density non-contextual districts

R6 R7 R8 R9 R10

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-2 C8-3 C8-4

M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3

Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

(1) Maximum base height

Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, the height of a #building or other structure# or portion thereof located within an #initial setback distance# may not exceed the maximum base height specified in Table A of this Section.

(2) Maximum #building# height

Except for penthouses permitted in accordance with paragraph (a)(4)(ii) of this Section, the height of a #building or other structure# or portion thereof may not exceed the maximum #building# height specified in Table A.

(3) #Floor area# distribution

#Zoning lots# with #buildings# that exceed the maximum base height listed in Table A shall have a minimum #floor area# coverage comprising at least 30 percent of the #lot area# at a height of 20 feet. For the purposes of determining this requirement, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #zoning lot# landward of the #shoreline#. In the event the site plan involves construction on only a portion of the #zoning lot#, sufficient calculations shall be provided to show that such partial construction does not preclude compliance with the minimum #floor area# coverage requirements of this Section at the time the site is fully developed.

(4) Maximum #residential# tower size

Each #residential# #story# of a #building# located entirely above the maximum base height specified in Table A shall not exceed a gross area of 7,000 square feet on #zoning lots# less than 1.5 acres, and 8,100 square feet on larger #zoning lots#. On all #zoning lots#, dormers permitted within an #initial setback distance# in accordance with the provisions of paragraph (a)(4)(i) of this Section shall not be included in such gross area.

(5) Maximum width of walls facing #shoreline#

The maximum width of any #story# of a #building# that faces a #shoreline# and is entirely above the maximum base height specified in Table A shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above the maximum base height. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline#, regardless of any intervening structures, properties or #streets#, shall not exceed 100 feet. (See illustration).

(6) Ground floor streetscape provisions

For the purposes of this Section, "ground floor level" shall mean the floor of a #building#, the level of which is located within five feet of the finished level of the adjacent sidewalk.

For #street walls# that are more than 50 feet in width and within 50 feet of a #waterfront public access area# or #street#, the following rules shall apply:

- (i) at least 50 percent of the width of such #street walls# shall be occupied by #floor area# at the ground floor level; and
- (ii) where such #street walls# do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such #street walls# shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened

in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-655.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS*

District	Maximum Height (in feet)	
	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6 C1 or C2 mapped within R6 C7 C8-2 C8-3 M1-2 M1-4 M2-1 M2-3 M3	60	110
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C4-3 C4-4 C4-5	60	135
R7-3 C1 or C2 mapped within R7-3 C8-4 M1-3 M1-5 M2-2 M2-4	65	185
R8 C1 or C2 mapped within R8 C1-7 C6-1 C6-2	70	210
R9 C1 or C2 mapped within R9 C1-8 C2-7 C6-3	80	225
R9-1 C1 or C2 mapped within R9-1	90	280
R10 C1 or C2 mapped within R10 C1-9 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6	110	350

* For #predominantly# #community facility buildings#, the applicable regulations shall be determined from Table B of this Section

TABLE B

APPLICABLE HEIGHT AND SETBACK REGULATIONS FOR PREDOMINANTLY COMMUNITY FACILITY BUILDINGS

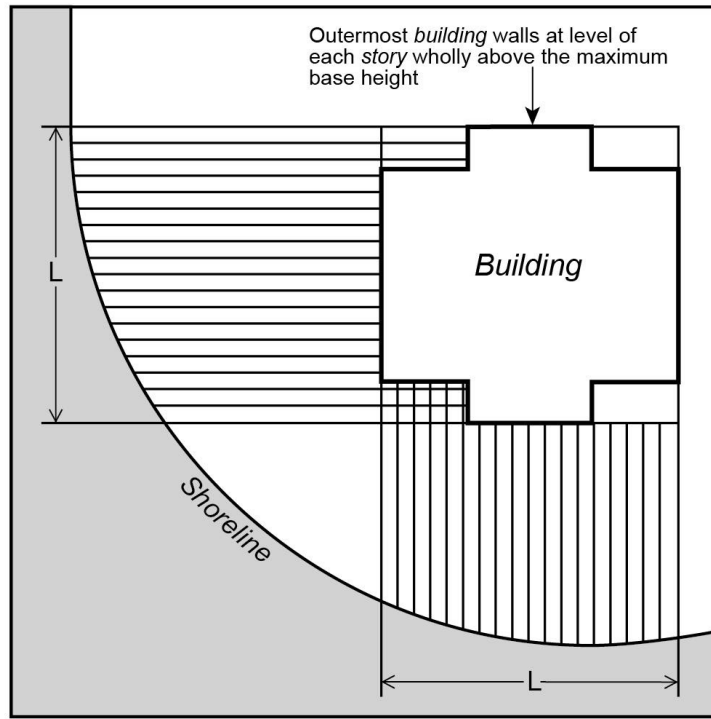
District in which #Predominantly# #Community Facility Building# is Located	Applicable Regulations from Table A
R6 R7-1 R7-3 C1 or C2 mapped within R6,R7-1 or R7-3 C4-2 C4-3 C8-2 M1-2	R7-3
R7-2 R8 C1 or C2 mapped within R7-2 or R8 C1-6 C1-7 C2-6 C4-4 C4-5 C6-1 C6-2 C8-3 C8-4 M1-3 M1-4 M1-5	R9
R9-1 C1 or C2 mapped within R9-1	R9-1
R9 R10 C1 or C2 mapped within R9 or R10 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6	R10

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

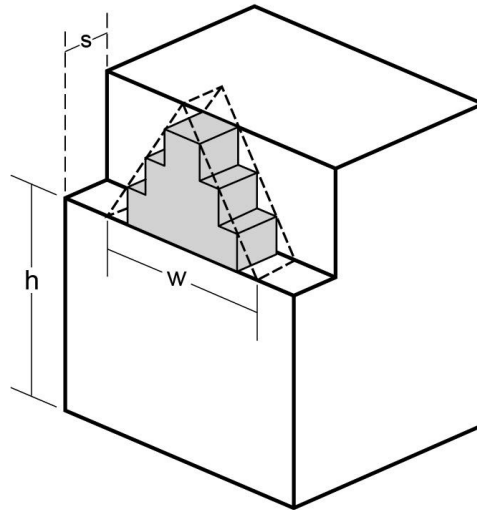
C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Section [23-662](#) shall apply. For #Commercial Districts#, the applicable #Residence District# within which such #Commercial District# is 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 in applying such provisions. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section [23-664](#) shall apply. Separate maximum #building# heights are set forth in Sections [23-662](#) and [23-664](#) for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.



L - Maximum width of *building wall* (100 feet)

MAXIMUM WIDTH OF BUILDING WALL FACING SHORELINE
(62-341d.1)



h - Maximum base height
s - Required setback or *initial setback distance*
w - Maximum width of dormer at maximum base height (60% of *street wall* width of highest *story* entirely below maximum base height)

 Dormer

DORMER
(62-341d.2)

62-342 - Developments on piers

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.

The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for the supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the surface elevation of at least 50 percent of the #pier# shall be used to establish the #base plane#.

The height of all #buildings or other structures# on #piers# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof.

The obstructions permitted pursuant to Sections [23-62](#), [24-51](#), [33-42](#) or [43-42](#) shall apply. In addition, a dormer may penetrate a required setback area above a height of 30 feet provided the aggregate width of dormers on any given #building# wall does not exceed 50 percent of the width of such #building# wall.

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to 10 feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Building# width and spacing regulations on #piers#

The maximum length or width of any #building or other structure# on a #pier# shall be 200 feet. The provisions of Section [23-70](#) (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall be inapplicable on #piers#. In lieu thereof, the minimum distance on a #pier# between any two #buildings or other structures# that do not #abut# shall be 100 feet. However, such limitations shall not apply to any #building or other structure#, no portion of which exceeds 30 feet in height.

Permitted obstructions above the #base plane# within such required open areas between #buildings or other structures# shall be limited to those allowed above the lowest level of a #visual corridor# pursuant to Section [62-513](#) (Permitted obstructions in visual corridors), except that freestanding #accessory# #buildings or other structures# shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such #accessory# #buildings or other structures# and any other #building or other structure# on the #pier#.

(c) Modification of #pier# #bulk# regulations

Modification of the regulations of this Section involving the height and setback or width and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit of the City Planning Commission pursuant to Section [62-835](#) (Developments on piers or platforms), [74-711](#) (Landmark preservation in all districts) or [74-79](#) (Transfer of Development Rights From Landmark Sites).

62-343 - Developments on floating structures

LAST AMENDED

2/2/2011

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

Chimneys, flues or stacks;

Flagpoles, aeriels or masts;

Parapet walls or safety enclosures, not more than four feet high; and

Wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section [62-25](#) shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section [62-834](#) shall not exceed the height limits set forth in Column A of the table in this Section, except for navigational vessels being repurposed as #floating structures# in accordance with such special permit provisions. Such repurposed vessels shall be subject to the height limits set forth in Column B of the table.

HEIGHT LIMITS FOR FLOATING STRUCTURES

#Residential District#	#Commercial District#	#Manufacturing District#	Column A Maximum Structure Height	Column B Maximum Height of Repurposed Vessels
R1 thru R5	C1 or C2 mapped in R1 thru R5 C3	-	23 ft.	40 ft.
R6	C1 or C2 mapped in R6 C4-1 C7 C8-1 C8-2 C8-3	M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2	40 ft.	60 ft.
R7 R8	C1 or C2 mapped in R7 or R8 C1-6 C1-7 C2-6 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C8-4	M1-3 M1-5 M2-2 M2-4	50 ft.	70 ft.

R9 R10	C1 or C2 mapped in R9 or R10	M1-6	60 ft.	150 ft.
	C1-8 C1-9			
	C2-7 C2-8			
	C4-6 C4-7			
	C5			
	C6-3 C6-4 C6- 5 C6-6 C6-7 C6-8 C6-9			

62-35 - Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

LAST AMENDED
7/29/2010

On waterfront blocks in Inclusionary Housing designated areas in Community District 1, Borough of Brooklyn, the special bulk regulations of this Chapter are further modified as set forth in this Section, inclusive.

62-351 - Special floor area regulations

LAST AMENDED
12/19/2013

(a) Maximum permitted floor area ratio

In R6 Districts, the maximum permitted floor area ratio for any zoning lot containing residences shall be 2.43.

In R7-3 Districts, the maximum permitted floor area ratio for any zoning lot containing residences shall be 3.75.

In R8 Districts, the maximum permitted floor area ratio for any zoning lot containing residences shall be 4.88.

In R6, R7-3 and R8 Districts, the maximum permitted floor area ratio for any zoning lot containing residences may be increased for developments and enlargements that provide affordable housing pursuant to Section 62-352 (Inclusionary Housing).

(b) Buildings used for accessory off-street parking spaces

Within Waterfront Access Plan BK-1, the floor area of a building shall not include floor space used for accessory off-street parking spaces provided in any story located not more than 33 feet above the height of the base plane.

(c) Special regulations for Parcels 4 and 5e within Waterfront Access Plan BK-1

On Parcels 4 and 5e within Waterfront Access Plan BK-1, in the event that a property is developed as a public park, such property shall continue to be considered part of a zoning lot for the purposes of generating residential floor area based on the residential floor area ratio applicable to the property prior to its development as a public park. In no event shall the floor area generated by the property developed as a public park be utilized within the public park, but may be utilized pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such public park shall be exempt from the definition of floor area.

(d) Special regulations for Parcel 5d within Waterfront Access Plan BK-1

On Parcel 5d within Waterfront Access Plan BK-1, up to 120,000 square feet of floor space within a public school, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of floor area and from lot coverage requirements for the purposes of

calculating the permitted #floor area ratio# and #lot coverage# for #community facility# #uses# and the maximum #floor area ratio# and total permitted #lot coverage# of the #zoning lot#.

62-352 - Inclusionary Housing

LAST AMENDED
10/9/2013

The provisions of Section [23-90](#) (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections [12-10](#) or [23-911](#) (General definitions).

(b) #Floor area compensation#

(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:

- (i) the amount of #low income floor area# is equal to at least 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or
- (ii) the amount of #low income floor area# is equal to at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, and the #moderate income floor area# is equal to at least 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:

- (i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or
- (ii) the amount of #low income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(3) For #zoning lots# containing #residences# in R8 or C6-2 Districts, within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may not exceed the base #floor area ratio# of 4.88, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 Districts within the #large-scale general development#, exclusive of ground floor non-#residential# #floor area#, #floor area# within a #school# and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (b)(3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning# #lot lines# or district boundaries pursuant to Section [62-353](#) (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) Permits and certificates of occupancy

The requirements of paragraphs (a) and (b) of Section [23-953](#) (Additional requirements for compensated developments and MIH developments) shall be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section [62-354](#) (Special height and setback regulations) shall be issued until #HPD# has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section [62-354](#), until #HPD# has issued a #completion notice# with respect to the #affordable housing#.

62-353 - Special floor area, lot coverage and residential density distribution regulations

LAST AMENDED

2/2/2011

Within any parcel identified in Section [62-931](#) (Waterfront Access Plan BK1: Greenpoint-Williamsburg), and with respect to any such parcels that are adjacent to each other and that are under single-fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in paragraph (e) of the definition of a #zoning lot# in Section [12-10](#)) or with respect to which each party in interest (as defined in paragraph (f)(4) of the definition of a #zoning lot# in Section [12-10](#)) has executed a declaration declaring that the properties are to be developed as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section [62-322](#), the total #floor area# permitted pursuant to Sections [62-351](#) or [62-352](#) and the #residential# density permitted pursuant to Section [23-22](#), may be located anywhere within such parcel or between such parcels without regard to #zoning lot# #lines# or district boundaries provided that such location of #floor area#, #lot coverage# or #residential# density complies with Sections [62-31](#) (Bulk Computations on Waterfront Lots) and [62-34](#) (Height and Setback Regulations on Waterfront Blocks), as modified by Section [62-354](#) (Special height and setback regulations).

62-354 - Special height and setback regulations

LAST AMENDED

12/10/2013

Within Waterfront Access Plan BK-1, the provisions of Section [62-341](#) (Developments on land and platforms) are modified, as follows:

- (a) Paragraph (c)(1) (Maximum base height) shall be modified in R6 Districts to permit a maximum base height of 65 feet or six #stories#, whichever is less. However, for #buildings or other structures# located on a #zoning lot# with more than 100 feet of frontage on a #street# in an R6 District, at least 20 percent of such frontage shall not exceed a maximum base height of 55 feet or five #stories#, whichever is less.
- (b) Paragraph (c)(2) (Maximum #building# height) shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:
- (1) The maximum #building# height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum #building# height shall be 110 feet. In R8 Districts, the maximum #building# height shall be 190 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum #building# height of 290 feet. Such maximum #building# heights of 110 feet, 190 feet and 290 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.
 - (2) For #developments# that provide #affordable housing# pursuant to Section [62-352](#) (Inclusionary Housing), the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in paragraph (b) of this Section, provided that the maximum #building# height shall be 260 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum #building# height of 360 feet. Such maximum #building# heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.
 - (3) The maximum #building# height may be exceeded by a penthouse portion of a #building# with a height of not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest

#story# that is located entirely below the applicable maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of paragraphs (b) (1) and (b)(2) of this Section, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

- (c) Paragraph (c)(3) (#Floor area# distribution) shall not apply.
- (d) Paragraph (c)(4) (Maximum #residential# tower size) shall not apply. In lieu thereof, each #residential# #story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. However, in R8 Districts, for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing# pursuant to Section [62-352](#), each #residential# #story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet. If such #residential# #story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 District shall not exceed a gross area of 8,100 square feet.
- (e) Paragraph (c)(5) (Maximum width of walls facing #shoreline#) shall not apply. In lieu thereof, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Kent Avenue, West Street or Commercial Street, whichever is closest, shall not exceed 110 feet. The maximum length of any other side of such rectangle shall not exceed 170 feet, except that for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing# pursuant to Section [62-352](#), such maximum length of 170 feet shall apply above a height of 100 feet.
- (f) Paragraph (c)(6) (Ground floor streetscape provisions) shall not apply. In lieu thereof, all off-street parking spaces located within 50 feet of a #street#, a #visual corridor# containing a #private road# and a #shore public walkway#, #upland connection# or #supplemental public access area# and which are located on a #story# that is above the #base plane#, shall be within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #streets#, #visual corridors# or publicly accessible open spaces. Such floor space shall have a minimum depth of 25 feet. Up to five percent of such floor space may be used for mechanical equipment provided that no floor space used for mechanical equipment is located within 15 feet of the #street wall# of the #building# below a height of 15 feet above the #base plane#, and that no exhaust vents are located on the #street wall# of the #building# below a height of 15 feet above the #base plane#. The remainder of such floor space shall be used for #commercial#, #community facility# or #residential# #floor area#. Seventy percent of the surface area of the facade of a facility containing parking spaces, which are not otherwise required to be behind such #floor area#, shall be composed of the same materials as the facade of the #building# in which it is located.
- (g) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.
- (h) At least 70 percent of the width of the #street wall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# that is not adjacent to a #shore public walkway# or #supplemental public access area# shall be located within eight feet of such #street line# and extend to a minimum height of 30 feet.
- (i) In addition to the applicable underlying #street# tree planting requirements, all #extensions# which increase the existing #floor area# by more than 10 percent, shall provide #street# trees in accordance with Section [26-41](#).
- (j) On Parcel 5d, the provisions of paragraphs (c)(1) and (c)(2) shall be modified for public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, as follows:
 - (1) the maximum base height provisions of paragraph (c)(1) shall not apply; and
 - (2) the maximum #building# height provisions of paragraph (c)(2) shall be modified to permit a maximum #building# height of 100 feet or six #stories#, whichever is less.

62-355 - Special yard regulations

LAST AMENDED
12/10/2013

On Parcel 5d within Waterfront Access Plan BK-1, the #yard# provisions of Section [24-36](#) (Minimum Required Rear Yards) shall not apply to public

#schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

62-356 - Special bulk regulations for zoning lots adjacent to public parks

LAST AMENDED
6/21/2017

On Parcel 12b within Waterfront Access Plan BK-1 in Section [62-931](#), any #lot line# that coincides with the boundary of a #public park# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #bulk# regulations of this Resolution, except that the provisions of paragraphs (g) and (h) of Section [62-354](#) (Special height and setback regulations) shall not apply.

In lieu thereof, the #street wall# of any #building# fronting on a #lot line# that coincides with the boundary of a #public park# shall be located at least eight feet from such #lot line#, except that any portion of a #building# containing a #legally required window# shall be located at least 28 feet from such lot line. No balconies shall be permitted on any #street wall# of such #building# facing a #public park#.

In addition, a wall, or if a wall is prohibited by the New York City Building Code, a fence, shall be provided along the #lot line# that coincides with the boundary of a #public park#. Such wall or fence shall be a minimum of six feet in height, except that any portion of such wall or fence facing a ground floor level #commercial# #use# in a #building# shall be a minimum of 10 feet in height. However, if the Commissioner of Buildings determines that such wall or fence located in a #Residence District# is subject to the provisions of Building Code Section 3112.1, exceptions (2) or (3), such wall or fence shall be a minimum of eight feet in height along the boundary of a #public park#.

At least 90 percent of the width of the #street wall# of a #building# or #buildings# fronting on Kent Street shall be located within eight feet of the #street line# and extend to a minimum height of 30 feet.

62-40 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED
4/22/2009

62-41 - Special Regulations for Accessory Residential Parking Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to #residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section [62-45](#) (Supplementary Regulations for All Parking Facilities).

62-411 - Accessory residential roof parking

LAST AMENDED
2/2/2011

On #waterfront blocks#, parking spaces #accessory# to #residential uses# may be located on the roof of a #building#, or portion thereof, that does not contain #dwelling units# or #rooming units#, provided that:

- (a) the roof level is not higher than 23 feet above the #base plane#;
- (b) the perimeter of the roof is enclosed by a four foot high parapet wall or other enclosure at least 50 percent opaque;
- (c) trees are provided in accordance with Section [62-655](#) (Planting and trees) at the rate of one tree for each 10 parking spaces for parking areas at grade;
- (d) if on the roof of a portion of a #building# containing #dwelling units# or #rooming units#, the sill level of any #dwelling unit# or #rooming unit# windows opening onto such roof area is at least 10 feet above the roof and no parking spaces or vehicular aisles are located within 10 feet of a wall with #dwelling unit# or #rooming unit# windows; and
- (e) no flood lighting shall be permitted and any lighting shall be directed away from any #residential# windows on the same or an adjacent #zoning lot#.

62-412 - Accessory residential off-site parking

LAST AMENDED
2/2/2011

For #developments# on #waterfront blocks#, the provisions of Sections [25-52](#) and [36-42](#) (Off-site Spaces for Residences) shall be modified so as to permit all permitted or required #accessory# spaces to be located on a separate #zoning lot#, provided that:

- (a) such off-site facility is not located in an R1, R2, R2X, R3-1, R3A, R3X, R4-1, R4A or R4B District;
- (b) if such off-site facility is located in other R3, R4 or R5 Districts, such off-site facility is contiguous or would be contiguous except for its separation by a #street# or #street# intersection to the #zoning lot# occupied by the #residences# to which the spaces are #accessory#;
- (c) if such off-site facility is located in other than a R3, R4 or R5 District, all parking spaces shall not be further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#;
- (d) in R3, R4 and R5 Districts, such off-site facility shall be an open lot not exceeding 12,000 square feet. In other districts, parking structures shall be permitted and the maximum size of the facility shall be governed by the provisions of Sections [25-12](#) and [36-12](#) (Maximum Size of Accessory Group Parking Facilities);
- (e) in #Residence Districts#, no parking spaces are located within a required #front yard# or within four feet of any #lot line#. #Front yards# shall be planted and screening shall be provided along any #lot lines# in accordance with Section [62-655](#) (Planting and trees);
- (f) in all districts, lighting shall be directed away from adjoining #buildings# containing #residences#. In no event shall flood lighting be permitted for off-site facilities in #Residence Districts#; and
- (g) in all districts, trees shall be provided in accordance with Section [62-655](#) at the rate of one tree for each 10 parking spaces for on-site facilities within a #waterfront block#.

62-42 - Special Regulations for Accessory Non-residential Parking Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to non-#residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section [62-45](#).

62-421 - Accessory non-residential roof parking

LAST AMENDED
2/2/2011

On #waterfront blocks#, parking spaces #accessory# to non-#residential uses# may be located on the roof of a #non-residential building# or a non-#residential# portion of a #building# containing #residential use#, provided that they comply with Section [62-411](#) (Accessory residential roof parking), paragraphs (a) through (e).

62-422 - Accessory non-residential off-site parking

LAST AMENDED
4/22/2009

For #developments# on #waterfront blocks#, the provisions of Sections [36-43](#) (Off-site Spaces for Commercial or Community Facility Uses) and [44-32](#) (Off-site Spaces for All Permitted Uses) shall be modified to permit such spaces to be within 1,000 feet of the #zoning lot# to which they are #accessory#.

62-43 - Parking Requirements for Commercial Docking Facilities

LAST AMENDED
4/22/2009

#Accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-462.

#Accessory# off-street parking or drop-off and pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-821.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	Districts	Number of Required Parking Spaces
Non-commercial pleasure boats	C1 thru C8 M1 M2 M3	1 per 2 berths or moorings
Rental boats		
Ferries	R3** thru R5**	0.30 x p*
Sightseeing, excursion or sport fishing vessels	C1-1 C2-1 C3 C4-1	
	R6** R7-1** R7A** R7B** R7D**	0.20 x p*
	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2	
	M2-1 M2-2 M3-1	
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C7 C8-2	0.15 x p*
	M1-3	
	R8** R9**	0.10 x p*
	C1-4 C2-4 C4-4 C8-3	
	R10**	None required
	C1-5 thru C1-9	
	C2-5 thru C2-8	
	C4-4A C4-5 C4-6	
	C5 C6 C8-4	
	M1-4 M1-5 M1-6	
	M2-3 M2-4 M3-2	
Passenger ocean vessels	C6**	0.15 x p*
	M1-1 M1-2 M1-3	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees, whichever is less
	M2-1 M2-2	
	M3-1	

	M1-4 M1-5 M1-6	None required
	M2-3 M2-4	
	M3-2	
Vessels not otherwise listed	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees whichever is less
	M1-4 M1-5 M1-6	None required
	M2-3 M2-4	
	M3-2	

* For sightseeing, excursion, sport fishing or passenger ocean vessels, "p" is the sum of the maximum capacities of all such vessels using a dock. The maximum capacity of each vessel is its U.S. Coast Guard certified capacity

For ferries, "p" is the total ferry passenger load of a dock on weekdays between the hours of 6:00 a.m. and 9:00 a.m., as determined by the N.Y.C. Department of Transportation

For docks serving both above categories of vessels, the number of parking spaces required shall be the sum of the number of spaces required for each category

** By City Planning Commission special permit only for ferries or passenger ocean vessels in districts indicated

62-44 - Parking and Loading Requirements for Floating Structures

LAST AMENDED
4/22/2009

#Accessory# off-street parking spaces and loading berths shall be provided for all #developments# on #floating structures# in accordance with applicable district regulations unless specifically modified by this Chapter.

Where #floor area# is the unit of measurement for a #use#, the #floor area# shall be deemed to be the area of all floors or decks, both open and enclosed, on all levels of the #floating structure#. Floor or deck space occupied permanently and exclusively by mechanical equipment or that is normally inaccessible for human occupancy may be excluded.

Where #lot area# is the unit of measurement for a #use#, the #water coverage# of the #floating structure# shall be deemed to be #lot area#.

62-45 - Supplementary Regulations for All Parking Facilities

LAST AMENDED
2/2/2011

The applicable district regulations for #developments# with #accessory# or public parking facilities are further modified by this Section.

62-451 - Parking spaces on floating structures

LAST AMENDED
4/22/2009

No #accessory# parking spaces shall be located on a #floating structure# except in conjunction with a special permit pursuant to Section [62-834](#) (Uses on floating structures).

62-452 - Off-site parking in public parking facilities

LAST AMENDED
4/22/2009

Notwithstanding the provisions of Section [12-10](#) (DEFINITIONS), a #public parking garage# or #public parking lot# may include permitted or required #accessory# off-street parking spaces which are #accessory# to #uses# on a separate #zoning lot#, provided that:

- (a) the #uses# to which they are #accessory# are on a #zoning lot# within a #waterfront block#;
- (b) the entrance to the facility is not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #uses# to which it is #accessory#; and
- (c) the ownership requirement for such #accessory# off-street parking spaces is satisfied by an interest commensurate with the interest of the principal #use#.

Whenever #accessory# parking spaces are provided off-site within a public parking facility, the number of spaces and the #use# to which they are #accessory# shall be recorded on the certificates of occupancy for both the principal #use# and the public parking facility.

62-453 - Screening requirements for parking facilities on waterfront blocks

LAST AMENDED
4/22/2009

- (a) Open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots# pursuant to Section [62-655](#) (Planting and trees), paragraph (a)(7)(iii), or from a #street# or an #upland connection# pursuant to Section [37-921](#) (Perimeter landscaping). Screening may be interrupted only by vehicular or pedestrian entrances.
- (b) All parking garages that occupy the ground floor frontage along any #street# or #upland connection# shall be screened in accordance with the planting requirements of Section [62-655](#).
- (c) For parking garages on #piers#, at least 50 percent of the perimeter wall area on all sides fronting on public access areas, up to a height of 15 feet, shall consist of clear or lightly tinted transparent material or latticework.
- (d) The screening requirements shall not apply to #accessory# parking for WD #uses# or other #uses# in Use Groups 16, 17 or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

62-454 - Off-street parking in large-scale general developments in Community District 1 in Queens

LAST AMENDED
10/9/2013

For #large-scale general developments# within the Halletts Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

62-46 - Supplementary Regulations for Loading Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required #accessory# off-street loading facilities shall apply to all #developments#, except as modified in this Section.

62-461 - Screening requirements for loading facilities on waterfront blocks

LAST AMENDED
4/22/2009

All open off-street loading berths on #waterfront blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# and from all public access areas on the #zoning lot# pursuant to Section [62-655](#) (Planting and trees). Screening may be interrupted only by

vehicular or pedestrian entrances.

The screening requirement shall not apply to #accessory# loading berths for WD #uses# or other #uses# in Use Groups 16, 17 or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

62-462 - Passenger drop-off and pick-up areas for docking facilities

LAST AMENDED
2/2/2011

All #developments# providing new docking facilities serving ferries, sightseeing, excursion, sport fishing or passenger ocean vessels, shall provide an area for the drop-off and pick-up of passengers by car, taxi, van and bus as shown in the table in this Section. Such area shall be located on the #zoning lot# or on another #zoning lot# in the same or an adjoining #Commercial# or #Manufacturing District#, which is contiguous to the #zoning lot# occupied by the docking facility, or would be contiguous except for its separation by a #street# or #street# intersection.

Such area shall be accessed by a one-way driveway at least 15 feet wide with separate entranceways and exits located at least 50 feet apart on the same #street# or located on separate #streets#, provided that no entrance or exit is less than 50 feet from a #street# intersection.

Such area, which may include the driveway on the #zoning lot#, shall be large enough to accommodate the number of vehicles required by the following table, based on a dimensional allowance of 10 feet by 20 feet for cars, taxis and vans and 12 feet by 50 feet for buses.

The Commissioners of Buildings or Business Services, as applicable, may accept an equivalent lay-by area on a portion of a #street# adjoining the #zoning lot#, if such #street# treatment and drop-off area is approved by the Department of Transportation.

REQUIRED DROP-OFF AND PICK-UP SPACES FOR VARIOUS DOCKING FACILITIES

Docks Serving	Maximum Vessel Capacity*	Number of Car Spaces**	Number of Bus Spaces
Ferries	100 or more	1 for each 50 passengers over 100; maximum requirement 10	None Required
Sightseeing, excursion, or sport fishing vessels	Up to 200	None Required	None Required
	Over 200	1 for each 50 passengers over 200; maximum requirement 15	1 for each 50 passengers over 200; maximum requirement 2
Any #commercial# vessels	Over 2,500	20	3

* Capacity of the largest vessel using a dock. Capacity of a vessel is its U.S. Coast Guard certified capacity. For ferries, the N.Y.C. Department of Transportation operating permit capacity may be used as the vessel capacity

** Includes cars, taxis and vans

62-47 - Special Parking and Loading Regulations for Waterfront Access Plan BK-1

LAST AMENDED
4/22/2009

Within Waterfront Access Plan BK-1, the special parking and loading regulations of this Section are further modified as follows:

- (a) The provisions of Sections [62-411](#) and [62-421](#) shall not be applicable.
- (b) #Accessory# off-street parking spaces for #uses# permitted pursuant to Section [62-29](#) shall be provided in conformity with the regulations of Sections [36-21](#), [36-22](#) and [36-232](#) for C2-4 Districts.
- (c) Any required #accessory# off-street parking spaces provided for #uses# located on a parcel identified in Waterfront Access Plan BK-1 may be located anywhere within such parcel.

62-50 - GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
2/2/2011

All #zoning lots# #developed# within #waterfront blocks# shall be subject to the provisions of this Section and Section [62-81](#) (Certifications by the Chairperson of the City Planning Commission).

For the purpose of determining requirements for #waterfront public access areas#, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of structurally sound #piers# and #platforms# within the #seaward lot#.

All #waterfront public access areas#, including those required pursuant to paragraph (b) of Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements), shall comply with the provisions of Section [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), except as modified by:

- (a) authorization of the City Planning Commission, pursuant to Section [62-822](#) (Modification of waterfront public access area and visual corridor requirements);
- (b) special permit of the City Planning Commission, pursuant to Sections [62-834](#) (Uses on floating structures), [62-835](#) (Developments on piers or platforms) or [74-79](#) (Transfer of Development Rights from Landmark Sites); or
- (c) the establishment of a Waterfront Access Plan, pursuant to Section [62-90](#).

However, the design of portions of #waterfront public access areas# located within New York State-designated wetlands or their adjacent regulated areas, shall be in accordance with an approval from the New York State Department of Environmental Conservation.

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the Plan shall control.

62-51 - Applicability of Visual Corridor Requirements

LAST AMENDED
2/2/2011

#Visual corridors# shall be provided for #zoning lots# #developed# within #waterfront blocks# in accordance with the provisions of this Section.

However, the following shall be exempt from the provisions of this Section:

airports, heliports and seaplane bases

#developments# in C8 or #Manufacturing Districts# comprised #predominantly# of #uses# in Use Groups 16, 17 or 18, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels

#developments# in R1 or R2 Districts

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# on #zoning lots# less than 10,000 square feet in any district

#extensions#

changes of #use# within existing #buildings or other structures#.

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width# or there is no way to provide a #visual corridor# in compliance with Section [62-511](#), no #visual corridors# shall be required.

62-511 - Location of visual corridors

#Visual corridors# shall be provided through the #zoning lot# using the following methodology:

- (a) the #street lines# of a #street# shown on the City Map which extend seaward of the first upland #street# bounding a #waterfront block# and terminate at a #waterfront block# shall be prolonged as a #visual corridor# through all intervening #zoning lots# to the water if the prolonged #street# would intersect the #shoreline# at an angle of 45 degrees or more and there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result;
- (b) a #visual corridor# designated in a Waterfront Access Plan that traverses the #zoning lot# shall be maintained through the #zoning lot# in accordance with the provisions of such plan; and
- (c) the #street lines# of a #street# shown on the City Map which terminate at the first upland #street# bounding a #waterfront block#, and which #street# would, if prolonged, traverse the #zoning lot# and intersect the #shoreline# at an angle of 45 degrees or more without traversing an intervening #zoning lot#, shall be prolonged as a #visual corridor# if there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result.

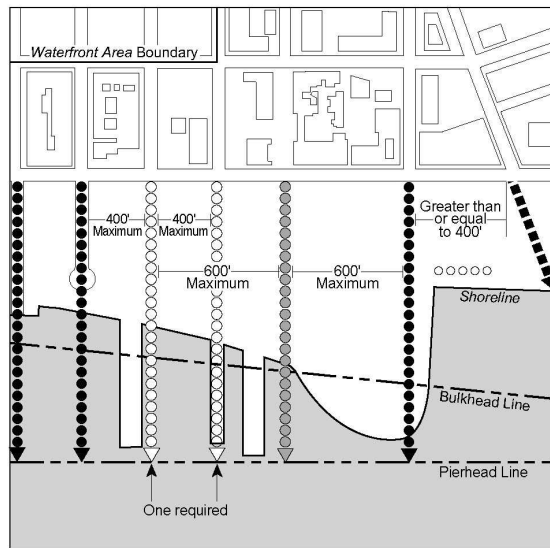
Such #visual corridor# pursuant to paragraph (c) of this Section shall not be required if any of the following conditions exist within 400 feet, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, and its elimination does not result in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart:

- (1) there is an existing mapped #street# extending to the water that intersects the #shoreline# at an angle of 45 degrees or more;
- (2) there is a required #visual corridor# pursuant to paragraph (a) of this Section;
- (3) there is an existing designated #visual corridor# either previously recorded by another property owner or mandated in a Waterfront Access Plan; or
- (4) the property owner is currently designating another #visual corridor# through the #zoning lot# pursuant to paragraph (c) of this Section which is equal to or greater in width than the #visual corridor# that would be eliminated.

For the purposes of paragraphs (a) and (c) of this Section, the angle of intersection of a #street# with the #shoreline# shall be determined from the intersection of the centerline of the #street#, or its prolongation, with the #shoreline#. The line connecting the two points of intersection of the #street lines#, or their prolongation, with the #shoreline# shall be deemed to be the #shoreline# (see illustration of Visual Corridor).

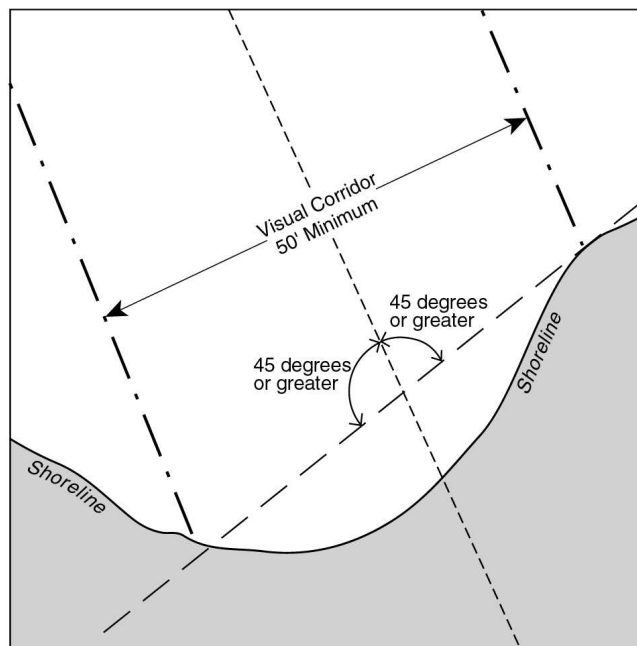
No existing #street#, or its prolongation, shall be considered currently blocked due to the presence of elevated roadways, elevated railways, or pedestrian or vehicular bridges existing on October 25, 1993.

In the event the methodology of this Section results in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, additional #visual corridors# shall be provided at locations that would maintain a maximum spacing of 600 feet without traversing an intervening #zoning lot#. Such spacing may be increased only where an intervening #zoning lot# or an existing #building or other structure# on the #zoning lot# prevents compliance and only to the minimum dimension necessary to clear the intervening #zoning lot# or existing #building or other structure#. However, no #visual corridor# shall be required where such increased spacing would place it within 200 feet of another #visual corridor#. In order to determine the location of the nearest #visual corridors#, the methodology of paragraphs (a), (b) and (c) of this Section shall be applied to the adjoining portions of the #block# frontage to either side of the #zoning lot#.



- ▶ Designated *Visual Corridor* or *Mapped Street* Seaward of the First *Upland Street* (Mandatory Location for *Visual Corridor*)
- ▶ *Mapped Street* Terminating at First *Upland Street* (Alternative Location for *Visual Corridors* Mandatory at Maximum Intervals of 400 Feet)
- ▶ No *Upland Street* (*Visual Corridor* Mandatory at Maximum Intervals of 600 Feet)
- ▶ *Mapped Street* Terminating at First *Upland Street* (Distance Greater than or Equal to 400 Feet: Mandatory Location)

VISUAL CORRIDOR LOCATIONS
(62-511.1)



- - - - - Street Line, Prolongation of *Street Lines* or *Visual Corridor* Boundaries
- - - - - Center Line of *Street* or *Visual Corridor*
- — — — — Assumed *Shoreline* for Determining Angle of Intersection

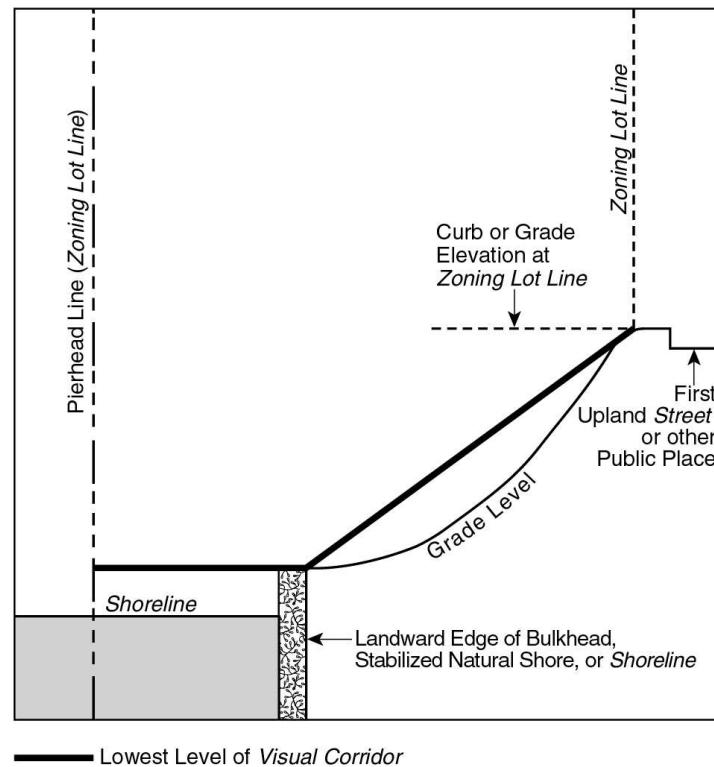
VISUAL CORRIDOR (ANGLE OF SHORELINE INTERSECTION)
(62-511.2)

62-512 - Dimensions of visual corridors

The width of a #visual corridor# shall be determined by the width of the #street# of which it is the prolongation but in no event less than 50 feet. #Visual corridors# that are not the prolongations of #streets# shall be at least 50 feet wide. For the purposes of establishing the width, vehicular turnarounds at the terminations of such #streets#, including curved or flanged treatments at intersections, shall be omitted.

The level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation five feet above curb elevation with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, or upland edge of a #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation five feet above curb elevation at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

No obstructions are permitted within a #visual corridor#, except as set forth in Sections [62-513](#) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, when a #visual corridor# coincides with an #upland connection#.



LEVEL OF VISUAL CORRIDOR

(62—512)

62-513 - Permitted obstructions in visual corridors

LAST AMENDED

2/2/2011

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section [62-512](#) (Dimensions of visual corridors), except as provided in this Section. Permitted obstructions within #visual corridors# in all districts shall include:

- (a) permitted obstructions listed in Section [62-611](#), provided that no shade trees shall be planted within 15 feet of the centerline of a #visual corridor#, except when provided within an open parking lot;
- (b) permitted obstructions listed in Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), as modified for #waterfront yards# in Section [62-332](#);
- (c) boats, ships or other vessels, and #floating structures# permitted by paragraph (a) of Section [62-25](#);

- (d) any moving or parked vehicles;
- (e) street furniture, including but not limited to, carts and open display booths; and
- (f) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

62-52 - Applicability of Waterfront Public Access Area Requirements

LAST AMENDED
3/26/2014

Waterfront public access shall be provided for all #waterfront zoning lots# with a #lot area# of at least 10,000 square feet and a #shoreline# of at least 100 feet that are #developed#, and for all #developments# on #floating structures#, in accordance with the provisions of the following Sections:

Section [62-53](#) (Requirements for Shore Public Walkways)

Section [62-54](#) (Requirements for Public Access on Piers)

Section [62-55](#) (Requirements for Public Access on Floating Structures)

Section [62-56](#) (Requirements for Upland Connections)

Section [62-57](#) (Requirements for Supplemental Public Access Areas).

However, #zoning lots# with #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements; #zoning lots# with #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

(a) The following shall be exempted from #waterfront public access area# requirements:

airports, heliports, seaplane bases;

#developments# comprised of #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;

#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# Use Group 16, 17 or 18 #uses#, as listed in Article III, Chapter 2, and Article IV, Chapter 2, except as set forth in paragraph (b)(2) of this Section;

#developments# in R1 or R2 Districts;

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# in any district;

#developments# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts, comprised of #predominantly# #residential uses#;

#enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on the #zoning lot# on October 25, 1993, and not more than 20,000 square feet;

#extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

changes of #use#, from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

(b) #Waterfront public access areas# required in conjunction with the following #developments# shall be subject to the minimum #waterfront public access area# set forth in the table in Section [62-57](#) and the requirements of Section [62-58](#) (Requirements for Water-Dependent Uses and Other Developments):

(1) #developments# comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels, #boatels# or commercial beaches;

(2) #developments# on #piers# or #platforms# that involve existing #buildings# or other structures# that are either New York City-designated landmarks or have been calendared for consideration, or are listed or eligible to be listed in the National or New York State Registers of Historic Places; or

- (3) changes of #use# or #extensions# within #buildings# existing on October 25, 1993, which involve, in aggregate, an amount of #floor area# that is less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater.

In Community District 1 in the Borough of Brooklyn, on #zoning lots# with #developments# comprised exclusively of docks for ferries with a vessel capacity of up to 399 passengers, and #accessory# amenities for such docking facilities, such #zoning lots# shall be exempt from the #waterfront public access area# requirements of this Section, provided that such docking facilities are certified by the Chairperson of the City Planning Commission, pursuant to Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas). However, for any subsequent #development# on such #zoning lot# that is not comprised exclusively of docks for ferries, the public access requirements of this Section shall apply, and any public access exemptions for such docks for ferries shall no longer apply.

62-53 - Requirements for Shore Public Walkways

LAST AMENDED
5/12/2021

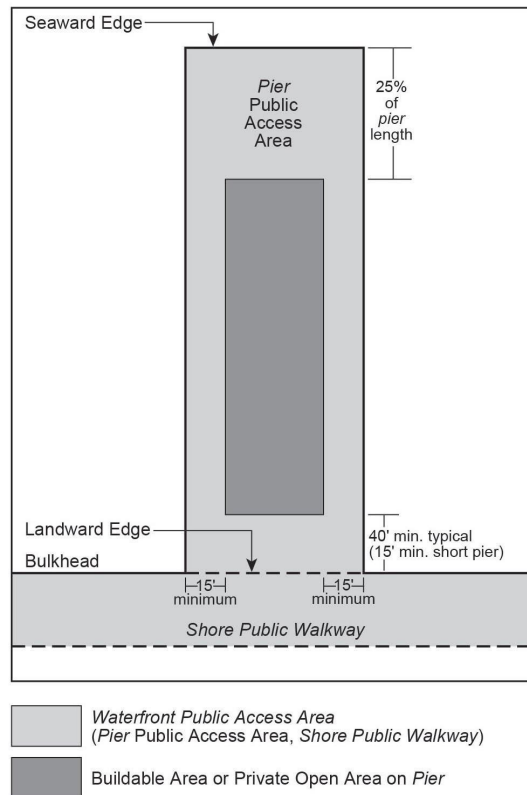
- (a) All #waterfront zoning lots# meeting the criteria set forth in Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements), or #floating structures#, shall provide a #shore public walkway#, which shall comply with the following requirements:
 - (1) Such #shore public walkway# shall have a seaward edge contiguous with the seaward edge of the #waterfront yard# as established in Section [62-332](#) (Rear yards and waterfront yards) with a minimum width measured from such edge as set forth in paragraph (a)(2) of this Section, or for #floating structures#, as set forth in Section [62-55](#), unless relocation or modification of width is permitted pursuant to this Section;
 - (2) Such #shore public walkway# shall have a minimum width of 30 feet for #zoning lots# #developed# with #predominantly# #community facility# or #commercial# #uses# in R3, R4, R5 and C3 Districts, and such #uses# in C1 and C2 Districts mapped within R1 through R5 Districts. The minimum width for a #shore public walkway# provided for a #zoning lot developed# with any #use# in all other districts, other than R1 and R2 Districts, shall be 40 feet.
 - (3) The minimum width of the #shore public walkway# set forth in paragraph (a)(2) of this Section may be reduced at the following locations provided no #shore public walkway# is reduced to less than 10 feet:
 - (i) on shallow portions of #zoning lots# that are less than 150 feet in depth, the minimum width of a #shore public walkway# may be reduced by one foot for every two feet that the lot dimension, measured from such edge, is less than 150 feet;
 - (ii) on narrow portions of #platforms# that are less than 150 feet in depth between the water edges located perpendicular to the landward edge of such #platform#, the minimum width of such #shore public walkway# along each opposite edge may be reduced by one foot for every two feet that the #platform# dimension is less than 150 feet;
 - (iii) on #zoning lots# where a #tidal wetland area# is provided, the width of the #shore public walkway# may be reduced by a foot for every foot of #tidal wetland area# along the seaward edge of the #waterfront yard# up to seven feet. Such reduction in depth shall not extend along more than 30 percent of the #shoreline# of the #waterfront zoning lot#.
- (b) In the case of a natural #shoreline# within New York State-designated wetlands, the #shore public walkway# shall be permitted to be relocated using either of the following methods:
 - (1) further landward within the designated wetlands or its adjacent regulated area in accordance with an approval from the New York State Department of Environmental Conservation, in which case its width and design shall be determined by such agency; or
 - (2) immediately adjacent and contiguous to the landward boundary of the wetlands area and any State-regulated adjacent area at the same elevation, in which case its width shall be measured from the seaward edge, as relocated.
- (c) #Shore public walkways# shall be accessible from a public sidewalk within a #street#, #public park# or other accessible open public place, according to the provisions of Section [62-56](#) (Requirements for Upland Connections). #Shore public walkways# shall connect with #shore public walkways# on adjoining #zoning lots#.
- (d) Whenever a #zoning lot# is divided by a boundary between districts, each portion of the #shore public walkway# shall be governed by the width requirement specified for the district in which it is located. However, the total area of required #shore public walkway#, in square feet, may be distributed anywhere in the #waterfront yard#, provided that the #shore public walkway# is at no point narrower than the lesser of the widths required by each district.

62-54 - Requirements for Public Access on Piers

LAST AMENDED
2/2/2011

- (a) All #developments# on #zoning lots# containing #piers# shall provide #waterfront public access areas# that meet the provisions of this Section.
- #Waterfront public access areas# on #piers# shall consist of:
- (1) an area along the seaward edge of the #pier# having a depth measured from such seaward edge equal to at least 25 percent of the overall length of the #pier#. Portions of #buildings# may project into the required #waterfront public access area#, provided that the aggregate width of all such projections at the level of any #story# does not exceed 50 percent of the aggregate width of the #building#. For the purposes of this paragraph, #abutting buildings# on a single #zoning lot# shall be considered a single #building#. The depth of the required #waterfront public access area# may be reduced by no more than 20 percent; such projections shall not be included in the computation of #waterfront public access area# provided on the #pier#. In no event shall the depth of the public access area be less than 15 feet;
 - (2) an area along the landward portion of the #pier#, having a depth of 40 feet, measured seaward from the bulkhead, stabilized or natural #shoreline#, or #platform# edge from which the #pier# projects. The depth of such area, however, need not exceed 25 percent of the length of the #pier#. In no event shall the depth of such area be reduced to less than 15 feet; or
 - (3) an area along all other water edges of the #pier#, having a depth of 15 feet measured from such edges. For portions of #piers# wider than 80 feet, the depth along the edges of such portion shall be increased by three inches for each additional foot of #pier# width over 80 feet, but need not exceed a total of 60 feet, in aggregate, for all other edges. Such areas along water edges which are directly opposite each other may be aggregated so that the entire area is along one edge. Alternatively, the required area may also be allocated to such opposite edges so that the total aggregate depth is maintained with a minimum 15 foot depth along any edge.
- (b) Notwithstanding the requirements of paragraph (a) of this Section, when a #pier# is #developed# #predominantly# with a playground or private park, the #waterfront public access area# requirement on the #pier#, pursuant to Sections [62-52](#) (Applicability of Waterfront Public Access Area Requirements) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed to be satisfied by such #use#.

#Pier# public access areas shall be directly accessible from a #waterfront public access area#, public sidewalk within an open #street#, #public park# or other accessible public place, or other public access area. For #piers# #developed# #predominantly# with a playground or private park, the minimum width of such connection shall be equal to at least 50 percent of the width of a #pier# where it projects from the bulkhead, stabilized or natural #shoreline#, or #platform# edge.



PUBLIC ACCESS REQUIREMENTS ON PIERS

(62—54)

62-55 - Requirements for Public Access on Floating Structures

LAST AMENDED
4/22/2009

All #developments# on #floating structures# permitted as-of-right, pursuant to Section [62-25](#), shall provide #waterfront public access areas# in accordance with the provisions of this Section. #Developments# subject to a special permit pursuant to Section [62-834](#) shall provide public access in accordance with a plan established pursuant to such special permit.

- (a) Public access in conjunction with a #development# on a #floating structure# shall consist of a 30 foot wide #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from any portion of the #shoreline# in accordance with the provisions of Section [62-53](#). In the event that there is additional #development# on the #zoning lot# requiring a 40 foot width, the greater width shall be provided.
- (b) When the primary entrance to a #floating structure# is located on a #pier#, and there is no other #development# on the #pier# that would require #pier# public access, a 15 foot wide public access area shall be provided in addition to the #shore public walkway#, along the full length of one of the longer water edges of the #pier#. Such public access area shall be directly connected to the #shore public walkway#.

62-56 - Requirements for Upland Connections

LAST AMENDED
4/22/2009

All #waterfront public access areas# provided pursuant to Sections [62-53](#) (Requirements for Shore Public Walkways), [62-54](#) (Requirements for Public Access on Piers) or [62-55](#) (Requirements for Public Access on Floating Structures) shall be accessible from an open #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600 feet by means of either a direct connection or, where no direct connection exists, an #upland connection# between the #shore public walkway# and an adjoining public sidewalk within an open #street#, #public park# or other public place.

Where there is an intervening #zoning lot# that would prevent compliance with the maximum interval, such interval may be increased to the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall not be required.

62-561 - Types of upland connections

LAST AMENDED
4/22/2009

#Upland connections# shall be provided as a single pedestrian walkway pursuant to paragraph (a) of this Section or as two pedestrian walkways pursuant to paragraph (b) of this Section.

(a) Single pedestrian walkway (Type 1)

- (1) The minimum width of an #upland connection# provided in the form of a single pedestrian walkway (hereinafter referred to as “Type 1”) shall be as set forth in the table in this Section. Such widths shall be increased by 20 feet within 15 feet of a #street#, #public park# or other public place, hereinafter referred to as an “entry area”.

Such widths may be reduced on #zoning lots# having a #lot width# less than 150 feet; the minimum width of a single pedestrian walkway may be reduced by an amount equal to one foot for each two feet that the lot is less than 150 feet. However, in no event shall the width be less than the reduced minimum width specified in the table.

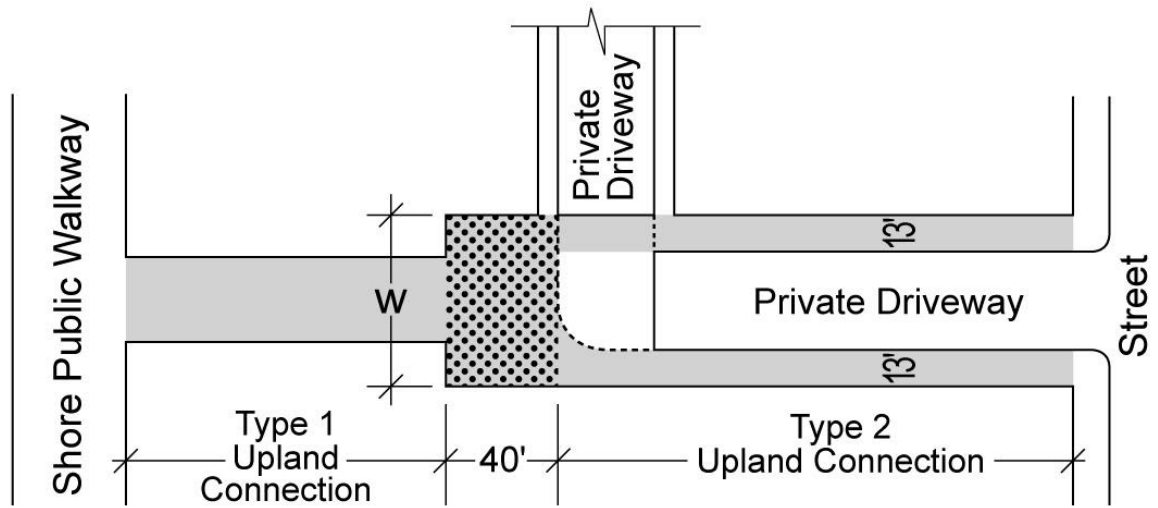
MINIMUM WIDTH FOR TYPE 1 UPLAND CONNECTIONS

Districts	Minimum width (in feet)	Reduced minimum width (in feet)
R3 R4 R5 C1 C2 mapped in R1-R5 C3	20	12
R6 R7 R8 R9 R10 C1 C2 C4 C5 C6 C7 C8 M1 M2 M3	30	16

- (2) Where an #upland connection# does not coincide with a #visual corridor#, a 20 foot wide open area shall be required seaward of the entry area, and shall extend along the entire remaining length of the #upland connection# but need not be publicly accessible. This open area may be located on either side of the #upland connection# or aggregated in any combination, so that the total width of the open area, at any point along the #upland connection#, is 20 feet. Such increased widths may be modified in accordance with the reduced minimum width provisions in paragraph (a)(1) of this Section.
- (3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.

(b) Two pedestrian walkways (Type 2)

- (1) The minimum width of an #upland connection# provided in the form of two pedestrian walkways, one on each side of the roadbed of a private driveway (hereinafter referred to as “Type 2”), shall be 13 feet for each such walkway. However, where a private driveway terminates in a vehicular turnaround, the minimum width of the #upland connection# abutting such turnaround shall be 10 feet.
- (2) In addition, a “transition area” shall be provided which shall have a width equal to the combined width of the Type 2 #upland connection# and the roadbed, and shall extend for a distance of 40 feet measured from the termination of such roadbed in the direction of the #shore public walkway#, as shown in Illustrations 1 and 2 in this Section, for roadbeds that turn and roadbeds that terminate in a turnaround, respectively.



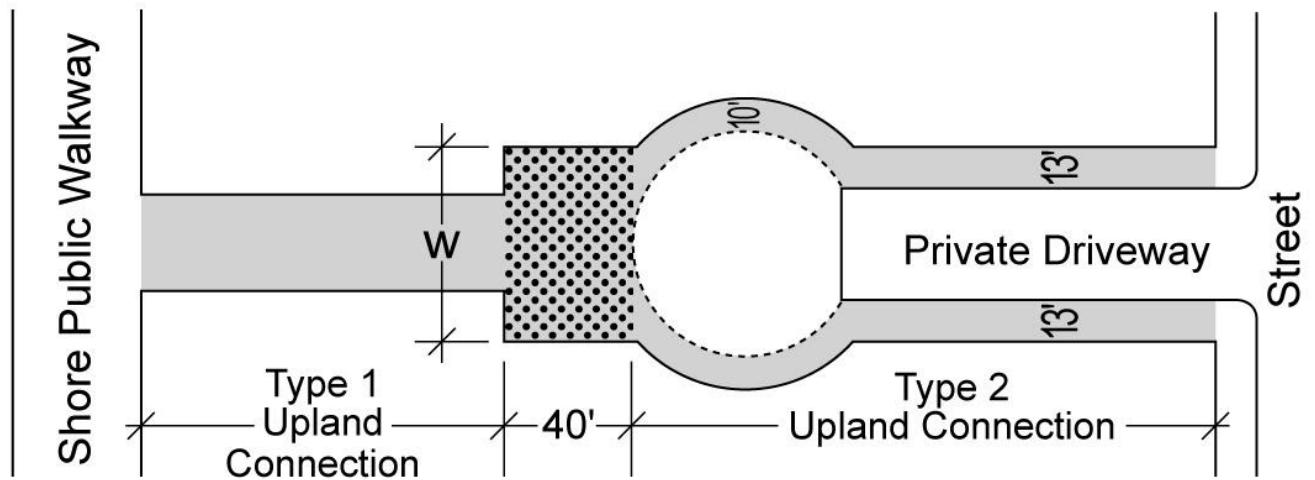
Upland Connection

Transition Area

W Minimum width of Transition Area

Illustration 1: Upland Connection with Roadbed Turn

(62-561b2.1)



Upland Connection

Transition Area

W Minimum width of Transition Area

Illustration 2: Upland Connection with Vehicular Turnaround

(62-561b2.2)

- (3) Such transition area is not required for roadbeds that turn and are located within 15 feet of a #shore public walkway#, or for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width. However, for #waterfront zoning lots# that are less than 255 feet in

depth and 260 feet in width, an area of at least 10 feet in width shall be provided between the edge of the roadbed and the upland boundary of the #shore public walkway#, as shown in illustration 3.

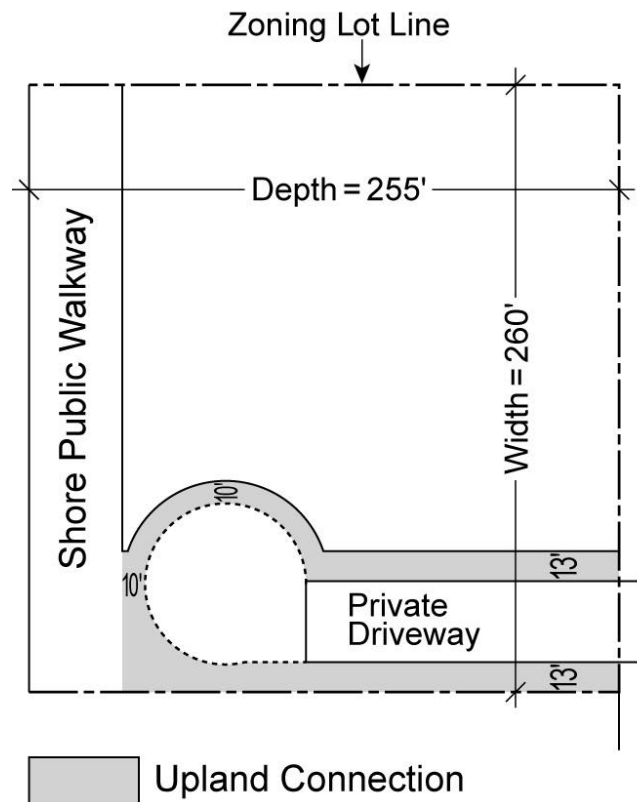


Illustration 3: Maximum Zoning Lot Dimensions to Waive Transition Area

(62-561b3)

62-57 - Requirements for Supplemental Public Access Areas

LAST AMENDED
4/22/2009

- (a) If the aggregate area of the required #shore public walkways#, #upland connections#, public access areas on #piers#, and public access areas in conjunction with #floating structures# on the #zoning lot#, is less by 750 square feet or more than the amount of #waterfront public access area# required by the table in this Section, then #supplemental public access areas# shall be provided in order to meet the total amount of #waterfront public access area# required by the table. However, when a #zoning lot# is #developed# #predominantly# as a playground or publicly accessible private park, the requirements of this Section shall be deemed to be satisfied by such #use#.
- (b) Where #supplemental public access areas# are required within New York State-designated wetlands or adjacent State-regulated areas, the area requirements and the design standards for such #supplemental public access areas# may be reduced or modified by the New York State Department of Environmental Conservation.
- #Supplemental public access areas# shall not be required where the total area of such designated wetlands and adjacent State-regulated areas on the #zoning lot# is equal to or greater than the total #supplemental public access area# requirement and the Department of Environmental Conservation determines that public access to such areas is not permitted.
- (c) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to the table in this Section, the #waterfront public access area# requirement shall be met for the entire #zoning lot#, provided that:
- (1) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which there is a total #waterfront public access area# requirement; and
 - (2) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold in either district for which there is a total #waterfront public access area# requirement.

Each portion of the #zoning lot# shall generate a total #waterfront public access area# requirement based on the percentage required in the table for the district in which it is located.

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

Districts	#Zoning Lot# Threshold	Total #Waterfront Public Access Area# Requirement as a Percentage of #Lot Area#
R3, R4, R5, C1 or C2 in R1-R5 C3, C4-1	#Lot area#: 65,340 sq. ft. #Shoreline# length: 600 ft.	15
R6, R7-1, R7-2, R7A, R7B, R7D, R8B and #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# All other #Commercial# or #Manufacturing Districts# with a permitted #commercial# FAR of 4.0 or less	#Lot area#: 20,000 sq. ft. #Shoreline# length: 100 ft.	15
Other R7, R8, R9, R10 Districts and #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# All other #Commercial# or #Manufacturing Districts# with a permitted #commercial# FAR above 4.0	#Lot area#: 20,000 sq. ft. #Shoreline# length: 100 ft.	20

A #supplemental public access area# shall also be subject to the provisions of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

62-571 - Location and area requirements for supplemental public access areas

LAST AMENDED
4/22/2009

#Supplemental public access areas# shall adjoin a #shore public walkway# in accordance with the requirements of this Section, except as modified by paragraphs (a) and (b) of Section [62-57](#), and the provisions of this Section:

- (a) The minimum area of the #supplemental public access area#:
 - (1) when located at the intersection of a #shore public walkway# and an #upland connection# or #street#, shall be 750 square feet, have a minimum width to depth ratio of 1:1 and a maximum width to depth ratio of 3:1. The longest side shall adjoin the #shore public walkway#; or

- (2) when located adjoining a #shore public walkway# without adjoining an #upland connection# or #street#, shall be 1,875 square feet and have a minimum width to depth ratio of 3:1. The minimum depth perpendicular to the #shore public walkway#, as a weighted average, shall be 25 feet.

The width to depth requirements of paragraphs (a)(1) and (a)(2) of this Section may be satisfied with weighted average dimensions. The minimum angle between the two boundary lines of a #supplemental public access area# coinciding with the private portion of the #zoning lot# shall be 90 degrees.

(b) A #supplemental public access area# may be provided:

- (1) to widen the #shore public walkway#, with a minimum width of 10 feet running continuously along the #shore public walkway# between any two of the following: an #upland connection#, open #street#, #public park# or other public place;
- (2) as a pedestrian sidewalk area abutting a roadbed running along the #shoreline#, provided such sidewalk has a minimum width of 13 feet and complies with the provisions for a Type 2 #upland connection# pursuant to Section [62-64](#). Any additional #supplemental public access area# shall comply with the requirements of this Section; or
- (3) as a dedicated bicycle path if such path connects at each end to an open #street#. The minimum width of a bicycle path shall be 10 feet, with an additional two foot clearance on each side along the entire length of the path. There shall be a planted area between a bicycle path and a paved area for pedestrian use, pursuant to the requirements of paragraph (c) of Section [62-62](#).

62-58 - Requirements for Water-Dependent Uses and Other Developments

LAST AMENDED
2/2/2011

#Waterfront zoning lots# that are #developed# with #uses# listed in paragraph (b) of Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements) shall provide a minimum amount of #waterfront public access area# in accordance with the table in Section [62-57](#) (Requirements for Supplemental Public Access Areas).

The total #waterfront public access area# requirement in such table shall be provided in any manner that will enable the public to access a waterfront viewing area on the #zoning lot# from a public sidewalk within a #street#, #public park# or other public place. Such viewing area shall provide an unobstructed view of the water and comprise at least 50 percent of the total #waterfront public access area# required on the #zoning lot#. One linear foot of seating shall be provided for every 100 square feet of viewing area.

#Waterfront public access areas# improved in accordance with this Section shall comply with the provisions of Sections [62-61](#) (General Provisions Applying to Waterfront Public Access Areas) and [62-65](#) (Public Access Design Reference Standards).

For #developments# listed in paragraph (b)(1) of Section [62-52](#), on #zoning lots# containing a public access area established prior to October 25, 1993, by restrictive declaration, lease agreement, maintenance and operation agreement, or other agreement with a public entity, which public access area is required to be provided for the life of the #development#, subject to such agreement, the requirements for the #waterfront public access area# shall have been met if the established public access area is substantially in compliance with the provisions of this Section.

62-59 - Special Regulations for Zoning Lots That Include Parks

LAST AMENDED
4/22/2009

- (a) In M2 and M3 Districts pursuant to Section [62-27](#) (Special Use Regulations for Playgrounds or Private Parks), where a #zoning lot# or adjoining #zoning lots# are #predominantly# #developed# as a park, the requirements of Sections [62-50](#), inclusive, and [62-60](#), inclusive, shall be deemed satisfied for that portion of the #zoning lots# occupied by such park #use#, provided that:
 - (1) such park is comprised of a minimum of nine acres of land above water and the #water coverage# of #piers# or #platforms#, located on the #zoning lot# or the #zoning lot# and adjoining #zoning lots#, having at least 600 feet of #shoreline#;
 - (2) such park provides a continuous paved walkway along the entire portion of the #zoning lots# occupied by such #use# with a minimum clear width of no less than 12 feet, within 40 feet of the #shoreline# for at least 75 percent of those portions of the park that abut the #shoreline#;
 - (3) such walkway connects with all other #shore public walkways# on the #zoning lot# and adjoining #zoning lots# and any adjoining public sidewalks or other pedestrian areas within #pier# public access areas, a public #street#, #public park#, other public place or park;

- (4) such walkway shall be open and accessible from #pier# public access areas, a public #street#, park or other public place at intervals over the length of the park, not exceeding 1,000 feet with an average of 600 feet, by a continuous paved walkway with a minimum clear width of not less than 10 feet;
- (5) such park is open and accessible to the public from dawn to dusk, except when hazardous conditions are present that would affect public safety;
- (6) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the Department of Parks and Recreation (DPR), except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such a park; and
- (7) #visual corridors# shall be provided in accordance with Section [62-51](#) (Applicability of Visual Corridor Requirements).

Any maintenance and operation agreement required pursuant to paragraph (a)(6) of this Section shall include a requirement that prior to obtaining any building permit or opening any portion of the park to the public, the property owner or operator of the park shall post with DPR security in the form of a maintenance bond, letter of credit or other security acceptable to DPR, in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the park for a 12 month period following its final completion, and that such security shall be replaced every five years with new security in an amount sufficient to cover 125 percent of the then current annual cost of maintaining the park, as certified by a registered architect or landscape architect, for the life of the park. Any maintenance and operation agreement shall be attached to or included within a duly recorded, signed declaration of restrictions, indexed against the #zoning lot#, binding the owners and any lessees, tenants, successors and assigns to maintain and operate the park in conformance with this Section and with the maintenance and operation agreement for the life of the park. The filing of such declaration, where required, shall be a precondition to certification pursuant to paragraph (e) of Section [62-811](#).

Any portion of a #zoning lot# that is not #developed# for a park #use# shall be subject to all of the requirements of Sections [62-50](#) and [62-60](#). For purposes of determining obligations pursuant to this Section, such portions of a #zoning lot# not used for park purposes shall be treated as a separate #zoning lot# or separate #zoning lots#, except that the entire #zoning lot#, including the portion used for park purposes, shall be considered in determining #lot area# for purposes of Section [62-53](#) (Requirements for Shore Public Walkways).

- (b) In order to implement the East River Waterfront Esplanade and Piers Project described in the Final Environmental Impact Statement (FEIS) dated May 18, 2007, of the Lower Manhattan Development Corporation and the record of decision (ROD) adopted by such corporation on November 7, 2007 (the ERW Project), in C2-8, C4-6, C6-4 and M1-4 Districts located in Manhattan Community Districts 1 and 3, for #zoning lots# #predominantly# #developed# as publicly accessible open space under the ERW Project, the Chairperson of the City Planning Commission shall allow for the phased implementation of such publicly accessible open space, and the requirements of Sections [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, provided that:

- (1) the application for certification pursuant to Section [62-811](#) for any such phase(s) includes a report demonstrating that:
 - (i) a site plan of the design of the publicly accessible open space in such phase(s) has been shown by the applicant to the affected Community Boards and Council Member(s) and such Community Boards and Council Member(s) have had at least 45 days to review such plan;
 - (ii) any comments and recommendations of the affected Community Boards and Council Member(s) have been considered by the applicant, and such report includes a response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall address how the design has been modified;
 - (iii) the publicly accessible open space in such phase(s) will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and
 - (iv) a maintenance and operation agreement providing for the maintenance and operation of the publicly accessible open space in such phase(s) in good condition is entered into with the DPR, except that no such maintenance and operation agreement shall be required for a publicly accessible open space developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such publicly accessible open space; and
- (2) the site plan of the design for the publicly accessible open space phase(s) in such application is determined by the Chairperson to be in substantial compliance with the ERW Project as described in the FEIS and ROD.

No excavation or building permit shall be issued for #development# under any phase for publicly accessible open space under the ERW Project certified pursuant to Section [62-811](#) in accordance with this paragraph, (b), until all applicable Federal, State and local permits and approvals have

been received with respect to such phase, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

- (c) In order to implement a portion of the East Side Coastal Resiliency Project described in the Final Environmental Impact Statement (FEIS) dated September 13, 2019, located in a marginal street, wharf or place used as a park, in an M1-1 District located in Manhattan Community District 6, for #zoning lots# #predominantly# #developed# as a park, the requirements of Section [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and Section [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, and the certification pursuant to Section [62-811](#) (Waterfront public access and visual corridors) shall not be required, provided that:
- (1) the park will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and
 - (2) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the City of New York, except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such park.

No excavation or building permit shall be issued within such #zoning lot# #predominantly# #developed# as a park, for the portion of the East Side Coastal Resiliency Project implemented pursuant to this paragraph (c), until all applicable Federal, State and local permits and approvals have been received, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

62-60 - DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
2/2/2011

#Waterfront public access areas# required pursuant to Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements) shall comply with the provisions of this Section, inclusive.

62-61 - General Provisions Applying to Waterfront Public Access Areas

LAST AMENDED
5/12/2021

- (a) All #waterfront public access areas# shall be unobstructed from their lowest level to the sky, except as set forth in Section [62-611](#) (Permitted obstructions). The lowest level of any portion of a #waterfront public access area# shall be determined by the elevation of the adjoining portion on the same or an adjoining #zoning lot# or the public sidewalk to which it connects. Reference elevations shall be established from the public sidewalks, #waterfront yard# levels and the elevations previously established by adjoining #zoning lots# at #lot line# intersections of a waterfront public access network, as applicable.
- (b) The minimum required circulation path shall be connected and continuous through all #waterfront public access areas# on adjacent #zoning lots#.
- (c) #Waterfront public access areas# shall be accessible to persons with physical disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.
- (d) All #waterfront public access areas# improved for public access shall meet the following regulations for site grading:
 - (1) In required circulation paths:
 - (i) for cross-sectional grading regulations (perpendicular to the general direction of pedestrian movement), the minimum slope of a required circulation path shall be one and one-half percent to allow for positive drainage and the maximum slope shall be three percent. Steps and stairways accommodating a cross-sectional grade change are only permitted outside of the required circulation path(s).
 - (ii) for longitudinal grading controls (parallel to the general direction of pedestrian movement), grade changes shall be permitted along the length of a required circulation path by means of steps or ramps in compliance with the requirements for handicapped accessibility.
 - (2) In required planting areas, including screening buffers:

Within three feet of the edge of any planting area, the grade level of such planting area shall be no more than three feet higher or lower than the adjoining level of the pedestrian circulation path.

(e) Vehicle and emergency access

Vehicular access is prohibited within #waterfront public access areas# except for emergency and maintenance vehicular access. Parking areas, passenger drop-offs, driveways, loading berths and #building# trash storage facilities are not permitted within, or allowed to be accessed or serviced through, a #waterfront public access area#, except for vehicular access to drop-offs and other required services #accessory# to docking facilities or to #development# on a #pier# or #floating structure#.

Such vehicular ways shall be used only to provide access across the #shore public walkway#. No single driveway shall exceed a width of 25 feet. Bollards shall be installed in accordance with Section 62-651. A minimum 12 inch paved border shall be installed along the driveway boundaries and shall have a color distinct from the paving of the adjoining paved surface.

Vehicular roadways are permitted as part of an #upland connection# in accordance with the regulations of Section [62-56](#).

Any vehicular roadway crossing a required #waterfront public access area# shall comply with the requirements for paving in Section 62-656.

62-611 - Permitted obstructions

LAST AMENDED
5/12/2021

#Waterfront public access areas# shall be unobstructed from their lowest level to the sky except that the obstructions listed in this Section shall be permitted, as applicable. However, no obstructions of any kind shall be permitted within a required circulation path, except as specifically set forth herein.

(a) In all areas

- (1) Trees and other plant materials, including grasses, vines, shrubs and flowers, watering equipment, arbors, trellises, observation decks, retaining walls;
- (2) Seating, litter receptacles, drinking fountains, other outdoor furniture;
- (3) Fountains, reflecting pools, waterfalls, sculptures and other works of art, temporary exhibitions;
- (4) Guardrails, bollards, gates and other protective barriers, in accordance with Section [62-651](#);
- (5) Lights and lighting stanchions, flag poles, exercise and other recreational equipment;
- (6) Kiosks and open air cafes

Where a kiosk is provided, it shall occupy an area no greater than 150 square feet, including roofed areas. A kiosk may be freestanding or attached on only one side to a #building# wall. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may only be occupied by news or magazine stands, food stands, flower stands, bicycle rental stands, information booths or #uses# #accessory# to permitted WD #uses#, as permitted by the applicable district #use# regulations or as modified by Section [62-29](#).

Open air cafes shall be permanently unenclosed except that they may have a temporary fabric roof. No kitchen equipment shall be installed within an open air cafe. Kitchen equipment may be contained in a kiosk adjoining the open air cafe.

Notwithstanding the provisions of Section [32-41](#) (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers on a #waterfront public access area# through open windows;

- (7) Structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, provided the height of such berm does not exceed the #flood-resistant construction elevation# required on the #zoning lot# or five feet above the lowest adjoining grade of the #waterfront yard# established pursuant to Section [62-332](#) (Rear yards and waterfront yards), whichever is higher;
- (8) Temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter. Permanent fixtures for self-standing flood control devices shall be flush-to-grade, and shall be permitted

obstructions within a required circulation path.

(b) In screening buffers

- (1) Paved entrances to #buildings# fronting upon a screening buffer, including awnings and canopies over such entrances, seating located within 42 inches of an adjacent paved area, bicycle racks within six feet of the sidewalk of an open accessible #street# or within 10 feet of an #upland connection#;
- (2) Service equipment necessary for maintenance of #waterfront public access areas# or the functioning of adjacent structures such as watering equipment, sheds for tool storage, electrical transformers or other mechanical or electrical service devices, provided all such equipment covers no more than 100 square feet in any location and has a maximum height of 10 feet. Such obstructions shall be screened in accordance with Section [62-655](#) (Planting and trees);
- (3) Exhaust vents located on #building# walls fronting on the screening buffer, only if the bottom of such vent is a minimum of 10 feet above the adjacent ground level and projects no more than four inches from the #building# wall.

(c) Beyond 20 feet of the #shoreline#

Tot-lots, playgrounds, dog runs, public telephones, toilets, bicycle racks.

(d) In Community District 1 in the Borough of Brooklyn

Any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas).

62-62 - Design Requirements for Shore Public Walkways and Supplemental Public Access Areas

LAST AMENDED
5/12/2021

The design requirements of this Section shall apply to #shore public walkways# and #supplemental public access areas#, except as modified by Section [62-57](#) (Requirements for Supplemental Public Access Areas).

(a) Circulation and access

- (1) In all districts, a #shore public walkway# shall provide a circulation path with a minimum clear width of 12 feet, except that in R3, R4, R5, C1, C2 and C3 Districts, and in C1 or C2 Districts mapped within R1 through R5 Districts, the minimum clear width shall be 10 feet.

Such path shall be located within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline#, and the remainder of the path may be located anywhere within the #shore public walkway# or #supplemental public access area#. Secondary paths, when provided, shall be at least six feet wide. When two circulation paths are parallel to each other, they shall be connected by other paths or accessible lawn at intervals not to exceed 200 feet. In order to facilitate the future connection of pedestrian circulation paths, where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# shall be located within 30 feet of the #shoreline#.

- (2) A #supplemental public access area# shall provide at least one circulation path with a minimum clear width of six feet that provides access throughout the #supplemental public access area#. This requirement may be met by a circulation path of the #shore public walkway# that traverses the #supplemental public access area#;

(b) Seating

One linear foot of seating shall be provided for every 75 square feet of #shore public walkway# and #supplemental public access area#. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section [62-652](#).

In addition, up to 25 percent of required seating may be located seaward of the #shore public walkway# and shall be subject to the provisions of Section [62-652](#), paragraph (h).

(c) Planting

- (1) Planting areas

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted.

In addition, the following conditions shall apply:

- (i) Where a #supplemental public access area# is greater than 1,875 square feet, at least 15 percent of the required planting area of the #shore public walkway# and #supplemental public access area#, combined, shall be provided as lawn;
- (ii) Up to 30 percent of the required planting area may be provided as #tidal wetland area# and shall be measured in plan view and not along the planted slope; or
- (iii) When a dedicated bicycle path is provided within a #supplemental public access area#, a planting area with a width of at least five feet shall be provided between the bicycle path and any paved area for pedestrian use. For the purpose of calculating planting requirements, the area of the bicycle path may be deducted from the combined area of the #shore public walkway# or #supplemental public access area#.

Such planting areas in this paragraph, (c), may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(2) Screening buffer

- (i) A screening buffer shall be provided within the #shore public walkway# or the #supplemental public access area#, running along the entire upland boundary of such area where it abuts non-publicly accessible areas of the #zoning lot#, except as waived pursuant to paragraph (c)(2)(iii) of this Section. Any screening buffer provided pursuant to this Section may be used to meet the planting requirements of paragraph (c)(1) of this Section.
- (ii) The minimum width of the screening buffer shall be six feet. On shallow lots where the width of the #shore public walkway# may be reduced pursuant to Section [62-53](#), the width of the screening buffer may be reduced proportionally but shall not be less than four feet.
- (iii) No screening buffer shall be required:
 - (a) adjacent to a private drive, a #street# or at the entrances to #buildings#; or
 - (b) for a #commercial# or #community facility# #use# within a distance of 15 feet from the sidewalk or #waterfront public access area#, that is glazed with windows, transoms or glazed portions of doors in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

(3) Trees and additional planting

- (i) A minimum of one canopy tree shall be provided for every 2,000 square feet of #shore public walkway# and #supplemental public access area#. In no event may a #shore public walkway# have less than two canopy trees for every 100 feet of #shoreline#.
- (ii) In addition to the trees required pursuant to paragraph (c)(3)(i) of this Section, for every 1,250 square feet of #shore public walkway# and #supplemental public access area#, one of the following must be provided: a canopy tree, an ornamental tree or a multi-stemmed equivalent, 60 square feet of planting beds or 110 square feet of accessible lawn.

Trees and additional planting areas may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(4) Reduction in minimum required planting area

The minimum planting area, required by paragraph (c)(1) of this Section, may be reduced by 10 square feet for every linear foot of:

- (i) #shoreline# improved for boat launching or mooring or designed with architectural features to facilitate direct access to the water, such as steps or other forms of “get-downs,” except that rip-rap used as stabilized shore shall not qualify for a planting reduction; or
- (ii) WE #uses# with frontage adjoining, and having a public entrance on, the #shore public walkway# or #supplemental public access area#, provided that the screening buffer for such #shore public walkway# or #supplemental public access area# is waived pursuant to the conditions of paragraph (c)(2)(iii) of this Section.

However, where a #supplemental public access area# having an area of least 7,500 square feet containing a playground of at least 3,500 square feet in area and improved in accordance with the standards of the Department of Parks and Recreation is provided, the required minimum planting

area may be reduced by one square foot for every five square feet of playground area. The playground area may be located anywhere within the #waterfront public access area# that is beyond 20 feet of the #shoreline#.

In no event shall the reduced planting area be less than 25 percent of the combined area of the #shore public walkway# and #supplemental public access area#.

(d) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided within a #waterfront public access area#.

Furthermore, when the combined area of the #shore public walkway# and #supplemental public access area# is greater than 8,000 square feet, two additional bicycle parking spaces shall be provided for every additional 2,000 square feet of #shore public walkway# or #supplemental public access area#.

Bicycle racks shall be adjacent to a circulation path and at least 20 feet from the #shoreline#. Such bicycle racks may be located in public sidewalks adjacent to the #zoning lot#. All bicycle racks shall comply with the standards of Section 62-657.

(e) Trash receptacles

One trash receptacle shall be provided for every 4,000 square feet of #shore public walkway# and #supplemental public access area#, and all trash receptacles shall be located in visible and convenient locations. All trash receptacles shall comply with the standards of Section 62-658.

62-63 - Design Requirements for Public Access on Piers and Floating Structures

LAST AMENDED
4/22/2009

62-631 - Design requirements for public access on piers

LAST AMENDED
3/26/2014

The design requirements of this Section shall apply to #waterfront public access areas# on #piers#, pursuant to Section [62-54](#).

(a) Circulation and access

At least one circulation path having a minimum clear width of 10 feet shall be provided throughout the public access area required on the #pier#.

(b) Permitted obstructions

In addition to permitted obstructions pursuant to Section [62-611](#), #pier# public access areas may include one freestanding open or enclosed public pavilion, provided such structure does not exceed one #story#, is no taller than 30 feet and has an area no larger than 1,600 square feet. At least 50 percent of the perimeter wall area on all sides, up to a height of 15 feet, shall consist of clear or glazed materials which may include #show windows#, glazed transoms, glazed portions of doors or latticework. Such structures shall be exempt from #building# spacing requirements on #piers# provided they maintain a spacing of at least 12 feet from other #buildings# and from any water edge of the #pier#, except that when a #pier# is 30 feet or less in width, a pavilion may abut one water edge.

In Community District 1 in the Borough of Brooklyn, any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas).

(c) Seating

At least one linear foot of seating is required for every 100 square feet of #pier# public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

62-632 - Design requirements for public access on floating structures

LAST AMENDED

The design requirements of this Section shall apply to #shore public walkways# provided in conjunction with as-of-right #development# on #floating structures#, pursuant to Section [62-55](#).

(a) Circulation and access

A circulation path shall be provided with a minimum clear width of 10 feet. On shallow portions of #zoning lots# where the width of the #shore public walkway# may be reduced in accordance with Section [62-53](#), the minimum clear width of the path may be reduced to a minimum of six feet when the #shore public walkway# is less than 16 feet.

(b) Seating

At least one linear foot of seating is required for every 100 square feet of public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

(c) Screening

Any service areas, such as that used for equipment storage or similar purposes, shall be screened from the circulation path in accordance with the standards for screening in Section [62-655](#) (Planting and trees).

62-64 - Design Requirements for Upland Connections

LAST AMENDED

4/22/2009

#Upland connections# shall be improved in accordance with the provisions of this Section.

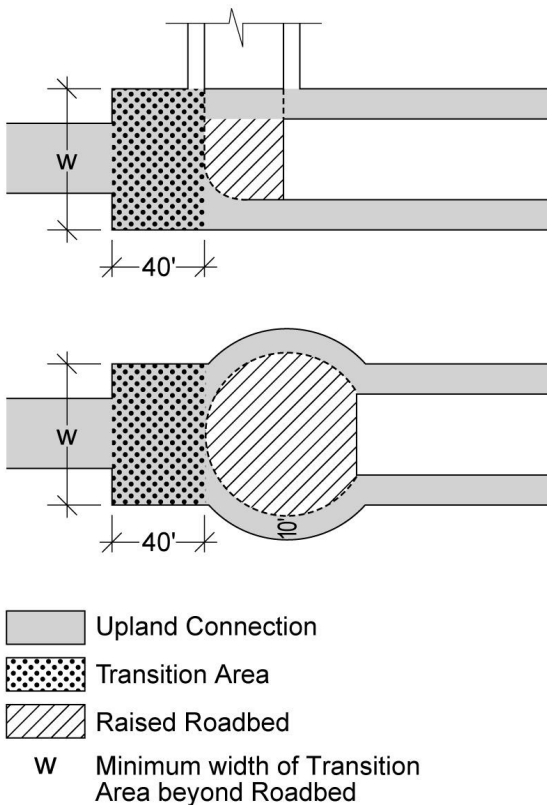
(a) Circulation and access

- (1) For Type 1 #upland connections# provided in accordance with the provisions of paragraph (a) of Section [62-561](#), there shall be at least one circulation path linking an open #street#, #public park# or other public place with a #shore public walkway#. Such path shall have a minimum clear width of 12 feet. Any secondary paths shall have a minimum clear width of six feet.
- (2) For Type 2 #upland connections# provided in accordance with the provisions of paragraph (b) of Section [62-561](#), each pedestrian walkway shall have a circulation path with a minimum clear width of eight feet linking an open #street#, #public park# or other public place with a #shore public walkway#. However, when a turnaround is provided, the entire required area shall be provided as a circulation path.
- (3) For transition areas, a circulation path with a width of at least 12 feet shall connect each circulation path of the Type 2 #upland connection# with a circulation path of a #shore public walkway#, #supplemental public access area# or Type 1 #upland connection#, whichever is applicable.

(b) Paving

- (1) For Type 1 #upland connections#, at least 40 percent but not more than 65 percent of the entry area shall be paved. Such paving shall include a five foot wide area along at least 70 percent of the frontage adjoining a public sidewalk.
- (2) Where any #upland connection# is interrupted by a private driveway, the full width of the required #upland connection# shall traverse the roadbed without a drop in level, and be paved with materials distinct from the roadbed. Such portion of the #upland connection# shall not count towards fulfilling a minimum required amount of #waterfront public access area#.

In addition, for Type 2 #upland connections#, the area of the roadbed between both circulation paths, within which lines perpendicular to the #upland connection# traversing the roadbed can be drawn or the portion of the roadbed within a vehicular turnaround, shall be raised to be flush with the level of such adjoining #upland connections#.



Type 2 Upland Connection

(62—64)

- (3) The roadbed paving material of a private driveway leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining circulation paths.

(c) Planting

- (1) For Type 1 #upland connections#, at least 40 percent of the area of the #upland connection# shall be planted in accordance with the provisions set forth in Section [62-655](#) (Planting and trees).

In addition, the following rules shall apply:

- (i) where such #upland connections# do not abut open parking lots or private driveways, six caliper inches of ornamental trees or their equivalent in multi-stemmed plants shall be required for every 100 linear feet of #upland connection#.
 - (ii) where such #upland connections# abut an open parking lot, screening shall be provided within the #upland connection# along the curb of such parking lot in accordance with Section [37-921](#) (Perimeter landscaping).
 - (iii) where such #upland connections# abut a private driveway, a continuous tree pit shall be provided within the #upland connection# along the curb of the driveway. Such tree pit shall meet the minimum planting requirements set forth in Section [62-655](#), and in addition, shall be planted with one tree for every 25 feet of private driveway frontage.
 - (iv) where such #upland connections# do not coincide with a #visual corridor#, at least 30 percent of the required open area along the length of the #upland connection# shall be planted, and the requirements of Section [62-513](#) (Permitted obstructions in visual corridors) shall apply within such open areas.
- (2) For Type 2 #upland connections#, a continuous tree pit shall be provided within the #upland connection# along the curb of the private driveway. Such tree pit shall meet the minimum planting requirements set forth in Section [62-655](#), and in addition, shall be planted with one tree for every 25 feet of private driveway frontage. Portions of the continuous tree pit may be paved with permeable paving such as Belgian block or similar unit pavers in order to accommodate any required amenities, such as benches or bicycle racks, or other permitted obstructions in accordance with the provisions of Section [62-611](#). However, no continuous tree pit shall be required where an #upland connection# abuts a portion of a roadbed that is required to be raised pursuant to paragraphs (b)(2) or (b)(3) of this Section.

(3) For transition areas, at least 40 percent of such area shall be planted. In addition, a minimum of two canopy trees or their equivalent in caliper inches of ornamental trees or multi-stemmed plants are required.

(d) Seating

At least 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#, excluding the length of any entry or transition areas and the first 50 feet of a Type 2 #upland connection#. Such excluded areas shall have at least 24 linear feet of seating.

(e) Trash receptacles

One trash receptacle shall be provided within 15 feet of a #street#, #public park# or other public place and one receptacle shall be provided where the #upland connection# adjoins a #shore public walkway# or #supplemental public access area#, pursuant to Section 62-658.

62-65 - Public Access Design Reference Standards

LAST AMENDED

4/22/2009

The standards of this Section, inclusive, shall be applicable to all #waterfront public access areas# and #visual corridors#.

No hollow plastic material, such as PVC (polyvinyl chloride) or similar material shall be permitted in guardrails, fences, seating, trash receptacles or other similar furniture within a #waterfront public access area#. However, high-density polyethylene shall be permitted.

62-651 - Guardrails, gates and other protective barriers

LAST AMENDED

4/22/2009

(a) Guardrails

For the purposes of this paragraph, (a), the term "guardrail" shall refer only to fencing or similar structures provided along a bulkhead, stabilized shore or the water edges of a #pier# or #platform#.

When a guardrail is provided, it shall have a maximum height of 42 inches measured from the adjoining grade level, and shall be at least 70 percent open. Guardrails may be mounted on a solid curb not higher than six inches.

A guardrail may be substituted for a wall, pursuant to paragraph (c)(3) of this Section.

(b) Bollards

(1) Bollards shall be limited to the following locations:

- (i) along the bulkhead, stabilized shore or the water edges of a #pier# or #platform#;
- (ii) along a #zoning# #lot line# adjacent to, and limiting access from an upland #street#; and
- (iii) along the boundaries of a roadway within an #upland connection#.

(2) Bollards shall not exceed 30 inches in height and shall be between six and 15 inches in width. The top of bollards shall not consist of any sharp edges. The minimum clearance between two bollards shall be five feet.

(c) Fences and walls

(1) Fences and walls, when provided, shall be limited to the following locations:

- (i) along the boundary of a #waterfront public access area# and an adjoining private area on the #zoning lot#;
- (ii) around the perimeter of a playground, tot-lot or dog-run;
- (iii) adjoining WD #uses#;
- (iv) within a #visual corridor#; and

- (v) along any grade level change of 30 inches or greater.
- (2) Fences shall have a maximum height of 36 inches measured from the adjoining grade level, and be at least 70 percent open. Fences may be mounted on a solid curb not higher than six inches.
- (3) Walls shall not exceed a height of 21 inches, and may be fully opaque.
- (4) Chain link fencing or barbed or razor wire shall not be permitted.

(d) Gates

Gates attached to fences and walls that limit physical access to #waterfront public access areas# from #streets#, #public parks# or other public ways, or from adjacent #waterfront public access areas# on adjoining #zoning lots#, shall comply with the provisions of this paragraph (d). Such gates shall be permitted only at the boundaries of #waterfront public access areas# and such adjacent publicly accessible areas, except that in Type 1 #upland connections# gates may be located at the seaward boundary of the entry area. Gates shall not intrude into any planting area. Gates may be closed only pursuant to Section [62-71](#) (Operational Requirements).

The maximum height of a gate shall be four feet above the adjoining grade level. Gates shall be no more than 30 percent opaque.

When opened for access, 70 percent of the total width, in aggregate, of the #waterfront public access area# shall be free of obstructions associated with the gate, and there shall be a minimum clear distance of at least 16 feet between any two obstructions of the gate.

In addition, in its open position, the gate and its support structures shall not obstruct:

- (1) any circulation path;
- (2) 25 percent of the width of the entry area of an #upland connection# along each side of the centerline of such entry area; and
- (3) at least 50 percent of the width of the #shore public walkway# closest to the #shoreline#.

62-652 - Seating

LAST AMENDED
4/22/2009

All required seating shall comply with the following standards:

(a) Seating with backs

At least 50 percent of the required seating shall have backs, and at least 50 percent of such seating shall face in the general direction of the water. Seat backs shall be at least 14 inches high. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from the vertical between 10 to 15 degrees.

(b) Depth

Seating with or without backs shall have a depth of not less than 18 inches, and for seating with backs, such depth shall not be greater than 20 inches. Seating with a depth of at least 36 inches, and accessible from both sides, may be credited as double seating. When seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(c) Height

At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent grade. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements. Seating may be mounted on a solid curb not higher than six inches.

(d) Clearance

Seating shall be located a minimum of 22 inches from any circulation path or permitted obstruction along the accessible side of such seating, except that seating without backs may be as close to a guardrail as 12 inches.

(e) Types of seating

In #shore public walkways# and #supplemental public access areas#, at least two of the following types of seating are required: moveable seating, fixed individual seats, fixed benches with backs, fixed benches without backs, lounging chairs and design feature seating.

(1) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 25 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(2) Moveable seating

Moveable chairs, excluding those in open air cafes, may be credited as 18 inches of linear seating per chair; however, not more than 50 percent of required linear seating may be in moveable chairs. Moveable chairs may be placed in storage outside of the required hours of operation, pursuant to Section 62-71, paragraph (a). All moveable chairs must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #waterfront public access area# is open to the public.

(3) Seating steps

Seating steps shall not include any steps intended for circulation and must have a height not less than 12 inches nor greater than 30 inches and a depth not less than 18 inches.

(4) Lounge chairs

Lounge chairs shall allow for a reclined position supporting the back as well as the legs. Lounge chairs may be credited as 36 inches of linear seating per chair.

(f) Social seating and tables

At least 25 percent of required seating shall be social seating, consisting of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction. A minimum of two square feet of tables shall be required for every three linear feet of social seating. However, any requirement for tables that, in total, is less than 10 square feet shall be waived, and no more than 150 square feet of tables shall be required in any site.

(g) Shaded seating

At least 20 percent of required seating shall be shaded. Seating shall be considered shaded if it is located under a canopy tree or shade structure, or on the eastern side and within 45 feet of the trunk of a canopy tree or of a shade structure.

(h) Seaward seating

Up to 25 percent of required seating may be located seaward of the #shore public walkway# provided it is designed as:

- (1) a generally smooth and flat surface within a stabilized natural #shoreline#, in the form of rock, stone, wood or other solid material that measures at least 15 inches in width and depth and is between 12 and 30 inches high measured from the adjoining accessible surface; or
- (2) steps, with a depth and height between 12 and 30 inches, that facilitate access to the water.

Seaward seating shall not be subject to the provisions of paragraphs (a) through (g) of this Section.

Seating in open air cafes or stairs shall not qualify towards seating requirements. All seating located within a planting area shall be on permeable pavement and secured for stability.

62-653 - Lighting

LAST AMENDED
2/2/2011

All #waterfront public access areas# shall provide lighting in accordance with the following requirements:

An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required. Such level of illumination shall be maintained from one-half hour before sunset to one-half hour after sunrise.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1 within a #waterfront public access area#.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a #waterfront public access area# and are mounted on or located within #buildings# adjacent to the #waterfront public access area# shall be shielded from direct view. In addition, all lighting within the #waterfront public access area# shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences#.

62-654 - Signage

LAST AMENDED

4/22/2009

The provisions of this Section shall apply to signs required in #waterfront public access areas#. All such signs shall be located in directly visible locations, without any obstruction at any time. Such signs shall be fully opaque, non-reflective and constructed of permanent, highly durable materials, such as metal or stone. All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of one-quarter inch, unless otherwise specified in this Section, and shall highly contrast with the background color.

Drawings documenting the size, format, and orientation of all required signs shall be included in the application for certification, pursuant to Section [62-80](#). Such drawings shall include detailed information about dimensions of the sign, lettering size, color and materials.

(a) Entry signage

All #waterfront public access areas# shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a #street#, #public park# or other public way. Required signage shall contain:

- (1) the New York City waterfront symbol, 12 inches square in dimension, as provided in the [Required Signage Symbols](#) file at the Department of City Planning website and the “The New York Waterfront Symbol Standards and Specifications” (published by the Department of City Planning, April 1989, and as modified from time to time);



- (2) lettering at least one-and one-half inches in height, stating "OPEN TO PUBLIC" in bold type;
- (3) lettering at least one-half inch in height stating the approved hours of operation as required pursuant to Section [62-71](#) (Operational Requirements), paragraph (a);
- (4) lettering at least one-half inch in height stating "Do not enter outside of hours of operation";
- (5) the International Symbol of Access for persons with physical disabilities, at least three inches square, or the statement: "This public access area is accessible to persons with physical disabilities";
- (6) the address of the property where the #waterfront public access area# is located;
- (7) the name of the current owner and the name, phone number and email address of the person designated to maintain the #waterfront public access area#;
- (8) the statement: "For complaints or questions: call 311";
- (9) the statement: "For more information go to <http://nyc.gov/planning>"; and
- (10) rules of conduct as specified in Section [62-71](#), paragraph (b).

Information in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity, such as a seating wall or sculpture.

All information required in this paragraph, (a), shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above the adjoining grade shall be three feet for a horizontal sign and five feet for a vertical sign. The bottom of all signs shall be at least eighteen inches above adjoining grade, except for signs angled 45 degrees or less as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity.

(b) Signage at #zoning lot# line

A sign shall be required to be located within five feet of any #zoning lot line# adjacent to another #zoning lot# within a #shore public walkway# and at a distance no greater than five feet from the required circulation path. All information required in paragraph (a) of this Section shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above adjoining grade shall be three feet. The bottom of all signs shall be at least 18 inches above adjoining grade, except for signs angled 45 degrees or less, as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) of this Section need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity, such as a seating wall or sculpture.

However, the waterfront symbol required pursuant to paragraph (a)(1) shall be no larger than four inches square, or 12 inches square if inscribed in pavement or any appropriate amenity, and the information required in paragraph (a)(2) of this Section shall be one inch high.

The information required in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity.

(c) Other signage

Seating areas within #waterfront public access areas# allowed pursuant to paragraph (b) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be identified by a sign with the words "SEATING OPEN TO PUBLIC" in lettering at least one inch high. Such sign shall be clearly visible from the #waterfront public access area#. In addition, such sign shall be no greater than 60 square inches, no higher than 18 inches above adjacent grade, and angled for visibility. The required sign may be freestanding or attached to a permitted amenity within the #waterfront public access area#.

No #advertising signs# may be located within a #waterfront public access area#.

62-655 - Planting and trees

LAST AMENDED
5/12/2021

Within #waterfront public access areas# and parking areas where planting or screening is required, the design standards of this Section shall apply.

A detailed landscape plan prepared by a registered landscape architect shall be submitted to the Department of Parks and Recreation prior to seeking

certification by the Chairperson of the City Planning Commission, pursuant to the requirements of Section [62-80](#). Such plans shall include plants suited for waterfront conditions and include a diversity of species with emphasis on native plants, species that are tolerant of salt, sediment, high seasonal water flow, and high winds, as applicable to the location and the facilitation of sustainable wildlife habitats, where appropriate. No species listed on quarantine or as a host species for any disease listed by the Department of Parks and Recreation at the time of application shall be included.

All landscaped areas shall contain a built-in irrigation system or contain hose bibs within 100 feet of all planting areas.

(a) Planting areas

Wherever a minimum percentage of planting area is specified for a #waterfront public access area#, such requirements shall be met only through the provisions of the types of planting areas listed in paragraphs (a)(1) through (a)(8) of this Section. A curb with a maximum height of six inches is permitted along the perimeter of any planting area. Any edging higher than six inches above adjacent grade shall be considered a retaining wall. Retaining walls shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall so that no more than three feet of such retaining wall is visible from the #waterfront public access areas#. Where not specifically indicated, the minimum planting standard for required planting areas shall be turf grass, other natural grasses or groundcover. All planting areas shall be located on undisturbed subsoil or clean fill.

(1) Single tree pits

A single tree pit shall have a minimum dimension of five feet with a minimum area of 30 square feet and a minimum depth of 3 feet, 6 inches. Only tree pits planted with ground cover shall count towards meeting a minimum planting area requirement.

(2) Continuous tree pits

A continuous tree pit is a planting area containing two or more trees. Continuous tree pits shall have a minimum width of five feet and a minimum depth of 3 feet, 6 inches, and a length as required to meet a minimum of five feet from the trunk of the tree to the end of the tree pit.

(3) Planting beds

Planting beds for turf grass or groundcovers shall have minimum dimensions of two feet in any direction and a minimum depth of two feet. Planting beds for shrubs shall have minimum dimensions of three feet by three feet for each shrub and a minimum depth of 2 feet, 6 inches. Planting beds containing trees shall have a minimum dimension of five feet and a minimum area of 30 square feet for each tree, with a minimum depth of 3 feet, 6 inches. Trees, shrubs or groundcovers may be combined in a single planting bed only if such bed meets the minimum depth required for the largest plant.

Retaining walls are permitted along the perimeter of a planting bed in accordance with the regulations for planting areas in paragraph (a) of this Section.

(4) Terraced planting area

A "terraced planting area" is a planting area with two or more planting beds incorporating retaining walls on a slope with a grade change greater than or equal to three feet. A terraced planting area shall comply with the dimensional standards for a planting bed except that the average depth of the individual planting beds between the two retaining walls shall not be less than three feet, as measured perpendicular to the edge of the retaining wall. In addition, for retaining walls between two or more planting beds, their height may exceed three feet, provided that the front of such retaining walls is screened by plant material.

(5) Berms

A "berm" is a planting area with sloped grade stabilized primarily by plant materials rather than retaining walls or other similar built structures. A berm shall comply with the dimensional standards for a planting bed except that the height of the berm shall not exceed the #flood-resistant construction elevation# on the #zoning lot#, or five feet above the lowest adjoining grade of the #waterfront yard# established pursuant to Section [62-332](#) (Rear yards and waterfront yards), whichever is higher.

(6) Lawns

A "lawn" is an area planted with turf grass having a minimum soil depth of 2 feet, 6 inches. Along at least 60 percent of the perimeter, a lawn shall have a grade level within six inches of the adjacent grade providing unobstructed pedestrian access. Any required lawn shall have a minimum area of 500 square feet and no dimension less than 18 feet.

(7) Screening

Screening is intended to create a landscaped buffer between the #waterfront public access areas# and adjoining non-public #uses# to protect the privacy or minimize the visual impact of blank walls, equipment, loading and parking areas or similar conditions.

(i) Screening buffers

Screening buffers required pursuant to paragraph (c)(2) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting. The requirements of this paragraph, (a)(7)(i), may also be satisfied by the requirements of paragraph (a)(7)(ii) of this Section.

(ii) Blank walls and service areas

Blank walls higher than four feet measured from an adjacent grade level and service areas anywhere within a #waterfront public access area# shall be screened with any combination of evergreen trees, vines or espaliered trees or shrubs, and an architectural treatment such as a pergola, stone rustication, grills or sculptural features.

(iii) Parking garage screening

Open parking areas on any #zoning lot# fronting on an #upland connection# or #street# on any #waterfront block#, notwithstanding the #use# on such lot, shall require screening pursuant to Section [37-921](#) (Perimeter landscaping). Screening required pursuant to Section [62-453](#) shall consist of a planting strip at least four feet wide. Plants shall be at least four feet high at the time of planting and 50 percent of them shall be evergreen shrubs.

All required screening may be interrupted by vehicular or pedestrian entrances.

(8) Tidal wetland area

A #tidal wetland area# may satisfy up to 30 percent of the required planting area for #waterfront public access areas#.

(b) Trees

(1) Tree caliper

At time of planting, canopy trees shall be a minimum of three inches caliper and ornamental trees shall be a minimum of two inches caliper.

(2) Trees in single tree pits

One of the procedures in this paragraph, (b)(2), shall be employed to protect trees planted at grade:

- (i) granite or cast concrete block pavers with a minimum four inch depth shall be installed in accordance with New York City Department of Parks and Recreation (DPR) standards for #street# trees;
- (ii) a grate shall be installed over the root zone, supported at its edges and set flush with the adjacent pavement for pedestrian safety, in accordance with DPR standards for #street# trees for grate size; or
- (iii) the root zone shall be surrounded with barrier hedge planting.

62-656 - Paving

LAST AMENDED
4/22/2009

Paving in #waterfront public access areas# shall comply with the following:

(a) Locational requirements

(1) Within required circulation paths

All paving material for a required circulation path shall be permanent, durable, accessible to persons with physical disabilities, and shall consist of one or a combination of the following:

- (i) Unit pavers constituted of stone, concrete, granite, asphalt or a mix of these materials with other aggregates;
 - (ii) Concrete, prefabricated, poured or permeable;
 - (iii) Wood planks for boardwalk or decking, except that tropical hardwood shall not be permitted;
 - (iv) Solid plastic, such as “plastic lumber,” high density polyethylene, wood composite plastic or fiber-reinforced plastic.
- (2) Other than within required circulation paths

In addition to the permitted paving materials of paragraph (a)(1) of this Section, the following materials shall be permitted anywhere in a #waterfront public access area#:

- (i) Blocks such as Belgian blocks, cobble stones, concrete cobbles or Eurocobble;
 - (ii) Gravel, loose, installed over a solid surface or glued with resin;
 - (iii) Wood chips or other similar material;
 - (iv) Metal grating, limited to locations that require drainage and for #platforms#;
 - (v) Asphalt, impermeable or porous, which may be imprinted with thermoplastic patterns.
- (3) Special regulations for Type 2 #upland connections#

Paving for driveways and pedestrian paths shall be subject to the standards of the New York City Department of Transportation for roadbeds and sidewalks.

(b) Dimensional requirements

- (1) All unit pavers shall have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and shall not exceed a maximum of four square feet in area.
- (2) Wood planks or plastic lumber for boardwalk or decking shall be a minimum of three inches thick (nominal dimension). The direction of planks shall not be parallel to the direction of traffic.
- (3) Concrete slabs, other than in #upland connections#, shall be a maximum of two feet in any one dimension.

All the above materials may be installed to facilitate storm water management appropriate for specific site conditions.

62-657 - Bicycle racks

LAST AMENDED
4/22/2009

Each bicycle rack shall allow for the bicycle frame and one wheel to be locked to the rack. If bicycles can be locked to each side of the rack, each side may be counted as a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

62-658 - Trash receptacles

LAST AMENDED
4/22/2009

Trash receptacles shall be placed within 50 feet of a seating area, have a minimum capacity of 25 gallons and have either top openings that measure at least 12 inches wide or side openings that inscribe a rectangle measuring at least 12 inches wide and six inches high. Trash receptacles shall be able to use standard bags used to collect trash.

62-70 - MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
4/22/2009

62-71 - Operational Requirements

LAST AMENDED
2/2/2011

(a) Hours of operation

All waterfront public access areas shall be open to the public at the times indicated in the table in this Section, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area, as set forth in the maintenance and operation agreement required pursuant to Section [62-74](#) (Requirements for Recordation).

HOURS OF OPERATION FOR WATERFRONT PUBLIC ACCESS AREAS

Districts	April 15 to October 31	November 1 to April 14
#Zoning lots# containing #predominantly# #community facility# #uses# in:		
R3 R4 R5	Dawn to dusk*	Dawn to dusk*
C1 or C2 in R3 thru R5		
C3 C4-1 C8		
M1 M2 M3		
#Zoning lots# containing #predominantly# #commercial# #uses# in all districts	Dawn to dusk or business closing, whichever is later**	Dawn to dusk or business closing, whichever is later**
All other #zoning lots# providing #waterfront public access areas#	6:00 A.M. to 10:00 P.M.	7:00 A.M. to 8:00 P.M.

* Dawn shall be defined as one half hour before sunrise, and dusk shall be defined as one half hour after sunset

** Waterfront public access areas on zoning lots containing predominantly commercial uses shall not be required to be open to the public beyond 10 P.M. from April 15th to October 31st and 8 P.M. from November 1st to April 14th

(b) Rules of conduct

Rules of conduct for the waterfront public access area shall be established with the Department of Parks and Recreation and set forth in the maintenance and operation agreement as required pursuant to Section [62-74](#). Such rules of conduct shall not prohibit typical promenade activities consistent with public enjoyment of the waterfront, such as walking, jogging, sitting or reclining, gathering in small groups, or consumption of food or non-alcoholic beverages.

62-72 - Performance and Maintenance Requirements

LAST AMENDED
4/22/2009

(a) Performance and maintenance

(1) The property owner shall be responsible for the completion and maintenance of all required waterfront public access areas on the zoning lot#. No certificate of occupancy shall be issued until all required waterfront public access area improvements are completed except as otherwise provided in a phasing plan pursuant to Sections [62-811](#) (Waterfront public access and visual corridors) or [62-822](#)

(Modification of waterfront public access area and visual corridor requirements).

- (2) To ensure the maintenance of the #waterfront public access areas#, prior to obtaining any certificate of occupancy, the property owner shall post security in the form of a maintenance bond, letter of credit or other security acceptable to the Department of Parks and Recreation (DPR), with the DPR in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the #waterfront public access areas# for a 12 month period following final completion of such #waterfront public access areas#. The security shall be replaced every five years with a new security in an amount sufficient to cover 125 percent of the current annual cost of maintaining the #waterfront public access areas#, as certified by a registered architect or landscape architect. The security shall be in effect for the life of the #development#.

(b) Maintenance and liability

Any declaration by the owner, its successor or assigns, or agreement between the owner, its successor or assigns, and the City of New York, provided in accordance with Section [62-74](#) (Requirements for Recordation) regarding the maintenance and operation of a required #waterfront public access area# as established in Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements), shall provide that:

- (1) the owner, its successor or assigns, will construct and be responsible for ordinary maintenance and repair of all such areas;
- (2) the City will indemnify and defend the owner, its successor or assigns, for judgments resulting from litigation of claims of personal injury on such areas in accordance with reasonable provisions and procedures in the declaration and the maintenance and operation agreement, provided that the owner, its successor or assigns, has fully complied with the design and maintenance requirements set forth in this Resolution and the maintenance and operation agreement; and
- (3) in the event such areas are destroyed or substantially damaged as a result of flood, storm, fire or other acts of God, reconstruction shall be the responsibility of the City, provided that such destruction or damage is not the result of the negligence of the owner, or of the owner's failure to construct or maintain such areas in accordance with the provisions of this Resolution and the maintenance and operation agreement.

62-73 - Request to Transfer Title to Certain Waterfront Public Access Areas

LAST AMENDED

4/22/2009

- (a) The owner of a #zoning lot# on a #waterfront block# may, at the owner's option, and prior to commencement of design and construction of #waterfront public access areas#, make a request directed to the Office of the Mayor (Request) to transfer to the City of New York its fee simple absolute interest, free and clear of any encumbrances that are not deemed acceptable by the City, in the #waterfront public access area# on such #zoning lot#.
 - (1) The City may accept the Request, provided that transfer will be made in a manner acceptable to the Chairperson of the City Planning Commission and the Commissioner of Parks and Recreation, who may specify conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the #waterfront public access area# and a capital reserve or funding mechanism for future capital repair, and adequate guarantees of access to the #waterfront public access area# and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section [62-811](#) (Waterfront public access and visual corridors), paragraphs (b) and (c), as are necessary for implementation. Where the Request is for transfer of a phase of the #waterfront public access area# pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section [62-811](#) or authorized by the City Planning Commission pursuant to Section [62-822](#) (Modification of waterfront public access area and visual corridor requirements), the City shall consider, in determining whether to accept such Request, such factors as the size, location and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may require as a condition of acceptance that the owner make binding commitments to the transfer of subsequent phases.
 - (2) The Department of Parks and Recreation (DPR) shall review and approve the design and construction specifications for the #waterfront public access areas# proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent certificate of occupancy for any part of the #development# for which such areas are required to be constructed, upon determination by the DPR that construction of such areas is complete, as required pursuant to Sections [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and is in accordance with the previously approved design and construction specifications, except that signage required pursuant to Section [62-654](#) may be replaced by DPR signage.
 - (3) The provisions of Section [62-72](#) (Performance and Maintenance Requirements), paragraphs (a)(2) and (b), shall not apply to any

#waterfront public access area# transferred pursuant to this Section.

In the event of a transfer under this paragraph, (a), the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed to have created a #non-compliance#.

- (b) For parcels identified in Waterfront Access Plan BK-1, the owners of two or more parcels may, either for purposes of certification pursuant to Section [62-811](#) or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section [62-72](#), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:
- (1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and
 - (2) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

62-74 - Requirements for Recordation

LAST AMENDED
4/22/2009

All required #visual corridors# and #waterfront public access areas# other than those provided in parks #developed# pursuant to Section [62-59](#) (Special Regulations for Zoning Lots That Include Parks), once certified in accordance with the provisions of Section [62-811](#) (Waterfront public access and visual corridors), paragraphs (b) or (c), shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation when a #waterfront public access area# is provided, indexed against the property, binding the owners, successors and assigns to provide #visual corridors# and to construct and maintain the #waterfront public access areas#, except as provided in the provisions of Section [62-70](#), inclusive, and provide public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the #waterfront public access areas# are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times, and shall set forth rules of conduct consistent with the provisions of paragraph (b) of Section [62-71](#) (Operational Requirements). The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the preceding #waterfront public access areas# elements shall be recorded on the certificate of occupancy by the Departments of Buildings or Business Services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

For parcels identified in Waterfront Access Plan BK-1 for which an alternate plan for joint maintenance and operation has been approved, or for parcels for which a transfer to the City is proposed pursuant to paragraph (b) of Section [62-73](#) (Request to Transfer Title to Certain Waterfront Public Access Areas), the provisions of such instruments as are necessary to effectuate such paragraph shall supersede those of the maintenance and operation agreement described in this Section.

62-80 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
4/22/2009

An application to the Department of Buildings, Department of City Planning or Department of Business Services, involving a #zoning lot# subject to the provisions of this Chapter, shall include a survey of the #zoning lot# showing the following elements, as applicable, and documentation showing compliance with all requirements for #waterfront public access areas#:

- (a) pierhead line;
- (b) bulkhead line;
- (c) #shoreline#, including its length;
- (d) #upland lot#, including its area;
- (e) #seaward lot#, including its area;
- (f) area of the portion of the #zoning lot# seaward of the #shoreline#;

- (g) #existing piers#, #platforms# or #floating structures#, including #water coverage# and surface elevation or height, as applicable;
- (h) previously established and recorded #visual corridors# and #waterfront public access areas# or any other public access area on the #zoning lot# or on adjoining #zoning lots#;
- (i) #visual corridors# or #waterfront public access areas# required on the #zoning lot# by a Waterfront Access Plan set forth in Section [62-90](#); and
- (j) existing bulkheads and stabilized portions of natural shore showing seaward and landward edges, as well as their top elevations.

62-81 - Certifications by the Chairperson of the City Planning Commission

LAST AMENDED

2/2/2011

The provisions of Sections [62-811](#) and [62-812](#), relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section [62-811](#):

airports, heliports and seaplane bases;

in any district, existing #zoning lots# of less than 10,000 square feet #developed# #predominantly# with #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings#, provided such #zoning lots# are not included within an area subject to a Waterfront Access Plan pursuant to Section [62-90](#);

#zoning lots# in R1 and R2 Districts; and

#zoning lots# in C8 and #Manufacturing Districts#, containing #predominantly# Use Group 16, 17 or 18 #uses#, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

62-811 - Waterfront public access and visual corridors

LAST AMENDED

5/12/2021

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

- (a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:
 - (1) the #development# is exempt pursuant to Sections [62-52](#) (Applicability of Waterfront Public Access Area Requirements) or [62-51](#) (Applicability of Visual Corridor Requirements); or
 - (2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section [62-90](#) (WATERFRONT ACCESS PLANS);
- (b) a site plan and all other applicable documents have been submitted showing compliance with the provisions of Sections [62-332](#) (Rear yards and waterfront yards), [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);
- (c) a site plan has been submitted showing compliance with the provisions of Section [62-90](#);
- (d) for #developments# listed in Section [62-52](#), paragraph (b), on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section [62-58](#) (Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section [62-58](#) have been submitted; or
- (e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section [62-59](#) (Special Regulations for Zoning Lots That Include Parks).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required waterfront public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of waterfront public access area proportionate to the amount of floor area being developed in each phase. Additionally, for any development located within 240 feet of a shoreline, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of shore public walkway and any adjacent supplemental public access area located between such development and such shore public walkway, one upland connection through or adjacent to the entire parcel leading to the shore public walkway, and at least one other connection from the shore public walkway to an adjacent shore public walkway, street or other upland connection. For any development located entirely beyond 240 feet of a shoreline, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of shore public walkway and one upland connection through or adjacent to the entire parcel leading to the shore public walkway. However, no waterfront public access area need be provided for a phase consisting of a development in which all residences in such phase are affordable residences for lower income households as defined in Section 23-93, or moderate income households as defined in Section 62-352, provided that such exemption shall only apply where 25 percent or less of the total residential floor area, including any applicable floor area bonuses, on the parcel has been developed.

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed development complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Department of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

62-812 - Zoning lot subdivision

LAST AMENDED
4/22/2009

An existing zoning lot within a waterfront block, or within any other block included in a Waterfront Access Plan, may be subdivided into two or more zoning lots, or reconfigured in a manner that would reduce its area or any dimension, only in accordance with the provisions of this Section or as modified pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements).

Such zoning lot may be subdivided or reconfigured provided that the Chairperson of the City Planning Commission certifies that:

- (a) there are no requirements in this Chapter for a waterfront public access area or visual corridors on such zoning lot for any use permitted on such zoning lot; or
- (b) a restrictive declaration shall be recorded against each subdivided or reconfigured zoning lot, binding all such zoning lots to provide waterfront public access areas or visual corridors at the time of a development, other than an exempt development, as set forth in Section 62-52. Such restrictive declaration shall include a site plan that sets forth the amount and location of the required waterfront public access areas and visual corridors on all resulting zoning lots. Such waterfront public access area or visual corridor shall be provided as required for the original zoning lot at the time of development of a non-exempt use; or
- (c) there are existing publicly accessible waterfront open areas on the zoning lot constructed as part of a previously approved site plan providing physical and visual access to and along the waterfront, and such open areas are no smaller in square footage than that required under the provisions of this Chapter for waterfront public access areas and visual corridors, and restrictions have been recorded against the property requiring such existing open area to remain accessible to the public for the life of the development.

62-813 - Docking facilities for ferries or water taxis in certain waterfront areas

LAST AMENDED
3/26/2014

In Community District 1 in the Borough of Brooklyn, docking facilities for ferries or water taxis set forth in paragraph (a) of this Section shall be permitted, provided that the Chairperson of the City Planning Commission certifies to the Commissioner of the Department of Buildings that such docking facilities comply with the standards for required amenities set forth in paragraph (b) of this Section and, where provided, the standards for permitted amenities set forth in paragraph (c) of this Section. In conjunction with such certification, parking and drop-off and pick-up area requirements for docking facilities with a vessel capacity of up to 399 passengers shall be waived, as applicable. Where such docking facilities are proposed within a waterfront public access area, such docking facilities shall also comply with the provisions of paragraph (d) of this Section. Where modifications to a docking facility certified pursuant this Section are made, including the amount or configuration of docking facility amenities, establishment of, or modification to, waterfront public access areas on the same waterfront zoning lot, or the cessation of ferry or water taxi service to such docking facility, the provisions of paragraph (e) of this Section shall apply.

The amount of amenities permitted or required pursuant to paragraphs (b) and (c) of this Section shall be calculated for each docking facility on the #waterfront zoning lot# and not according to the number of vessels a single docking facility can accommodate.

(a) Docking facilities

The following docking facilities are subject to the certification provisions of this Section:

- (1) docks for water taxis, with a vessel capacity of up to 99 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts, or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#;
- (2) docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#; and
- (3) docks for ferries with an unlimited capacity, as listed in Use Group 10A, in C4, C5, C6, C8 Districts and #Manufacturing Districts#.

(b) Required amenities

Passenger queuing space, bicycle parking and a trash receptacle shall be provided in accordance with the applicable provisions of this paragraph (b), inclusive. All applications shall include a site plan denoting the location of each required amenity, dimensioned plans and elevations of individual amenities, as applicable, as well as any other material required to demonstrate compliance with such provisions.

(1) Passenger queuing space

Passenger queuing space shall be provided in accordance with the provisions of this paragraph (b)(1), inclusive.

(i) Amount

A minimum of four square feet of queuing space per passenger shall be provided on the #waterfront zoning lot# for 40 percent of the U. S. Coast Guard certified passenger capacity of the largest vessel proposed to dock at such facility. Queuing space may be either standing space or seating space, and may be either open to the sky or provided within a sheltered space for passengers in accordance with the provisions of paragraph (c)(1), inclusive, of this Section.

(ii) Standing space

All standing queuing space shall be contiguous and clear of obstructions, except for any interruption by circulation paths required for access to docking facilities through a gangway, or pier access thereto. However, such standing queuing space may be non-contiguous and temporary dividers may be permitted as obstructions within such queuing space where the applicant signs an affidavit, or provides materials demonstrating in a manner that is satisfactory to the Chairperson, that an attendant will manage queues whenever such measures are implemented.

(iii) Seating space

A minimum of 10 percent of required queuing space shall be provided as seating, and up to 50 percent of required queuing space may be provided as seating. However, no seating shall be required within a previously approved #waterfront public access area#. For the purpose of applying seating towards the queuing requirement, one linear foot of seating shall equal one square foot of queuing space.

All seating provided for queuing space shall comply with the applicable dimensional criteria of Section [62-652](#) (Seating), but need not comply with the percentage requirements for different types of seating required pursuant to such Section. However, moveable chairs shall not constitute seating for queuing.

Any seating space provided pursuant to this Section within an existing or proposed #waterfront public access area# shall not count towards the maximum amount of seating permitted to be located seaward of the #shore public walkway# pursuant to paragraph (b) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

(iv) Location

Queuing space shall be provided on the #waterfront zoning lot# within 150 feet of the landward terminus of the gangway leading to the docking facility.

(2) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided on the #waterfront zoning lot#. Such bicycle racks shall comply with the standards of Section 62-657.

(3) Trash receptacle

One trash receptacle shall be provided on the #waterfront zoning lot# within 25 feet of the landward terminus of the gangway leading to the docking facility. Such trash receptacle shall comply with the standards of Section 62-658.

(c) Permitted amenities

Passenger queuing shelters and ticketing machines may be provided only in accordance with the applicable standards of this paragraph (c), or, where applicable, the authorization provisions set forth in Section [62-824](#) (Modifications to passenger queuing shelters for ferry or water taxi docking facilities).

All applications shall include a site plan denoting the location of such amenities, dimensioned plans and elevations of individual amenities, as well as any other material required to demonstrate compliance with the following standards:

(1) Passenger queuing shelter

Where provided, passenger queuing shelters shall comply with the provisions of this paragraph (c)(1), inclusive. All heights are measured from adjoining grade.

(i) Maximum dimensions and permitted enclosing walls

The maximum height of a shelter shall be 10 feet. Below a height of seven feet, the maximum width shall be four feet, and above a height of seven feet, the maximum width shall be eight feet. The maximum length of a shelter shall not exceed 16 feet, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, such maximum length may be increased to 20 feet.

Shelters shall be permitted a total of three enclosing walls, one along the long dimension of the shelter, and one along each narrow end.

(ii) Support structures below the roof

A maximum of two vertical columns may support the enclosing walls and the roof of a shelter, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, an additional column shall be permitted. The maximum width and depth of such columns shall not exceed 12 inches. All such columns shall be aligned so that when viewed in elevation view along the narrow end of the shelter, only one column shall be visible.

Below a height of 30 inches, one horizontal structural element shall be permitted along the long dimension of the shelter. The maximum depth and height of such structural element shall not exceed 12 inches. Between a height of 30 inches and seven feet no horizontal structural elements shall be permitted, and above a height of seven feet, horizontal structural elements shall be considered part of the roof structure.

Additional support structures needed to support glazing in the enclosing walls are permitted, provided that such structures are to the minimum amount necessary.

(iii) Roof structure

The roof of the shelter, including all associated structural elements and materials, shall be located above a height of seven feet.

The maximum depth of the roof, including all associated structural elements and materials, shall not exceed 12 inches, as measured perpendicular to the roof surface. In addition, within six inches of the edge of any portion of the roof that cantilevers over passenger queuing space, as viewed in elevation along the narrow end of the shelter, the depth of the roof shall be limited to three inches.

No slopes or curves shall be permitted in the roof along the long dimension of the shelter. Along the narrow end of the shelter, slopes not to exceed 15 degrees and curves with a radius of at least 10 feet shall be permitted. Where two slopes are provided, in

no event shall both portions of the roof angle downward from the same point.

(iv) Materials, lighting and permitted signage

On each narrow end of the shelter, the enclosing wall or associated vertical support column may accommodate up to six square feet of way-finding ferry #signs#, with a width not to exceed 12 inches. In addition, the enclosing wall on the long end of the shelter or a face of a ticketing machine provided in accordance with paragraph (c)(2) of this Section may accommodate up to six square feet of materials related to ferry operations, including maps and schedules of ferry service. No #advertising signs# shall be permitted.

All structural elements shall be composed of unpainted, metallic materials. The entire surface area of all enclosing walls shall be composed of untinted, transparent materials, except for transparency distraction markers and any support structures or signage permitted pursuant to this paragraph (c)(1). A minimum of 50 percent of the surface area of the roof shall be composed of translucent materials, except that any portion occupied by solar panels shall be excluded from such calculation. Benches provided within a shelter shall either match or complement such shelter materials.

Where lighting is provided within a shelter, the luminaire shall be shielded so the light source is not visible.

(v) Location and orientation

Shelters shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

The long dimension of the shelter shall be oriented so as to be within 15 degrees of being perpendicular to the shoreline or, where located on a pier, within 15 degrees of being parallel to such pier.

Where a shelter is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location and orientation provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(2) Ticketing machines

Ticketing machines provided in conjunction with a docking facility shall comply with the provisions of this paragraph (c)(2).

(i) Maximum square footage

The maximum area of all ticket machines, as measured in plan around the furthest extent of such machines, shall not exceed 12 square feet.

(ii) Location

Ticketing machines shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

Where a passenger queuing shelter is provided in conjunction with the ferry or water taxi docking facility pursuant to paragraph (c)(1) of this Section, ticketing machines shall be located either within, or immediately adjacent to the upland portion of such shelter.

Any ticketing machine not placed within a passenger queuing shelter shall be placed in a location open to the sky.

Ticketing machines shall either front directly upon a required circulation path or shall be connected thereto by a walkway with an unobstructed minimum clear width of at least five feet.

Where a ticketing machine is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(d) Provisions for adding amenities for docking facilities to a #waterfront public access area#

Docking facilities proposed within a previously approved #waterfront public access area# or in conjunction with a certification for such approval,

pursuant to Section [62-811](#) (Waterfront public access areas and visual corridors), shall comply with the applicable provisions of this paragraph (d).

(1) Permitted obstructions

In no event shall amenities provided pursuant to paragraphs (b) or (c) of this Section be permitted to encroach upon the minimum circulation paths required pursuant to the applicable provisions of Sections [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), [62-63](#) (Design Requirements for Public Access on Piers and Floating Structures) and [62-64](#) (Design Requirements for Upland Connections).

(2) Providing amenities in previously approved #waterfront public access areas#

All seating, bicycle parking and trash receptacles provided for docking facilities in accordance with the provisions of paragraph (b) of this Section, within a previously approved #waterfront public access area#, shall be provided in addition to the amount of seating, bicycle parking, or trash receptacles required for such #waterfront public access area# pursuant to the applicable provisions of Section [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). Where excess seating, bicycle parking or trash receptacles have been provided within such previously approved #waterfront public access areas#, such additional amenities may be applied towards compliance with the provisions for docking facilities of this Section, provided that such amenities comply with the applicable provisions of paragraph (b) of this Section. Where previously approved #waterfront public access areas# are #non-complying# as to the provision of required amenities, in no event shall the minimum amount of amenity provided for docking facilities pursuant to paragraph (b) reduce the degree of #non-compliance# of such #waterfront public access area#.

All seating, bicycle parking and trash receptacles provided in accordance with the provisions of paragraph (b) of this Section in an existing #waterfront public access area# shall either match or shall be comparable with such existing amenities, with regard to quality, materials, finishes and form.

Modifications to a previously approved #waterfront public access area# in order to accommodate amenities to be provided for a docking facility in accordance with paragraphs (b) or (c) of this Section shall not constitute a design change to such #waterfront public access area#, and shall not necessitate a new certification pursuant to Section [62-811](#), provided that the applicant demonstrates to the Chairperson of the City Planning Commission that such modifications are to the minimum extent necessary in order to accommodate the amenities being provided for such docking facility.

(3) Providing amenities in conjunction with a new #waterfront public access area#

All amenities provided for docking facilities in accordance with the provisions of paragraph (b) of this Section shall be provided in addition to all required seating, bicycle parking, or trash receptacles for a #waterfront public access area# being #developed# in conjunction with the provision of a docking facility. All such proposed amenities for the docking facility shall complement the proposed amenities for such #waterfront public access area#.

(e) Modifications of certified docking facilities

Any modification to a docking facility certified pursuant to this Section, shall comply with the applicable provisions of this paragraph (e).

(1) Modification of amenities

Any modification of the required or permitted amenities for a docking facility certified pursuant to this Section, including the configuration of such amenities, shall be subject to a new certification pursuant to this Section.

Any ferry or water taxi service modification resulting in a reduction of passenger capacity of the largest vessel docking at such facility shall not be subject to a new certification provided that the amount of queuing space required at the time of approval, pursuant to paragraph (b) of this Section, is not diminished.

(2) Establishment of or modifications to #waterfront public access areas#

Any establishment of a #waterfront public access area# or modification to a previously approved #waterfront public access area# where a docking facility certified pursuant to this Section is located, shall require a new certification, pursuant to this Section, in conjunction with the certification set forth in Section [62-811](#).

(3) Cessation of ferry or water taxi service

Where ferry or water taxi service ceases operations to a docking facility certified pursuant to this Section, and ferry docking infrastructure is removed from the #waterfront zoning lot# which would preclude further service, the following shall apply:

- (i) Passenger queuing shelters and ticketing machines provided pursuant to paragraph (c) of this Section shall be removed from the #waterfront public access area#;
- (ii) Seating, bicycle racks, and litter receptacles provided pursuant to paragraph (b) of this Section need not be removed; and
- (iii) any breach in a guardrail along a #pier# or along the #shore public walkway# to accommodate a gangway to a docking facility shall be repaired and shall match the adjacent guardrail.

62-82 - Authorizations by the City Planning Commission

LAST AMENDED
4/22/2009

62-821 - Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels

LAST AMENDED
3/26/2014

- (a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section [32-10](#) (USES PERMITTED AS-OF-RIGHT) in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, or in Community District 1 in the Borough of Brooklyn, a vessel capacity larger than 399 passengers, provided the Commission finds that:
 - (1) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect the surrounding area;
 - (2) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby; and
 - (3) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in adjoining residential areas.
- (b) In all districts, the Commission may authorize a reduction or waiver of the parking requirements of Section [62-43](#) for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the applicant submits a report that enables the Commission to make one or more of the following findings:
 - (1) that there is or would be adequate public or private transit in close proximity to the facility and that there is or would be a consistent pattern of usage by a significant percentage of passengers;
 - (2) that there is or would be a consistent pattern of passenger drop-off and pick-up by private cars, taxis or vans by a significant percentage of passengers;
 - (3) that there is or would be a consistent pattern of arrivals and departures on foot or by bicycle by a significant percentage of passengers;
 - (4) that there is a consistent pattern of underutilization of existing #accessory# parking spaces; or
 - (5) that the dock serves or would serve vessels operating at different times during the day or week and that there is or would be shared usage of common parking spaces at mutually exclusive time periods.
- (c) In all districts, the Commission may authorize modification of the passenger drop-off and pick-up area requirements of Section [62-462](#), including a reduction in the number of required spaces, for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the Commission finds that:
 - (1) due to the configuration of the #zoning lot#, strict adherence to the regulations would not be possible to achieve;
 - (2) there is no practical possibility of locating such area on another #zoning lot# that would be contiguous, except for its separation by a #street# or #street# intersection, because appropriate sites are occupied by substantial improvements;
 - (3) there is no practical possibility of providing a lay-by area on an adjoining #street# that would be acceptable to the New York City Department of Transportation; and
 - (4) such modifications would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

62-822 - Modification of waterfront public access area and visual corridor requirements

LAST AMENDED
2/2/2011

- (a) Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access areas# and #visual corridors#

The City Planning Commission may modify the requirements of Section [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section [62-332](#) (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided off-site on an adjoining public property.

The Commission shall file any such authorization, pursuant to this paragraph (a), with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve such authorization in whole or in part, with additional or modified restrictions or conditions, or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

- (1) In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:
 - (i) comply with the required minimum dimensions and equal the required total area, in aggregate; and
 - (ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or
- (2) In the event the Commission determines that there is no feasible way to provide equal alternative #waterfront public access areas# either on the #zoning lot# or off-site on an adjoining public property or to provide equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive such requirements, provided that:
 - (i) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and
 - (ii) that the reduction or waiver of requirements is the minimum necessary.

- (b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections [62-513](#) (Permitted obstructions in visual corridors), [62-58](#) (Requirements for Water-Dependant Uses and Other Developments), [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and [62-90](#) (WATERFRONT ACCESS PLANS), inclusive.

In order to grant such authorization, the Commission shall find that such modifications:

- (1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or
 - (2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.
- (c) Authorization for phased #development# of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured, pursuant to Section 62-812.

In order to grant such authorization, the Commission shall find that:

- (1) the amount of #waterfront public access area# #developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or
- (2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the

time each phase is #developed#.

(d) Authorization to modify minimum hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed 10 years, modifications of the requirements for hours of operation set forth in Section [62-71](#), paragraph (a), or the installation of gates in #predominantly# #residential# #developments# in accordance with the provisions of Section [62-651](#), paragraph (c)(2).

The Commission shall find that any modification of the hours of operation and the installation of gates in #predominantly# #residential# #developments# are warranted due to the remote location of the #waterfront public access areas#, and that such modified hours of operation or gates will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply with the design requirements set forth in Section [62-651](#).

Public access to the #waterfront public access areas# shall be assured by appropriate legal instruments. Signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph (d).

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, deed restrictions, easements or performance bonds.

62-823 - Modification of use regulations in C3 Districts

LAST AMENDED

2/2/2011

In C3 Districts, the City Planning Commission may authorize modification of #use# regulations to allow a WE #use# not otherwise allowed as-of-right or by special permit. In conjunction with such authorization, the Commission may also allow the #sign# regulations of a C1 District to apply to the #zoning lot#.

As a condition to the granting of such authorization the Commission shall find:

- (a) that such WE #use# is a #use# listed in Use Groups 5, 6, 7, 8, 9, 10, 12 or 13;
- (b) that the #zoning lot# also includes a WD #use# that is either permitted in the district as-of-right or has been permitted by special permit;
- (c) that such WE #use# will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;
- (d) that the entrances and exits for #accessory# parking or loading facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and
- (e) that such WE #use# will not impair the character or future use or development of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include limitations on the size of the establishment, limitations on lighting and signage or screening requirements.

62-824 - Modifications to passenger queuing shelters for ferry or water taxi docking facilities

LAST AMENDED

3/26/2014

In Community District 1 in the Borough of Brooklyn, the City Planning Commission may authorize a ferry passenger queuing shelter exceeding the dimensions set forth in paragraph (c)(1) of Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas), provided that the Commission finds that:

- (a) the public benefit derived from the proposed shelter merits the larger dimensions authorized;
- (b) the proposed shelter utilizes the design standards set forth in paragraph (c)(1) of Section [62-813](#) regarding permitted support structures, materials, signage and roof construction to the greatest extent feasible;

- (c) any modification to such provisions of Section [62-813](#) will not unduly limit views from the #waterfront public access area#; and
- (d) the design of the proposed shelter will result in a quality structure that complements the #waterfront public access area# or the publicly accessible area of a #waterfront zoning lot# accommodating the ferry or water taxi docking facility.

62-825 - Modifications for wind energy systems

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LAST AMENDED
12/6/2023

In any district, the City Planning Commission may authorize modifications to the applicable #bulk# or #waterfront public access area# regulations in order to accommodate wind energy systems, whether #accessory# or as part of #energy infrastructure equipment#, provided the Commission finds that:

- (a) there would be a practical difficulty in complying with regulations set forth for wind energy systems as set forth in the underlying district regulations, and as modified by this Chapter, without such modifications;
- (b) such modifications are the minimum necessary to allow for an appropriate wind energy system; and
- (c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

62-83 - Special Permits by the City Planning Commission

LAST AMENDED
4/22/2009

62-831 - General provisions

LAST AMENDED
3/22/2016

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section [23-154](#) (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section [23-92](#) (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

62-832 - Docks for passenger ocean vessels in C6 Districts

LAST AMENDED
3/22/2016

In C6 Districts, the City Planning Commission may permit docks for passenger ocean vessels, other than #gambling vessels#.

As a condition for granting a special permit, the Commission shall find that:

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would unduly inhibit surface traffic and pedestrian flow in the surrounding area;
- (b) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby;
- (c) an area will be provided for the drop-off and pick-up of passengers by private car, taxi, van and bus that, at a minimum, meets the requirements of Section [62-462](#) (Passenger drop-off and pick-up areas for docking facilities), and which is so designed as to avoid traffic or pedestrian conflict on the #streets# providing access to the facility; and

(d) such #use# will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including the provision of #accessory# off-street parking spaces, #accessory# off-street loading berths or additional area for the temporary parking of vehicles or buses for drop-off and pick-up of passengers.

62-833 - Docks for ferries or water taxis in Residence Districts

LAST AMENDED

3/22/2016

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1 in the Borough of Brooklyn, where the certification provisions of Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group 6, provided that:

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;
- (b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;
- (c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;
- (d) #accessory# off-street parking spaces are provided in accordance with Section [62-43](#) (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and
- (e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

62-834 - Uses on floating structures

LAST AMENDED

3/22/2016

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section [62-25](#) to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations and the #floating structure# complies with the height and setback regulations of Section 62-343.

An application for a #use# on a #floating structure# pursuant to this Section shall be made jointly by the property owner and the owner of the #floating structure#, if they are separate entities. In addition, the application shall include copies of all Federal and State permit applications that are required to be filed in conjunction with the proposed #use#.

As a condition for granting a special permit, the Commission shall find that:

- (a) the proposed #use# is a WE #use# or is either a power plant or government-owned and operated facility that requires such a location due to the absence of a reasonable way to site the facility without use of a #floating structure#;
- (b) a plan for public access on the #floating structure#, elsewhere on the #zoning lot#, or off-site on public property adjacent to the #zoning lot#, is provided that is appropriate to the size and intensity of #use# on the #floating structure#;
- (c) except for power plants or government-owned and operated facilities, the location of such #use# on a #floating structure# will enhance public access to and use of the waterfront; and
- (d) the location of such #use# on a #floating structure# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

However, the Commission may waive the public access requirement for a power plant or government-owned and operated facility either where such access would conflict with the operation of the facility or be detrimental to the public welfare.

The Commission may also permit modification of the #visual corridor# requirements of Section [62-51](#), inclusive, provided it makes the additional finding

that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public #streets# or other public places.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #floating structures# on the same or adjoining #zoning lots# and limitations on lighting or signage.

62-835 - Developments on piers or platforms

LAST AMENDED

3/22/2016

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a #new pier# or #new platform# from a WD #use# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section [62-30](#) for an existing #building#, except for Section [62-31](#), paragraph (a), or the maximum #floor area ratio#, provided the Commission finds that:
 - (1) existing permitted WD #uses# and open WE #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;
 - (2) the proposed WE #use# will significantly enhance public use and enjoyment of the waterfront;
 - (3) there is no increase in #water coverage#; and
 - (4) in the case of modification of #bulk# regulations for an existing #building#, findings (b)(3) through (b)(6) of this Section are also met. Finding (b)(4) shall also include #platforms# within the #seaward lot#.
- (b) for an #existing pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections [62-332](#) (Rear yards and waterfront yards) and [62-342](#) (Developments on piers), provided the Commission finds that:
 - (1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;
 - (2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#;
 - (3) the proposed #development# does not violate the #bulk# provisions of Section [62-341](#) (Developments on land and platforms);
 - (4) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;
 - (5) such #bulk# modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and
 - (6) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.
- (c) for #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections [62-50](#) and [62-60](#), provided the Commission finds that:
 - (1) the proposed #development# 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](#), inclusive; and
 - (2) an alternative #waterfront public access area# and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.

In the event that the Commission determines there is no feasible way to provide substantially equal alternative public access areas, either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

62-836 - Public parking facilities on waterfront blocks

LAST AMENDED
3/22/2016

In C1, C2, C4, C5, C6 and C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# on #waterfront blocks# in accordance with applicable district regulations and Sections [74-51](#) and [74-52](#), provided the parking facility is an interim #use# limited to a term of not more than five years, or the Commission finds that:

- (a) the facility is needed to serve primarily waterfront #developments# containing WD or WE #uses#; and
- (b) there is no practical possibility of locating such facility on a non-#waterfront block# because appropriate sites on such #blocks# are occupied by substantial improvements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and surrounding area.

62-837 - Bulk and parking modifications on waterfront blocks

LAST AMENDED
3/22/2016

- (a) #Bulk# modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations, for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new platform#, provided the Commission finds that such modifications will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties; and

- (1) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or
 - (2) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.
- (b) Reduction or waiver of parking requirements for accessory group parking facilities

For #developments# on #zoning lots# in the #Transit Zone#, the City Planning Commission may, in conjunction with an application for a #bulk# modification pursuant to paragraph (a) of this Section, reduce or waive the number of required #accessory# #residential# off-street parking spaces, including any spaces previously required for an existing #building# on the #zoning lot#, provided that the Commission finds that:

- (1) where the applicant is seeking a reduction of parking spaces required by Section [25-23](#) (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the #development#, #enlargement# or preservation of #income-restricted housing units#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;
- (2) the anticipated rates of automobile ownership for residents of such #development# are minimal and that such reduction or waiver is warranted;
- (3) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or #community facilities# in the surrounding area; and
- (4) such reduction of parking spaces will result in a better site plan.

In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.

62-838 - Docks for gambling vessels

LAST AMENDED
3/22/2016

In all #Commercial Districts#, except C1 Districts, and in all #Manufacturing Districts#, the City Planning Commission may permit docks for #gambling vessels#, provided that, in #Commercial Districts#, the maximum aggregate dock capacity per #zoning lot# shall be determined by the zoning district, as indicated in the applicable provisions of Sections [32-18](#) (Use Group 9) and [32-23](#) (Use Group 14).

As a condition for permitting such #use#, the Commission shall find that:

- (a) the #streets# providing access to such docking facility will be adequate to ensure that the traffic generated will not unduly impede surface traffic and pedestrian flow in the surrounding area;
- (b) any noise and activity related to the docking facility, including vessel operations, will not have a detrimental impact on the waterfront and surrounding area; and
- (c) such #use# will not be incompatible with the essential character, #use# or future growth of the waterfront and surrounding area.

Docks for #gambling vessels# shall comply with all provisions of the Resolution, including the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), applicable to the type of vessel on which the shipboard gambling business is operated.

The Commission may prescribe additional conditions and safeguards to minimize any adverse effects on the waterfront and surrounding area.

This text amendment shall take effect on April 27, 1998.

62-90 - WATERFRONT ACCESS PLANS

LAST AMENDED
4/22/2009

62-91 - General Provisions

LAST AMENDED
4/22/2009

62-911 - Establishment of Waterfront Access Plans

LAST AMENDED
4/22/2009

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections [62-912](#) (Elements of a Waterfront Access Plan), [62-913](#) (Conditions for adoption of a Waterfront Access Plan) and this Section in order to adjust the #waterfront public access area# and #visual corridor# requirements of Sections [62-50](#) and [62-60](#), inclusive, retain the #waterfront block bulk# regulations of Section [62-30](#) on newly-created non-#waterfront blocks# within a specifically defined portion of the #waterfront area#, or establish #waterfront yard# requirements for #developments# otherwise exempt from the requirements of Section [62-33](#) (Special Yard Regulations on Waterfront Blocks).

To be considered for a Waterfront Access Plan, an area shall:

- (a) be entirely in the #waterfront area#;
- (b) not include any portions within R1 or R2 Districts;
- (c) comprise either entire #blocks# or a minimum of four acres, all portions of which are contiguous tracts of land except for intervening #streets#; and
- (d) have at least 600 feet of #shoreline#.

62-912 - Elements of a Waterfront Access Plan

LAST AMENDED
4/22/2009

A Waterfront Access Plan may:

- (a) on #zoning lots# where a #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and [62-60](#) (DESIGN

REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, modify the size, configuration, location or design of required waterfront public access areas or visual corridors within certain designated areas in order to address local conditions, provided such plan does not impose a waterfront public access area or visual corridor requirement on any zoning lot greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a zoning lot may be applied regardless of any specific use permitted or proposed for such zoning lot. Within Waterfront Access Plan BK-1, the waterfront public access area and visual corridor requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the waterfront public access area and visual corridor requirements of each zoning lot within the parcel and such aggregated requirements may be modified within such parcel without regard to zoning lot lines;

- (b) on zoning lots where waterfront public access area or visual corridors are not required pursuant to the provisions of Sections 62-50 and 62-60, inclusive, establish requirements for a waterfront public access area or visual corridors, except for those zoning lots predominantly developed for airports, heliports, seaplane bases or, in C8 or Manufacturing Districts, uses in Use Groups 16, 17 or 18, provided that such zoning lots, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of public parks or other public areas. The plan may incorporate one or more of the waterfront public access areas or visual corridors listed in Section 62-50, inclusive, consistent with the standards of Sections 62-50 and 62-60, inclusive. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60;
- (c) modify or waive specific requirements for a waterfront public access area or visual corridors in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;
- (d) identify shore terminations of mapped streets or existing piers or platforms within seaward prolongations of such streets and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;
- (e) apply the bulk regulations of Section 62-30 to a non-waterfront block when such block results from a subdivision of a waterfront block as the result of a street mapping; and
- (f) for developments where a waterfront yard is not otherwise required by Section 62-33, establish requirements for a waterfront yard provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 (Front yards and side yards) or 62-332 (Rear yards and waterfront yards), as modified by the further provisions of this paragraph, (f), for such other developments. Enlargements of buildings or other structures existing on the effective date of the Waterfront Access Plan shall be permitted within such waterfront yard provided that the enlargement is for WD uses or Use Group 16, 17 or 18 uses and no portion of the enlargement, other than permitted obstructions, is within 20 feet of the seaward edge of the waterfront yard. In addition, obstructions shall be permitted within such waterfront yard pursuant to applicable district yard regulations, except that no building or portion of a building shall be permitted within 10 feet of the seaward edge of such waterfront yard.

A Waterfront Access Plan shall include the following elements:

- (1) identification of the plan by Borough and plan number or area name;
- (2) a zoning map, or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;
- (3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and
- (4) a description in the plan text of all features established or modified by the plan, with reference to affected blocks and lots.

62-913 - Conditions for adoption of a Waterfront Access Plan

LAST AMENDED
4/22/2009

As a condition precedent to its approval of a Waterfront Access Plan, the City Planning Commission shall find, in its report to the City Council for adoption, that such plan:

- (a) would improve public use and enjoyment of the waterfront, thereby serving to implement the goals set forth in Section 62-00; and
- (b) meets any of the following:
 - (1) is necessary to link public parks or other public areas along the waterfront or to the waterfront, and such linkage would not necessarily be achieved solely by the provisions of Sections 62-34 (Height and Setback Regulations on Waterfront Blocks), 62-50 (GENERAL

REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

- (2) is necessary to accommodate unique shore conditions or the retention of existing #buildings# or other structures#, including bridges, viaducts or railways that would not be adequately accommodated by the provisions of Sections [62-50](#) and [62-60](#);
- (3) is necessary to accommodate unique topography or natural features, such as wetlands conditions, significant grade changes, geologic formations, natural vegetation or wildlife habitats, which natural features or topography would not be adequately accommodated by the provisions of Sections [62-34](#), [62-50](#) and [62-60](#);
- (4) is necessary to create a better physical or visual relationship of the waterfront to significant upland #streets# or preserves significant views of the water or historic structures from such #streets#, which would not necessarily be achieved by the provisions of Sections [62-34](#), [62-50](#) and [62-60](#);
- (5) is necessary to achieve public access to the waterfront in an area characterized by large undeveloped tracts of land with a limited number of public #streets# leading to the shore;
- (6) is necessary to maintain #visual corridors# that would be extinguished by a #street# de-mapping after October 25, 1993, or maintains #visual corridors# from certain upland #streets# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993; or
- (7) is necessary to retain the #bulk# regulations of Section [62-30](#) on certain #blocks# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993.

62-92 - Borough of The Bronx

LAST AMENDED
12/11/2017

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section [87-70](#) (HARLEM RIVER WATERFRONT ACCESS PLAN).

62-93 - Borough of Brooklyn

LAST AMENDED
11/23/2021

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint-Williamsburg, as set forth in Section [62-931](#)

BK-2: Gowanus Canal, in the #Special Gowanus Mixed Use District#, as set forth in Section [139-50](#) (GOWANUS CANAL WATERFRONT ACCESS PLAN).

62-931 - Waterfront Access Plan BK-1: Greenpoint-Williamsburg

LAST AMENDED
3/26/2014

Maps BK-1a through BK-1c in paragraph (f) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on May 11, 2005, as follows:

- | | |
|-----------|---------------------|
| Parcel 1: | Block 2472, Lot 350 |
| Parcel 2: | Block 2472, Lot 400 |

Parcel 3: Block 2472, Lot 410

Parcel 4: Block 2472, Lot 425

Parcel 5a: Block 2472, Lot 100

Parcel 5b: Block 2472, Lot 32, south of the prolongation of the northern #street line# of DuPont Street
Block 2494, Lot 6

Parcel 5c: Block 2472, Lot 2
Block 2502, Lot 1
Block 2510, Lot 1
Block 2520, Lot 57

Parcel 5d: Block 2494, Lot 1

Parcel 5e: Block 2472, Lot 32, north of the prolongation of the northern #street line# of DuPont Street

Parcel 6: Block 2472, Lot 75

Parcel 7: Block 2520, Lot 1

Parcel 8: Block 2530, Lots 55, 56

Parcel 9: Block 2530, Lot 1

Parcel 10: Block 2538, Lot 1

Parcel 11: Block 2543, Lot 1

Parcel 12a: Block 2556, Lot 41

Parcel 12b: Block 2556, Lots 45, 46

Parcel 12c: Block 2556, Lots 55, 57, 58

Parcel 12d: Block 2556, Lot 54

Parcel 12e: Block 2556, Lot 53

Parcel 12f: Block 2556, Lot 52

Parcel 12g: Block 2556, Lot 51

Parcel 12h: Block 2556, Lot 50

Parcel 12i: Block 2556, Lot 49

Parcel 12j: Block 2556, Lot 48

Parcel 13: Block 2556, Lot 1
Block 2564, Lot 1
Block 2567, Lot 1
Block 2570, Lot 36

Parcel 14: Block 2570, Lot 1

Parcel 15: Block 2590, Lot 1

Parcel 16: Block 2590, Lot 210

- Parcel 17: Block 2590, Lot 215
- Parcel 18: Block 2590, Lot 22
- Parcel 19: Block 2590, Lot 25
- Parcel 20: Block 2277, Lot 1
Block 2590, Lot 100
- Parcel 21: Block 2287, Lots 1, 16, 30
Block 2294, Lots 1, 5
- Parcel 22: Block 2301, Lots 1, 50, 60, 70
- Parcel 23: Block 2316, Lot 46
- Parcel 24: Block 2308, Lot 1
Block 2316, Lot 1
- Parcel 25: Block 2324, Lot 1
Block 2332, Lot 1
- Parcel 26: Block 2340, Lot 1
- Parcel 27: Block 2348, Lot 1

(a) Area-wide modifications

The following provisions shall apply to all #developments# required to provide a #waterfront public access area#, pursuant to Section [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS):

- (1) Paragraph (a)(3) of Section [62-54](#) (Requirements for Public Access on Piers) is applicable, except that a minimum of 15 feet is required along each water edge.
- (2) In addition to the requirements of Section [62-65](#) (Public Access Design Reference Standards), all #waterfront public access areas# are subject to the provisions set forth in paragraph (c) of this Section.
- (3) #Street# treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway# or #supplemental public access area#, pursuant to the design requirements of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), inclusive.

(b) Amenities

A reduction in the total amount of required #supplemental public access area# shall be permitted according to the table in this paragraph, (b):

REDUCTIONS IN WATERFRONT PUBLIC ACCESS AREAS

Amenity	Square feet reduction
Picnic table	22 sq. ft. per table (max. 200 sq. ft.)
Chess table	20 sq. ft. per table (max. 200 sq. ft.)
Telescope	10 sq. ft. per telescope (max. 50 sq. ft.)

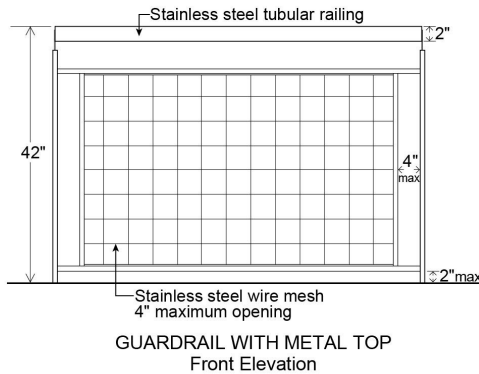
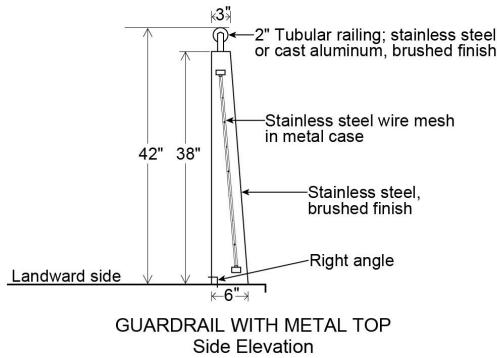
Fountain/water feature	150 sq. ft. per feature (max. 300 sq. ft.)
Shade structure	150 sq. ft. per structure (max. 300 sq. ft.)

(c) Public access design reference standards

Section [62-65](#) is hereby modified by the following provisions.

(1) Guardrails

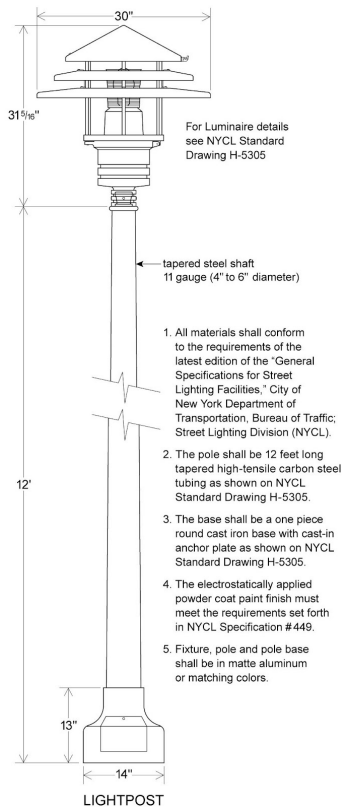
In addition to the provisions of paragraph (a) of Section [62-651](#) (Guardrails, gates and other protective barriers), guardrails shall comply with the Guardrail illustration in this Section.



All guardrail components and hardware shall be in No. 316 Stainless Steel, passivated and bead blasted.

(2) Lighting

In addition to the illumination provisions of Section [62-653](#), the required lighting along any public access area shall comply with the Lightpost illustration in this Section.



(3) Paving

In addition to the provisions of Section [62-656](#), the paving for the required clear path within the #shore public walkway# shall be gray. At least 50 percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

(d) Special public access provisions by parcel

The provisions of Sections [62-52](#) (Applicability of Waterfront Public Access Area Requirements) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map BK-1b in paragraph (f) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge of the #zoning lot# and the existing #building or other structure# but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating or planting shall be required. If seating and planting are provided, they shall comply with the provisions of Sections [62-652](#) and [62-655](#), respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for a #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is #developed# first shall provide an #upland connection# along the #lot line# between the two parcels. The remaining parcel may include the width of the #upland connection# in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels, according to the provisions of paragraph (e)(1) of this Section. If both parcels are #developed# concurrently, then the requirements may be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# as a public access area prior to or concurrently with the #development# of Parcel 3, the #upland connection# requirement shall be waived. However, a public way shall be provided within an area bounded at its eastern edge by the shared #lot line# of Parcels 2 and 3, at its northern edge by the #shoreline#, at its western edge by a line 115 feet from the shared #lot line# of Parcels 2 and 3, and at its southern edge by the #lot line# along Commercial Street.

In addition, such public way shall have a minimum width of 15 feet, and shall comply with the provisions of Section [62-64](#) (Design Requirements for Upland Connections), as applicable for Type 2 #upland connections#. There shall be no more than two changes in direction over its entire length and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry sign and shall comply with the provisions of paragraph (b) of Section [62-654](#) (Signage), and shall also be accompanied by an arrow indicating the direction of travel towards the #shore public walkway#. At least 50 percent of the area of any walls bounding such public way shall be glazed. In addition, 24 linear feet of seating shall be provided within such public way and within 50 feet of its boundary with the #shore public walkway# and the #street# it connects to.

(3) Parcel 5a

(i) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (f) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot lines of Parcels 5b and 6.

(ii) #Supplemental public access area#

The #supplemental public access area# shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the required #upland connection# where it meets the #shore public walkway#. The #upland connection# may cut across the #supplemental public access area# provided that any resulting #supplemental public access area# shall be at least 5,000 square feet. In no event shall the #supplemental public access area# be deeper than 100 feet.

Alternatively, a portion of the required #supplemental public access area# that is at least 5,000 square feet may #abut# the #shore public walkway# continuously along the longest side provided that it also #abuts# a publicly accessible private drive connecting the #shore public walkway# to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an #upland connection# as required by Section [62-64](#), but shall not be counted towards satisfying the required amount of #waterfront public access area# on the site.

(4) Parcel 5b

The portion of Block 2472, Lot 32, located within Parcel 5b shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections [62-50](#) through [62-90](#) (WATERFRONT ACCESS PLANS), inclusive.

(5) Parcel 5c

(i) #Upland connection#

Two #upland connections# shall be provided between West Street and the #shore public walkway#, each one located within the prolongation of the #street lines# of Eagle Street and Green Street, respectively.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided on Parcel 5c.

A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7.

The remaining required #supplemental public access area# shall be provided either on the #pier# or distributed evenly as a widening of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of

#supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

The total #lot area# utilized in the calculation of required #supplemental public access area# for Parcel 5c, pursuant to Section [62-57](#), shall include the #lot area# within Parcel 5d.

(iii) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section [62-54](#) and of paragraph (a)(1) of this Section.

(6) Parcel 5e

The portion of Block 2472, Lot 32, located within Parcel 5e shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections [62-50](#) through [62-90](#), inclusive.

(7) Parcel 7

(i) #Shore public walkway#

For a portion of the required #shore public walkway#, where the distance between the #shoreline# and the #zoning# #lot line# boundaries of Parcel 7 is less than 17 feet, such portion shall be improved entirely as circulation path.

(ii) #Supplemental public access area#

The requirement for a #supplemental public access area# on Parcel 7 is waived.

(8) Parcels 9, 10 and 11

(i) #Supplemental public access area#

For each parcel, the #supplemental public access area# requirements shall be provided to widen the #shore public walkway#, which will be evenly distributed along the entire length of such #shore public walkway#.

(9) Parcel 13

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of Milton Street.

(ii) #Supplemental public access area#

A #supplemental public access area# shall be bounded by the southern #street line# of Greenpoint Avenue, the #shore public walkway# and the northern boundary of the required Milton Street #upland connection#.

(10) Parcel 14

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the #shore public walkway#.

The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary

of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel.

(11) Parcel 15

An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.

(12) Parcels 19, 20, 21 and 22

Parcels 19, 20, 21 and 22 shall be designated as public #parks# as of May 11, 2005.

(13) Parcel 25

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided.

One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet measured from the #shore public walkway#. A screening buffer shall be provided along the boundaries of the public access area and any private portion of the #zoning lot#, pursuant to Section [62-655](#). No other planting shall be required.

A minimum of one linear foot of seating shall be required for every 65 square feet of #supplemental public access area#. Four trees shall be required, at least two of which shall be shade trees.

The remaining required #supplemental public access area# shall be located either on the #pier# or shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access area# shall have a width to depth ratio of 2:1. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

(iii) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section [62-54](#) and of paragraph (a)(1) of this Section.

(14) Parcel 26

(i) #Shore public walkway#

The requirements of Section [62-53](#) (Requirements for Shore Public Walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line.

(ii) #Upland connections#

An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street. However, if the #upland connection# is provided within a private drive pursuant to Section [62-56](#), then a portion of the southern public access area beyond 15 feet from Kent Avenue may be located up to 15 feet outside the prolongation of the #street lines# of North 4th Street, provided that this public access area is not located entirely outside the prolongation of the #street lines# of North 4th Street at any point within 80 feet of Kent Avenue.

(15) Parcel 27

(i) #Shore public walkway#

In the event of an #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure#, but need not be wider than 40 feet.

Notwithstanding the requirements of paragraph (a) of Section [62-61](#) (General Provisions Applying to Waterfront Public Access Areas), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section [62-611](#), paragraphs (a) and (b), shall include any supporting structural elements of the #building or other structure# and its related appurtenances.

In addition, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections [62-652](#) and [62-655](#), respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access# shall be waived.

(e) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph (f) of this Section and shall be as follows:

(1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the common #lot line#.

Whichever parcel is #developed# later shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# provided in accordance with the requirements of paragraph (d)(2)(i) of this Section. If the parcels are #developed# concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# for a public access area(s) prior to or concurrently with the #development# of Parcel 3, and a #visual corridor# is provided in Parcel 4, then the requirements for a #visual corridor# on Parcel 3 shall be waived.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph (f) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared #lot line# of Parcel 4 and its western boundary shall be 200 feet from the shared #lot line# of Parcels 5b and 6.

(3) Parcel 5b

Two #visual corridors# shall be provided through Parcel 5b to the pierhead line as the prolongation of the #street lines# of West Street and Dupont Street, respectively.

(4) Parcel 5c

(i) Three #visual corridors# shall be provided through Parcel 5c to the pierhead line as the prolongation of the #street lines# of West Street, Eagle Street and Green Street.

(ii) The permitted obstructions on #piers# in Section [62-631](#), paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

(5) Parcel 13

Two #visual corridors# shall be provided through Parcel 13 to the pierhead line as the prolongation of the #street lines# of Milton Street and Oak Street, respectively.

(6) Parcel 14

A #visual corridor# shall be provided through Parcel 14 as the prolongation of the #street lines# of Oak Street.

(7) Parcel 15

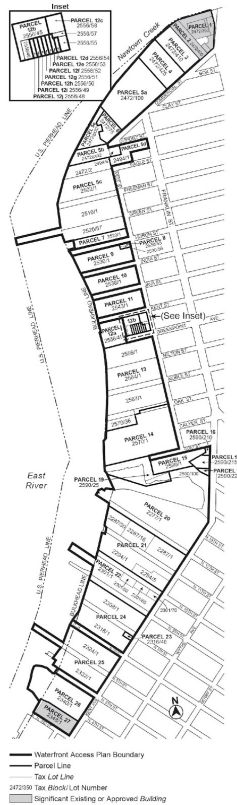
A #visual corridor# shall be provided though Parcel 15 as the prolongation of the #street lines# of West Street.

(8) Parcel 25

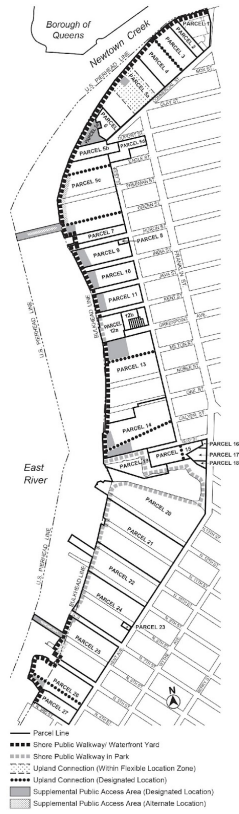
A #visual corridor# shall be provided through Parcel 25 as the prolongation of the #street lines# of North 6th Street.

(f) Greenpoint-Williamsburg Waterfront Access Plan Maps

BK-1a: Parcel Designation (62-931f.1)

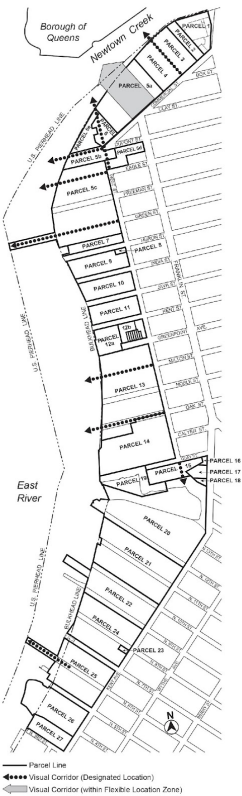


BK-1b: Public Access Elements (62-931f.2)



- Parcel Line
- - - - - Shore Public Walkway/Wharf/Yard
- Shore Public Walkway In Park
- - - - - Upland Connection (Within Flexible Location Zone)
- - - - - Upland Connection (Designated Location)
- Supplemental Public Access Area (Designated Location)
- Supplemental Public Access Area (Alternate Location)

BK-1c: Designated Visual Corridors (62-931f.3)



62-94 - Borough of Manhattan

LAST AMENDED
4/22/2009

The following Waterfront Access Plans are hereby established within the Borough of Manhattan. All applicable provisions of Article VI, Chapter 2 remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

M-1: Inwood, in the #Special Inwood District# as set forth in Section [142-60](#) (INWOOD WATERFRONT ACCESS PLAN).

62-95 - Borough of Queens

LAST AMENDED
4/22/2009

The following Waterfront Access Plans are hereby established within the Borough of Queens. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

Q-1: Northern Hunters Point, as set forth in Section [62-951](#)

Q-2: Flushing Waterfront, in the #Special Flushing Waterfront District#, as set forth in Section [127-50](#) (FLUSHING WATERFRONT ACCESS PLAN)

Q-3: Newtown Creek, in the #Special Southern Hunters Point District#, as set forth in Section [125-46](#) (Newtown Creek Waterfront Access Plan).

62-951 - Waterfront Access Plan Q-1: Northern Hunters Point

LAST AMENDED
2/2/2011

Maps Q-1a through Q-1c in paragraph (f) of this Section show the boundaries of the area comprising the Northern Hunters Point Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on October 14, 1997, as follows:

Parcel 1: Block 477, Lot 7

Parcel 2: Block 477, Lots 13, 15, 20

Parcel 3: Block 477, Lot 24

Parcel 4: 43rd Avenue between Vernon Boulevard and the East River

Parcel 5: Block 488, Lot 114

Parcel 6: Block 488, Lot 1

Parcel 7: Block 488, Lots 15, 35

Block 489, Lots 23, 46

Parcel 8: Block 25, Lot 15

Parcel 9: Block 25, Lots 1, 9, 11

Parcel 10: Block 26, Lot 10

Parcel 11: Block 26, Lots 1, 2, 3, 4, 8

Parcel 12: Block 26, Lots 17 and 21

(a) Special #waterfront yard# requirements

The #yard# regulations of Section [62-33](#) (Special Yard Regulations on Waterfront Blocks) shall be applicable. In addition, where a #waterfront yard# is not required, pursuant to Section [62-33](#), #yards# meeting the dimensional requirements of Section [62-33](#) shall be provided in connection with any #development#, in accordance with the provisions of paragraph (f) of Section [62-912](#) (Elements of a Waterfront Access Plan).

(b) Area-wide modifications

The following provisions shall apply to #zoning lots# required to provide a #waterfront public access area#, pursuant to Section [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive:

- (1) Section [62-57](#) (Requirements for Supplemental Public Access Areas) shall be inapplicable except where specifically stated otherwise in this Plan.
- (2) Section [62-58](#) (Requirements for Water-Dependent Uses and Other Developments) shall be inapplicable. In lieu thereof, for #developments# listed in Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements), paragraph (b), required #waterfront public access areas# shall be provided in accordance with Sections [62-53](#) (Requirements for Shore Public Walkways), [62-54](#) (Requirements for Public Access on Piers), [62-55](#) (Requirements for Public Access on Floating Structures) and [62-56](#) (Requirements for Upland Connections), as modified by this Plan.

However, for #developments# that include WD #uses# and would otherwise be permitted to provide public access pursuant to Section [62-58](#), the location of the public access areas specified in this Plan may be moved upland from the #shoreline# for the minimum distance required to accommodate the upland water-dependent functions of such #developments#, provided the relocation allows for a continuous public walkway connecting to #shore public walkways# on adjoining #zoning lots#.

(c) Special #waterfront public access area# and #visual corridor# provisions applying on Anable Basin

The following provisions shall apply to certain #developments# on Parcels 8, 9, 10, 11 and 12:

- (1) In the event that a #building or other structure#, existing at the time that a #waterfront public access area# is required, is located so that the minimum dimensional provisions of Sections [62-53](#) and [62-54](#) cannot be met without requiring the partial or complete demolition of such #building or other structure#, the required width of such a #waterfront public access area# shall be reduced to the width between the seaward edge of the #waterfront yard# or #lot line# and the existing #building or other structure#. However, the minimum width of a #shore public walkway# shall be six feet and that of an #upland connection# shall be 12 feet. In no case shall a #shore public walkway# have a width less than 10 feet for a continuous distance of more than 300 feet.
- (2) In the event that a #building or other structure#, existing at the time a #waterfront public access area# is required, is located so that the minimum dimensional standards for public access pursuant to paragraph (c)(1) of this Section cannot be met without requiring the partial or complete demolition of such #building or other structure#, all #waterfront public access area# requirements for such #development# shall be waived.
- (3) A #shore public walkway# required in conjunction with a #development# involving existing #buildings or other structures#, or required on any #zoning lot# having a #shoreline# length of less than 150 feet, shall be improved pursuant to Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the amount of planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent.
- (4) Within any portion of a #shore public walkway# having a width of less than 10 feet, the minimum width of the circulation path shall be six feet and all planting requirements shall be waived.

(d) Special public access provisions by parcel

The provisions of Sections [62-52](#) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-1b in paragraph (f) of this Section:

(1) Parcel 1

No #upland connection# shall be required within Parcel 1; however, a direct connection shall be provided between the #shore public walkway# and Queensbridge Park.

(2) Parcel 2

An #upland connection# shall be located between Vernon Boulevard and the #shore public walkway# within the flexible location zone

shown on Map Q-1b in paragraph (f) of this Section, which is the westerly prolongation of Queens Plaza South, either:

- (i) along the northerly tax lot line of Block 477, Lot 15, and its extension to Vernon Boulevard, if such tax lot is #developed# as a #zoning lot# separate from Block 477, Lot 13; or
- (ii) continuously adjoining the boundary between Parcels 1 and 2.

(3) Parcel 3

No #upland connection# shall be required within Parcel 3; however, a direct connection shall be provided between the #shore public walkway# and the public access area provided on Parcel 4.

(4) Parcel 4

- (i) A continuous public access area shall be provided across the westerly termination of 43rd Avenue adjoining the East River and connecting without interruption to the #shore public walkways# on Parcels 3 and 5. Such #waterfront public access area# shall have a minimum width of 40 feet and be improved consistent with the design standards set forth in Section [62-62](#), paragraphs (a) and (c)(1), for a #shore public walkway#. A screening buffer, pursuant to Section [62-655](#), shall be provided along any open or enclosed storage areas, maintenance vehicle parking or similar uses adjoining the #waterfront public access area#. Fencing may be provided to assure physical control of non-publicly accessible upland areas.
- (ii) The remaining portion of Parcel 4 shall provide pedestrian access from Vernon Boulevard to the #waterfront public access area# designated in paragraph (d)(4)(i) of this Section. The New York City Waterfront Symbol with the words "Public Waterfront" shall be installed at the intersection of any pedestrian access area with Vernon Boulevard.
- (iii) In the event that 43rd Avenue is demapped as a #street# within Parcel 4, a #shore public walkway# and #upland connection# shall be provided on Parcel 4, pursuant to Sections [62-50](#) and [62-60](#), within the westerly prolongation of 43rd Avenue.

Except as otherwise provided in this paragraph (d)(4), Section [62-60](#) shall be inapplicable.

(5) Parcel 5

(i) #Upland connection#

An #upland connection# shall be provided through Parcel 5 between Vernon Boulevard and the #shore public walkway#. The #upland connection# shall be located within either:

- (a) the flexible location zone indicated on Map Q-1b in paragraph (f) of this Section, having as its southerly boundary a line 500 feet south of 43rd Avenue and as its northerly boundary a line 200 feet north of such southerly boundary; or
- (b) a raised pedestrian sidewalk immediately adjoining a #building# provided both the sidewalk and #building# were existing on October 14, 1997.

The requirements of Sections [62-561](#) (Types of upland connections) and [62-64](#) (Design Requirements for Upland Connections) shall be inapplicable; however, any vehicular way traversing the pedestrian sidewalk shall be at the same level as such raised pedestrian sidewalk.

A direct connection shall be provided between the #shore public walkway# and the public access areas on Parcels 4 and 6.

(ii) #Supplemental public access area#

Notwithstanding paragraph (b)(1) of this Section, a #supplemental public access area# shall be provided pursuant to Sections [62-57](#) and [62-62](#), and shall be located within the flexible location zone described in paragraph (d)(5)(i) of this Section, immediately adjacent to the intersection of the #shore public walkway# and any #upland connection#, if the #upland connection# is located therein.

(6) Parcel 6

Sections [62-50](#) and [62-60](#) shall be inapplicable if public access is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as such may be modified pursuant to the terms of the declaration and in accordance with Section [62-12](#) (Applicability to Developments in the Waterfront Area). If public access is not provided pursuant to the declaration, as such may be modified, then a #waterfront public access area# shall be provided in accordance with Sections [62-50](#), as modified by

paragraph (b) of this Section, and Section [62-60](#).

(7) Parcel 7

(i) #Shore public walkway#

The #shore public walkway# shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the seaward edge of the #waterfront yard# and as its easterly boundary a line perpendicular to the northerly #street line# of 44th Drive, 600 feet westerly of Vernon Boulevard. The area between the seaward edge of the #waterfront yard# and the #shore public walkway# shall be subject to the provisions of Section [62-332](#) (Rear yards and waterfront yards).

For #developments# on a #zoning lot# having a #building or other structure#, existing on October 14, 1997, and which #developments# would retain the existing #building or other structure#, any portion of which is located within the #waterfront yard#, the #shore public walkway# may be improved pursuant to Section 62, except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent. In addition, any portion of the #shore public walkway# located on a #platform# existing on October 14, 1997, shall be exempt from the planting requirements of such Section, except that trees shall be required; however, such trees may be located off the #platform# anywhere within or immediately adjoining the #shore public walkway#.

(ii) #Upland connection#

No #upland connection# shall be required within Parcel 7.

(8) Parcel 8

An #upland connection# shall be provided through Parcel 8 and shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the westerly #street line# of 5th Street and as its easterly boundary a line 250 feet east of such #street line#. In the event that a #building or other structure#, existing at the time an #upland connection# is required, is located within the southerly prolongation of 5th Street, the #upland connection# may be located anywhere within the flexible location zone; otherwise, the #upland connection# shall be located within the southerly prolongation of 5th Street.

(9) Parcels 9, 10 and 11

(i) #Shore public walkway#

Except as provided in paragraph (c) of this Section, a #shore public walkway# shall be required across each parcel; however, on any #zoning lot# existing on October 14, 1997, having a #shoreline# length of less than 150 feet, the width of the #shore public walkway# may be reduced to 16 feet, consisting of a 10 foot wide circulation path and six foot wide screening buffer, pursuant to Section [62-655](#). In addition, the width may be further reduced as permitted pursuant to paragraph (c)(1) of this Section.

(ii) #Upland connection#

Except as provided in paragraph (c) of this Section and on any #zoning lot# with a #shoreline# length less than 100 feet, an #upland connection# shall be provided between Vernon Boulevard and the #shore public walkway# within the flexible location zone shown on Map Q-1b, having as its northerly boundary the westerly prolongation of the southerly #street line# of 45th Avenue and as its southerly boundary the westerly prolongation of the southerly #street line# of 45th Road. In the event that Parcels 10 and 11 are #developed# as a single #zoning lot# and the #upland connection# has not been provided prior to such #development# of Parcels 10 and 11, the #upland connection# shall be located within the westerly prolongation of 45th Road. Notwithstanding the requirements of Section [62-56](#) (Requirements for Upland Connections), on any #zoning lot# having a #shoreline# length of less than 150 feet, the required width of an #upland connection# may be reduced to 16 feet consisting of a 10 foot wide circulation path with the remaining area to be planted. In addition, the width may be further reduced, as permitted pursuant to paragraph (c)(1) of this Section.

(10) Parcel 12

No #upland connection# shall be required within Parcel 12; however, a direct connection shall be provided between the #shore public walkway# and 5th Street.

(e) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-1c in paragraph (f) of this Section:

(1) Parcels 1 and 2

A #visual corridor# shall be provided through Parcels 1 and 2 to the pierhead line as the westerly prolongation of Queens Plaza South. In the event that Block 477, Lot 13, is #developed# as a single #zoning lot#, all #visual corridor# requirements on that lot shall be waived.

(2) Parcel 3

The requirement for #visual corridors# on Parcel 3 is waived.

(3) Parcel 4

43rd Avenue shall be provided as a #visual corridor#.

(4) Parcel 5

A #visual corridor# shall be provided through Parcel 5 to the pierhead line within the flexible location zone described in paragraph (d)(5)(ii) of this Section and coincident with any #upland connection# provided therein.

(5) Parcel 6

Sections [62-51](#) (Applicability of Visual Corridor Requirements) and [62-513](#) (Permitted obstructions in visual corridors) shall be inapplicable if a #visual corridor# is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as may subsequently be modified pursuant to the terms of the declaration and in accordance with Section [62-12](#) (Applicability to Developments in the Waterfront Area). If the #visual corridor# is not provided pursuant to the declaration, as such may be modified, then a #visual corridor# shall be provided in accordance with Section [62-51](#).

(6) Parcel 7

The requirement for #visual corridors# on Parcel 7 is waived.

(7) Parcel 8

A #visual corridor# shall be provided through Parcel 8 as the southerly prolongation of 5th Street.

(8) Parcels 9, 10 and 11

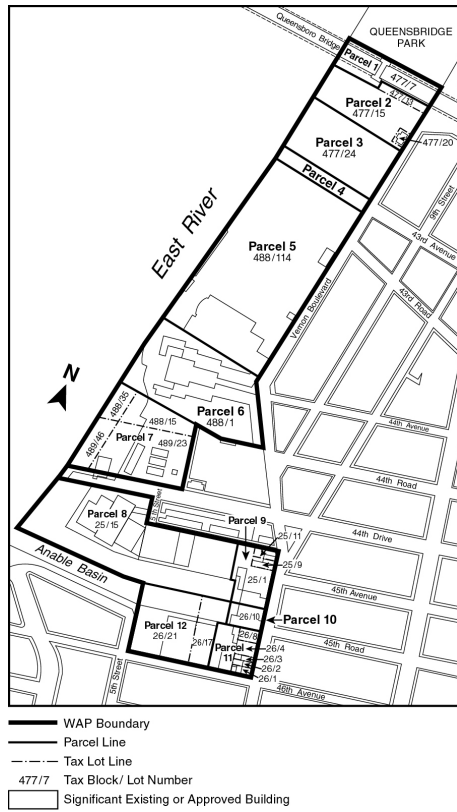
A #visual corridor#, if required pursuant to Section [62-51](#), shall be located through Parcel 9, 10 or 11 from Vernon Boulevard using the locational criteria for, and coincident with, the #upland connection# required pursuant to paragraph (d)(9)(ii) of this Section.

(9) Parcel 12

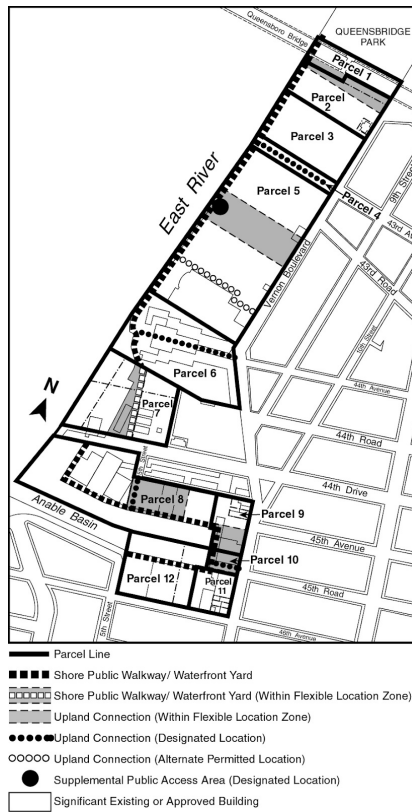
The requirement for #visual corridors# on Parcel 12 is waived.

(f) Northern Hunters Point Waterfront Access Plan Maps

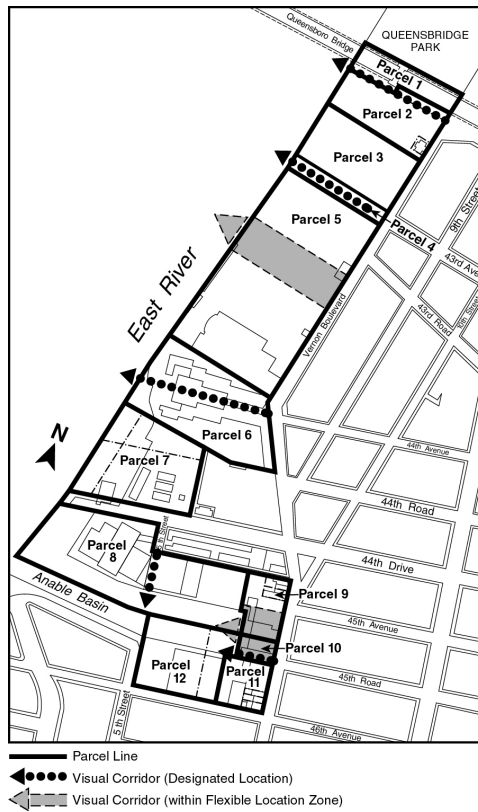
Q-1a: Parcel Designation (62-951f.1)



Q-1b: Public Access Elements Designation (62-951f.2)



Q-1c: Designated Visual Corridors Designation (62-951f.3)



62-96 - Borough of Staten Island

LAST AMENDED
4/22/2009

62-97 - Multi-Borough Plans

LAST AMENDED
4/22/2009



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 3 - Special Regulations Applying to FRESH Food Stores

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 3 - Special Regulations Applying to FRESH Food Stores

63-00 - GENERAL PURPOSES

LAST AMENDED 12/9/2009

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
 - (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
 - (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
 - (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.
-

63-01 - Definitions

LAST AMENDED
12/15/2021

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section [32-15](#) (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is allocated to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption. Such retail space shall be distributed as follows:

- (a) at least 25 percent of such retail space shall be allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;
- (b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and
- (c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section [63-30](#) (CERTIFICATION FOR A FRESH FOOD STORE).

63-02 - Applicability

LAST AMENDED
10/9/2013

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.

63-021 - Areas permitting FRESH food stores

LAST AMENDED
12/15/2021

The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in Sections [63-022](#) (Special Purpose Districts where regulations for FRESH food stores are not applicable) and [63-023](#) (Limitation on location of FRESH food stores):

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

63-022 - Special Purpose Districts where regulations for FRESH food stores are not applicable

LAST AMENDED
12/15/2021

The provisions of this Chapter shall not apply to the following Special Purpose Districts:

- #Special Madison Avenue Preservation District#;
- #Special Manhattanville Mixed Use District#; and
- #Special Park Improvement District#.

63-023 - Limitation on location of FRESH food stores

LAST AMENDED
12/15/2021

After December 15, 2021, no certification shall be issued for increased #residential# #floor area# for a #FRESH food store# where the sum of the increased #residential# #floor area# generated pursuant to Section [63-21](#) (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# that is the subject of such certification would exceed 40,000 square feet.

Such calculation shall include increased #residential# #floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission pursuant to Section [63-30](#) (CERTIFICATION FOR A FRESH FOOD STORE), including those issued prior to December 15, 2021, provided that such certification has not expired, or has not been superseded by a certification pursuant to Section [63-40](#) (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization pursuant to Section [63-50](#) (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

However, for any area that has a sum of more than 40,000 square feet of increased #residential# #floor area# generated pursuant to Section [63-21](#), the Chairperson may certify a #FRESH food store# that was previously certified pursuant to Section [63-30](#), provided such certification has not lapsed and that there shall be no increase in the amount of increased #residential# #floor area# beyond what was previously certified for such #FRESH food store#.

63-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/9/2009

63-11 - Special Use Regulations for FRESH Food Stores in M1 Districts

†

LAST AMENDED
12/6/2023

In M1 Districts, the regulations of Section [42-12](#) (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 8, 9B, 10A, 10B, 11, 12A, 12C, 12D, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

63-12 - Special Sign Regulations

LAST AMENDED
12/9/2009

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall provide signage pursuant to this Section.

A #sign# comprised of the #FRESH food store# symbol as provided in the [Required Signage Symbols](#) file at the Department of City Planning website shall be mounted on an exterior #building# wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and at a height no less than three feet and no more than five feet above the adjoining grade. Such #FRESH food store# symbol shall be no less than 12 inches by 12 inches and no more than 16 inches by 16 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials.

63-20 - SPECIAL BULK AND PARKING REGULATIONS

LAST AMENDED
12/9/2009

63-21 - Special Floor Area Regulations

LAST AMENDED
12/15/2021

Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet.

However, for #zoning lots# that do not contain a #Quality Housing building#, where any non-#residential use# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #floor area ratio# of the #zoning lot# shall not exceed the maximum permitted #floor area ratio# for such non-#residential use#.

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential# #floor area# generated pursuant to this Section shall be exempt from such calculations.

For #compensated developments# or #MIH developments#, as defined in Section [23-911](#) (General definitions), the requirements of Section [23-154](#) (Inclusionary Housing) shall not apply to the increased #residential# #floor area# generated pursuant to this Section.

63-22 - Authorization to Modify Maximum Building Height

LAST AMENDED
12/15/2021

For #zoning lots# containing a #FRESH food store# and #residences#, the City Planning Commission may authorize modifications to Sections [35-65](#) (Height and Setback Requirements for Quality Housing Buildings), or to the height and setback regulations of any Special Purpose District where maximum height limits apply to allow the applicable maximum #building# height to be increased by up to 15 feet and by up to one #story#, provided that the portion of the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

In order to grant such authorizations, the Commission shall find that:

- (a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;
- (b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

63-23 - Special Transparency Requirements

LAST AMENDED
12/9/2009

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following

provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary street frontage# shall be glazed in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

Furthermore, for #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #building# is a recipient of #public funding#. For the purposes of this Section, defined terms shall include those in Sections [12-10](#), [23-911](#) and 37-311.

63-24 - Required Accessory Off-street Parking Spaces in Certain Districts

LAST AMENDED
12/9/2009

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use# pursuant to Section [63-40](#) (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section [63-50](#) (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such changed #use# as if the #use# is at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization pursuant to Section [63-50](#).

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6, R7, R8, R9 and R10 Districts and in C4-2 and C4-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section [36-23](#) (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section [36-23](#) shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section [36-23](#) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section [36-23](#) shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections [36-20](#) or [44-20](#) shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply:
 - (1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix B of this Chapter; and
 - (2) in the Borough of Queens, to the #Special Downtown Jamaica District#.

63-30 - CERTIFICATION FOR A FRESH FOOD STORE

LAST AMENDED
12/15/2021

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

- (a) drawings have been submitted to the Chairperson that clearly specify:
 - (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food products, pursuant to Section [63-01](#);
 - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section [63-21](#), including the location of such #floor area#;

- (3) the size, format and location of the required #sign#, pursuant to Section [63-12](#), including detailed information about dimensions of the #sign#, lettering, color and materials; and
 - (4) the location of the ground floor level #street wall# fronting upon a #primary street frontage#, pursuant to Section [63-23](#);
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) for #zoning lots# containing increased #residential floor area# generated pursuant to Section [63-21](#) (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to certification by the Chairperson.

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

Changes to the store layout of a #FRESH food store# that has been constructed pursuant to a previous certification under this Section, where such changes result in a #FRESH food store# that continues to comply with the requirements of this Chapter, shall not require subsequent certification by the Chairperson under this Section. #FRESH food stores# certified prior to December 15, 2021, that do not comply with paragraph (c) of the definition of #FRESH food store# may change the floor layout provided that there is no increase in the degree of non-compliance with such requirement.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson. If the Community Board elects to comment on such application, it must be done within 45 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 45-day comment period has expired, whichever is earlier.

For #zoning lots# containing increased #residential floor area# generated pursuant to Section [63-21](#) (Special Floor Area Regulations), if a #development# or horizontal #enlargement# fails to comply with the provisions of Section [11-331](#) (Right to construct if foundations completed) with respect to completion of foundations within four years of the date of certification pursuant to this Section, such certification and such building permit shall lapse, and any new building permit will require a new certification pursuant to this Section.

63-31 - Requirements for Certificate of Occupancy

LAST AMENDED
12/9/2009

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (a)(2) of Section [63-30](#) until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a)(1) of Section [63-30](#) and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions, where required pursuant to paragraph (c) of Section [63-30](#), shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40 - CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

LAST AMENDED

12/9/2009

A #FRESH food store# for which a certification has been issued pursuant to Section [63-30](#) may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section [63-24](#) (Required Accessory Off-street Parking Spaces in Certain Districts).

If a certification pursuant to this Section is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section [63-30](#) shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

63-50 - AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

LAST AMENDED

12/9/2009

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section [63-30](#), would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section [63-24](#) (Required Accessory Off-street Parking Spaces in Certain Districts), provided that such #use# is permitted by the underlying districts.

In order to grant such authorization, the Commission shall find that:

- (a) due to the market conditions prevalent at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;
- (b) the applicant, the operator or a prior operator of such #FRESH food store# has not created or contributed to such unfavorable market conditions;
- (c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the Commission that such efforts have been unsuccessful;
- (d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses#, including #uses# within the #building#; and
- (e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

If such authorization is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section [63-30](#), shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

In issuing an authorization under this Section, the Commission may impose conditions and safeguards to minimize adverse impacts on the character of the surrounding area.

63-60 - COMPLIANCE

LAST AMENDED

12/9/2009

No later than June 30th of the year, beginning in the second calendar year following the calendar year in which certification was made, and at three-year intervals thereafter, the Chairperson of the City Planning Commission shall be provided with an affidavit, in a form acceptable to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

- (a) a copy of the original #FRESH food store# certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (b) a statement that the #floor area# or #cellar# space that was certified to be operated as a #FRESH food store# continues to be operated as such in

accordance with the declaration of restrictions; and

- (c) photographs documenting the condition of the #FRESH food store# at the time of inspection, sufficient to clearly show all #floor area# or #cellar# space operated as a #FRESH food store#.

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to this Chapter or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such authorization or certification, and for the implementation of all other applicable remedies.

Appendix A - FRESH Food Store Designated Areas

LAST AMENDED 12/15/2021

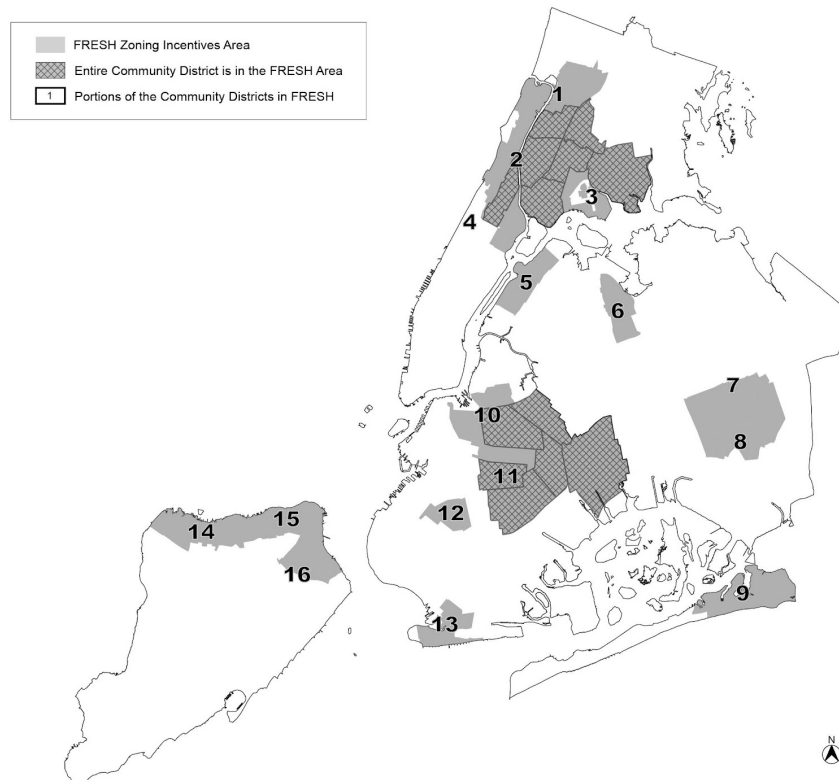
#FRESH food store# designated areas are:

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

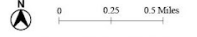
all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.



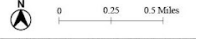
FRESH Map 1

FRESH 1 Area FRESH Expansion Area



FRESH Map 2

FRESH 1 Area FRESH Expansion Area



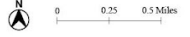
FRESH Map 4

FRESH 1 Area FRESH Expansion Area



FRESH Map 6

 FRESH Expansion Area



FRESH Map 7



FRESH Map 10

■ FRESH 1 Area ▨ FRESH Expansion Area



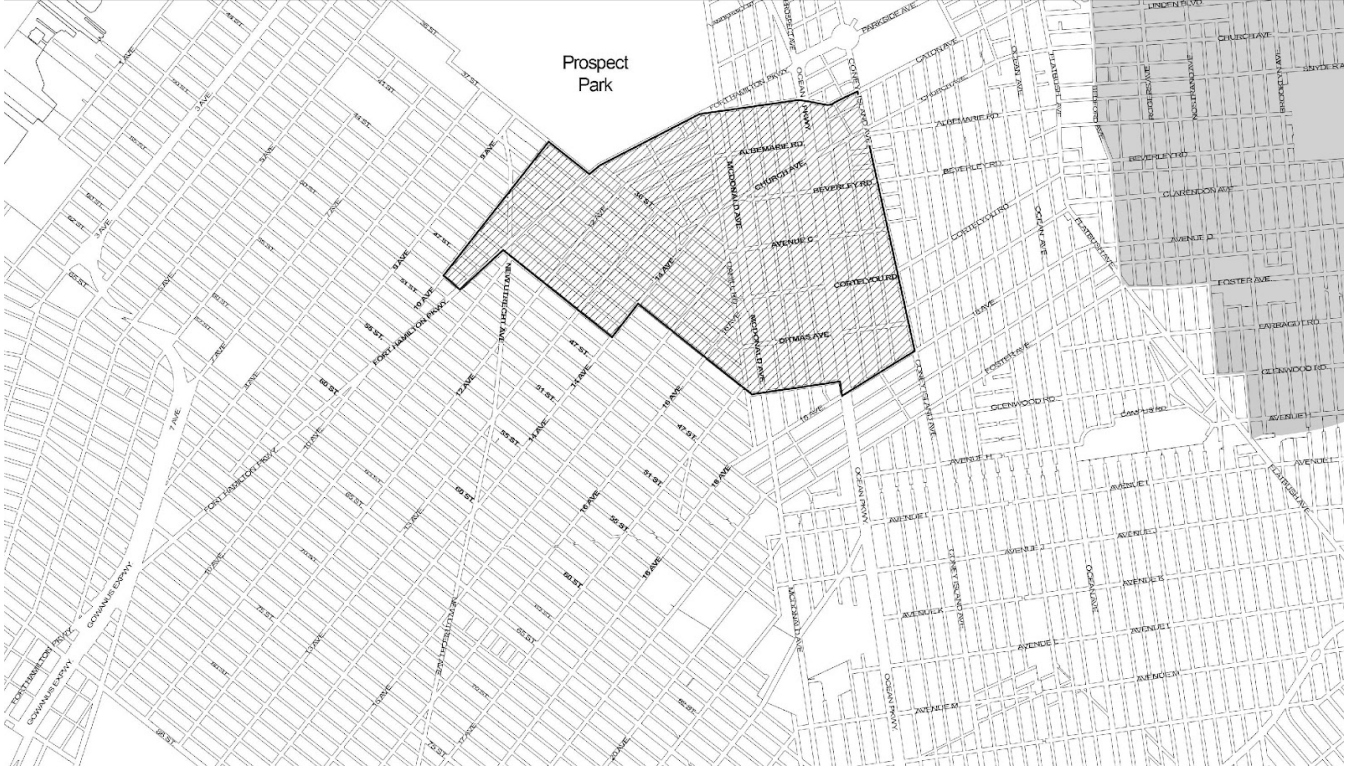
FRESH Map 11

FRESH 1 Area FRESH Expansion Area



FRESH Map 12

FRESH 1 Area  FRESH Expansion Area  0 0.25 0.5 Miles



FRESH Map 13

 FRESH Expansion Area



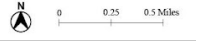
0 0.25 0.5 Miles





FRESH Map 15

 FRESH Expansion Area



FRESH Map 16

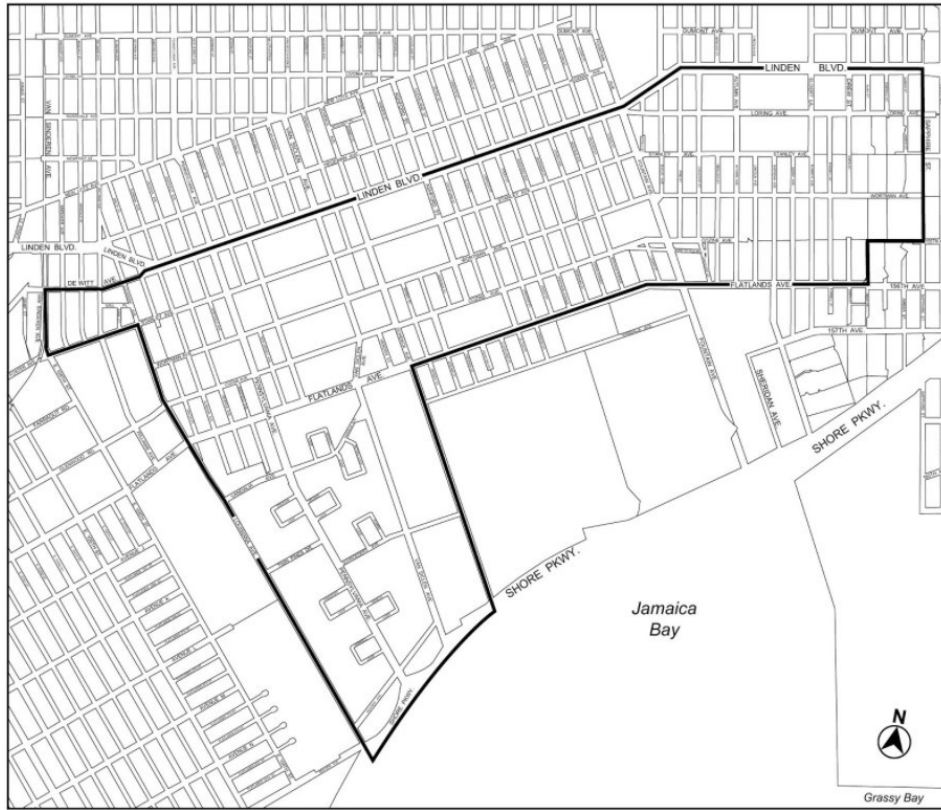
 FRESH Expansion Area



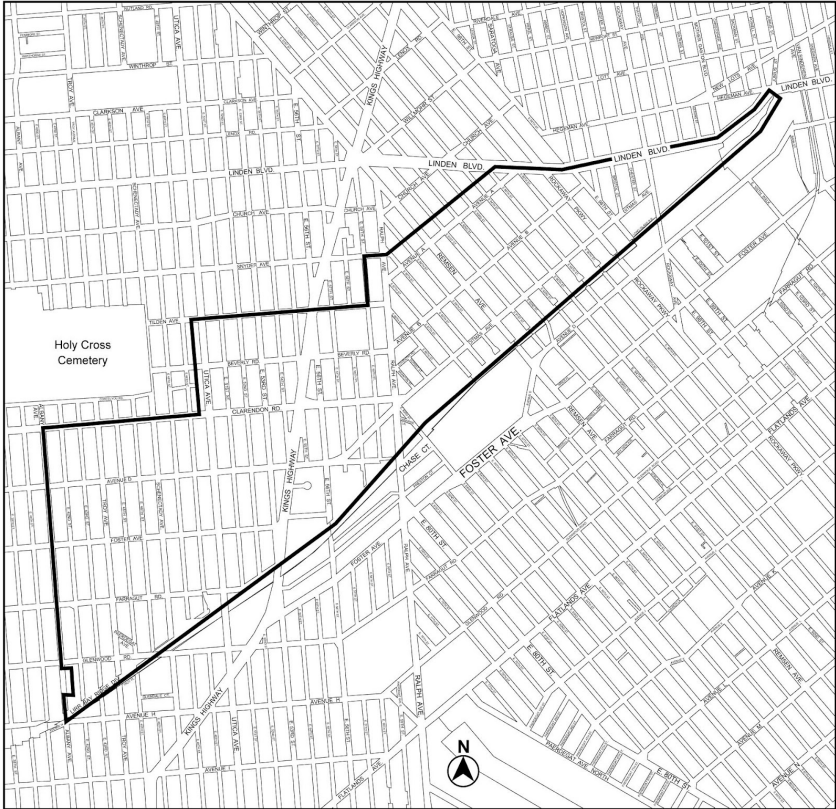
Appendix B - Required Off-street Accessory Parking Exceptions

LAST AMENDED 12/15/2021

Map 1. Excluded portions of Community District 5, Brooklyn



Map 2. Excluded portions of Community District 16 and 17, Brooklyn





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 4 - Special Regulations Applying in Flood Zones

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 4 - Special Regulations Applying in Flood Zones

64-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the flood-resistant construction standards of Appendix G of the New York City Building Code;
- (b) to enable buildings to be constructed or retrofitted pursuant to flood-resistant construction standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to allow sea level rise to be incorporated into the design of buildings in flood zones in order to provide longer-term and greater protection from flood risk than what is currently required by Appendix G of the New York City Building Code;
- (d) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and
- (e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

64-10 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

64-11 - Definitions

LAST AMENDED
5/12/2021

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section [12-10](#) (DEFINITIONS). Where matter in *italics* is defined both in Section [12-10](#) and in this Chapter, the definitions in this Chapter shall govern.

Cottage envelope building

A "cottage envelope building" is a *#single-#* or *#two-family#* *#detached#* *#residence#* located within R1 through R5 Districts, *#developed#*, *#enlarged#*, or altered, pursuant to any of the optional provisions of Section [64-33](#) (Special Regulations for Cottage Envelope Buildings), provided that:

- (a) such *#single-#* or *#two-family#* *#detached#* *#residence#* complies with Section [64-333](#) (Height and setback regulations for cottage envelope buildings); and
- (b) is located within a *#zoning lot#* that has a *#lot area#* that is less than that required by the applicable district; and
 - (1) has a *#lot width#* that is either:

- (i) less than that required under the provisions of Section [23-32](#) (Minimum Lot Area or Lot Width for Residences) in R1, R2, R3-1, R3-2, R3X, R4, R4A, R5, and R5A Districts; or
 - (ii) equal to or less than 30 feet in R3A, R4-1, R4B, R5B, and R5D Districts; or
- (2) has a depth of less than 95 feet at any point.

All #cottage envelope buildings# shall also be #flood-resistant buildings#.

First story above the flood elevation

The “first story above the flood elevation” shall be the finished floor level of the first #story# located at or above the level at which a #building# complies with #flood-resistant construction standards# and, for #buildings# utilizing the #reference plane#, shall be no lower than the particular level established as the #reference plane#.

Flood map

“Flood map” shall be the most recent map or map data used as the basis for #flood-resistant construction standards#.

Flood-resistant building

A “flood-resistant building” is a #building or other structure#, which complies with all applicable #flood-resistant construction standards#.

Flood-resistant construction elevation

The “flood-resistant construction elevation” shall be the level of flood elevation required by Appendix G of the New York City Building Code for the “Flood design classification” of a #building or other structure# as set forth therein, or a height of two feet above the lowest grade adjacent to the #building or other structure#, whichever is higher.

Flood-resistant construction standards

“Flood-resistant construction standards” are the construction standards set forth in Appendix G of the New York City Building Code for “Post-FIRM Construction” that aid in protecting #buildings or other structures# in #flood zones# from flood damage, and governs both #building or other structures# that are required to comply with such standards and those that voluntarily comply. For #buildings or other structures# utilizing the provisions of this Chapter, #flood-resistant construction standards# shall be applied up to the #flood-resistant construction elevation# or higher.

High-risk flood zone

The “high-risk flood zone” is the area, as indicated on the #flood maps#, that has a one percent chance of flooding in a given year.

Lowest usable floor

The “lowest usable floor” of a #building# is the lowest floor of such #building# that contains #floor area#, and may include #basements# and #cellars#, as defined in Section [12-10](#) (DEFINITIONS).

Moderate-risk flood zone

The “moderate-risk flood zone” is the area, as indicated on the #flood maps#, and not within of the #high-risk flood zone#, that has a 0.2 percent chance of flooding in a given year.

Primary street frontage

For the purposes of applying the provisions of Section [64-322\(c\)](#), a “primary street frontage” shall include:

- (a) in #Commercial Districts#, frontages that meet the criteria for a “primary street frontage” as defined in Section [37-311](#);
- (b) in M1 Districts paired with #Residence Districts#, frontages along:
 - (1) #wide streets#;
 - (2) #narrow streets# within 50 feet of a #wide street#; and
 - (3) #narrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and
- (c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

Reference plane

The “reference plane” is a horizontal plane from which the height and setback regulations governing a #building or other structure# may be measured, in accordance with certain provisions of this Chapter. The #reference plane# shall not be located above the #first story above flood elevation#, as applicable.

For #zoning lots# located wholly or partially within the #high-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. However, where the #flood-resistant construction elevation# exceeds a height of 10 feet above the #base plane# or #curb level#, as applicable, the #reference plane# may be established at the #flood-resistant construction elevation#.

For #zoning lots# located wholly or partially within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable.

64-12 - Applicability

LAST AMENDED
5/12/2021

The optional provisions of this Chapter shall apply to #zoning lots# located wholly or partially within #flood zones#, as follows:

- (a) For all #zoning lots# in the #flood zone#

The provisions of Sections [64-21](#) (Special Use Regulations for All Buildings), [64-31](#) (Special Bulk Regulations for All Buildings) and [64-41](#) (Special Parking Regulations for All Buildings), inclusive, may be applied to all #zoning lots#, regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

- (b) For #zoning lots# containing #flood-resistant buildings#

The provisions of Sections [64-22](#) (Special Use Regulations for Flood-resistant Buildings), [64-32](#) (Special Bulk Regulations for Flood-resistant Buildings), [64-42](#) (Special Parking Regulations for Flood-resistant Buildings), and [64-60](#) (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), inclusive, may be applied only to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#, as applicable, and Section [64-33](#) (Special Bulk Regulations for Cottage Envelope Buildings) may additionally be applied exclusively to #zoning lots# containing #cottage envelope buildings#. Where such provisions are utilized, the provisions of Section [64-50](#) (STREETSCAPE REGULATIONS), inclusive, shall apply.

- (c) For portions of #buildings#

The following provisions may be applied to portions of #buildings# as follows:

- (1) the provisions of Section [64-311](#) (Special floor area modifications for all buildings) and [64-313](#) (Special height and setback regulations for all buildings) may be applied to portions of #buildings#, regardless of whether such portions comply with #flood-resistant construction standards#;

- (2) the provisions of Section [64-32](#) (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to portions of #buildings#, provided that such portions comply with #flood-resistant construction standards# for the entirety of its vertically contiguous segments. Where such provisions are utilized within portions of #buildings#, the provisions of Section [64-50](#) (STREETSCAPE REGULATIONS), inclusive, shall apply.

64-13 - Applicability of District Regulations

LAST AMENDED
10/10/2013

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.

64-20 - SPECIAL USE REGULATIONS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section [64-21](#) (Special Use Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section [64-22](#) (Special Use Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

64-21 - Special Use Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-211 - Limitation on floors occupied by commercial uses

LAST AMENDED
5/12/2021

C1 C2

For the purposes of this Section, in the districts indicated, the provisions of Section [32-421](#) (Limitation on floors occupied by commercial uses) may be modified to allow #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 to occupy the lowest two #stories# of a #mixed building#, provided that such #mixed building# contains no #basement# or #cellar#. In addition, such #uses# listed in Use Group 6, 7, 8, 9 or 14 may occupy the same #story# occupied in whole or in part by #dwelling units#, provided that the #uses# are located in a portion of the #mixed building# that has a separate access to the #street# with no direct access to the #residential# portion of the #building# at any #story#.

64-22 - Special Use Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-221 - Measurement of height

LAST AMENDED
5/12/2021

In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#. However, this provision shall not apply to #signs# not affixed to #buildings or other structures#.

64-222 - Ground floor use

LAST AMENDED
5/12/2021

In all districts, any applicable ground floor level requirements of this Resolution including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements, may be modified as follows:

- (a) In locations of the #flood zone# where #flood-resistant construction standards# prohibit dry-flood-proofing, thereby limiting #uses# other than parking, storage and building access from being located below the #flood-resistant construction elevation#, such ground floor level requirements need not apply.
 - (b) In all other locations of the #flood zone#, all regulations of this Resolution restricting the location of a ground floor in relation to the adjoining sidewalk level need not apply, provided that all other ground floor level regulations shall be applied to the lowest #story# above grade that is not solely used for parking, storage or building access, and further provided that the finished floor level of such #story# shall be located either at or below the level of the #flood-resistant construction elevation# or five feet above #curb level#, whichever is higher. All associated transparency requirements may be measured from such level of the finished floor instead of the level of the adjoining sidewalk.
-

64-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section [64-31](#) (Special Bulk Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section [64-32](#) (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

The provisions of Section [64-33](#) (Special Bulk Regulations for Cottage Envelope Buildings), inclusive, may be applied to #zoning lots# with #cottage envelope buildings#.

64-31 - Special Bulk Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-311 - Special floor area modifications for all buildings

†

LAST AMENDED

For all #buildings#, the definition of #floor area# in Section [12-10](#) (DEFINITIONS) shall be modified in accordance with the provisions of this Section.

(a) Flood control devices

In all districts, for every linear foot of protection by temporary flood control devices and associated fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter, up to 15 square feet of floor space used for the storage of such devices may be excluded from the definition of #floor area#, provided that in no event shall such exempted floor space exceed 1,000 square feet.

(b) Buildings containing non-#residential uses#

In #Commercial# and #Manufacturing Districts#, where the permitted #commercial# or #manufacturing# #floor area ratio# does not exceed 1.0, up to 500 square feet of floor space may be excluded from the definition of #floor area#, provided that:

- (1) the #building# is used exclusively for #non-residential uses#; and
- (2) such floor space is located at or above the #flood-resistant construction elevation#.

64-312 - Permitted obstructions in required yards, courts, and open spaces for all zoning lots

†

LAST AMENDED
12/6/2023

The regulations for permitted obstructions in #yards#, #courts# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Mechanical equipment

In all districts, where such #energy infrastructure equipment# or #accessory# mechanical equipment is elevated above the #flood-resistant construction elevation#, the underlying permitted obstruction regulations for such equipment may be modified as follows:

- (1) where any equipment is required to be located at least five feet from any #lot line#, such distance may be reduced to three feet for #zoning lots# that have less than the prescribed minimum #lot area# or #lot width# required by the applicable district regulations;
- (2) the maximum height of such permitted obstructions for the applicable district:
 - (i) may be measured from the #reference plane# instead of the level of the adjoining grade or #curb level#, as applicable; or
 - (ii) for #zoning lots# containing #residences# and a #lot area# greater than or equal to one and one-half acres, may exceed the applicable height limitations, provided that:
 - (a) such equipment is contained within a #building or other structure# that is located at least 30 feet from any #legally required window#;
 - (b) any stack associated with heating, ventilation, and air conditioning (HVAC) systems exhausts at a height at least as tall as the tallest #building# containing #residences# on the #zoning lot#; and
 - (c) such #building or other structure# complies with one point of the streetscape mitigations set forth in Section [64-52](#) (Ground floor level mitigation options); and
- (3) the maximum area that such equipment may occupy within a required #side yard#, #rear yard# or #rear yard equivalent#, or any #court# containing #legally required windows# need not apply where the height of such obstructions do not exceed the applicable underlying height allowances, as modified by the provisions of paragraph (a)(2)(ii)(a) of this Section.

(b) Berms

In all districts, structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, shall be permitted obstructions in any required #open space#, #yard# or #rear yard equivalent# on the #zoning lot#, provided that the height of such berm does not exceed the highest #flood-resistant construction elevation# required on the #zoning lot#, or five feet above the lowest adjoining grade, whichever is higher.

(c) Flood control devices

In all districts, temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts#, #open space#, #public plazas#, #arcades#, pedestrian circulation spaces and all other publicly accessible open spaces. However, permanent fixtures for self-standing flood control devices installed in #publicly accessible open areas#, #arcades#, and pedestrian circulation spaces shall be flush-to-grade.

(d) Steps

In all #Residence Districts#, the provisions of paragraph (a)(8) of Section [23-442](#) (Additional permitted obstructions) shall be modified to allow steps within a required #yard# or #rear yard equivalent#, provided that such steps access any #story# located at or below the #first story above the flood elevation#.

64-313 - Special height and setback regulations for all buildings

†

LAST AMENDED
12/6/2023

The regulations for permitted obstructions to applicable height and setback regulations shall be modified in accordance with the provisions of this Section.

For #Quality Housing buildings#, or portions thereof, as an alternative to the provisions of paragraph (c) of Section [23-623](#), dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

64-32 - Special Bulk Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-321 - Measurement of height for flood-resistant buildings

LAST AMENDED
5/12/2021

In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#, except as follows:

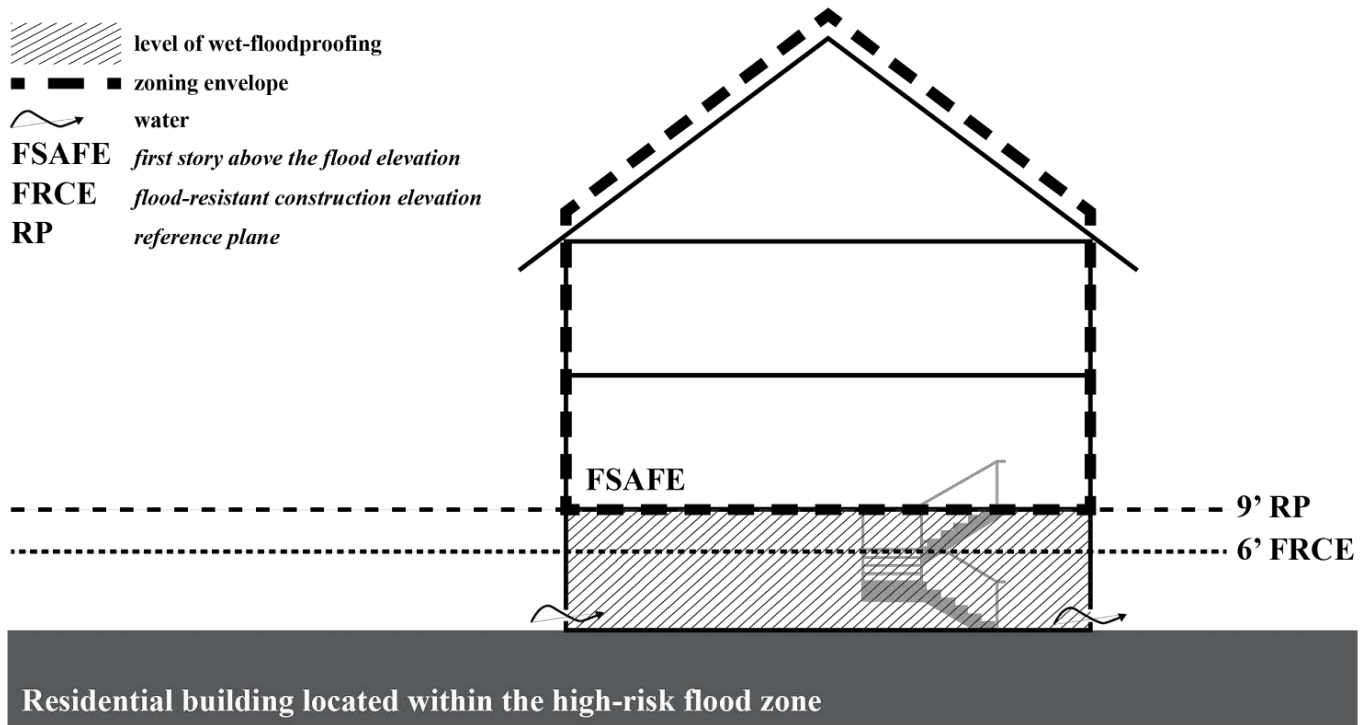
- (a) for #Quality Housing Buildings#, any minimum base height requirements shall continue to be measured from the #base plane#; and
- (b) the provisions of this Section shall not apply:
 - (1) to fences or other structures that are not #buildings#; and

- (2) to #buildings# that are #accessory# to #single-# or #two-family residences#, except when mechanical equipment is located within such #building#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the optional height regulations available to #zoning lots# in #flood zones#. Specially, the examples illustrate how the defined terms #reference plane#, from which height is measured, relates to the #flood-resistant construction elevation# and the #first story above the flood elevation#. All terms are defined in Section [64-11](#) (Definitions).

EXAMPLE 1






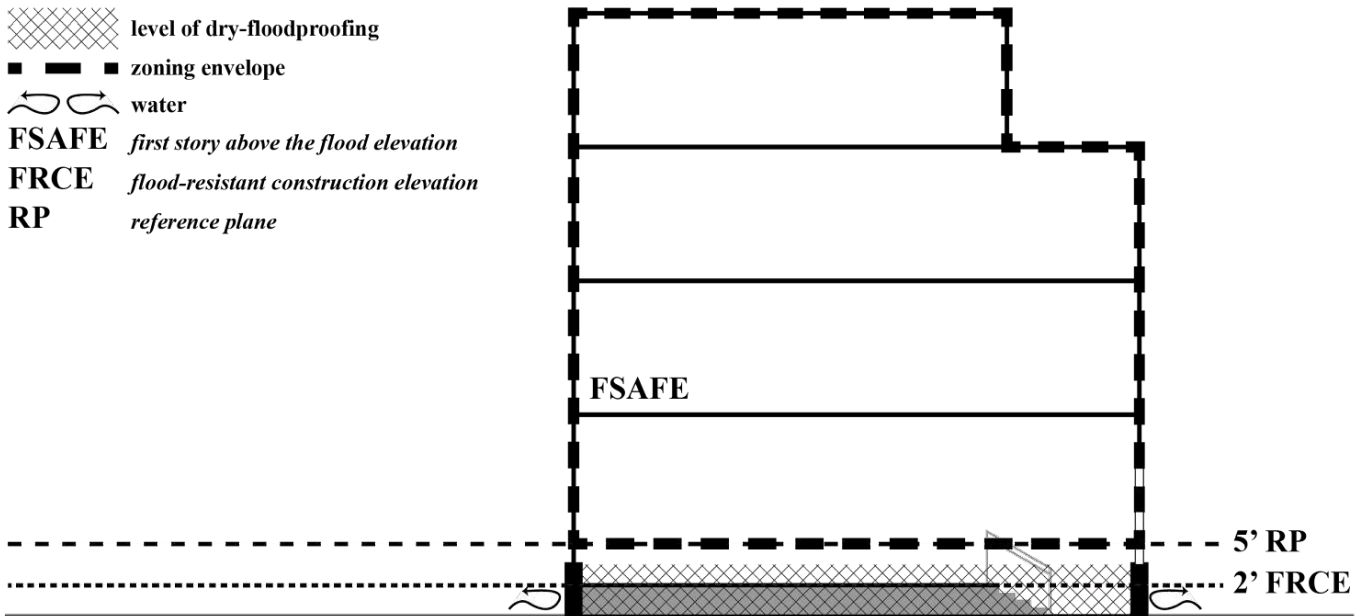
A #zoning lot# located within the #high-risk flood zone# has a #flood-resistant construction elevation# (as defined in Section [64-11](#)) that equates to being located six feet above grade (for illustrative purposes). The owner of a #single-family# #detached# #residence# would like to elevate the first habitable floor three feet above the #flood-resistant construction elevation# and wet-floodproof the ground floor up to that same level (nine feet above grade) to account for sea level rise projections.

Pursuant to Section [64-321](#), height measurements in #flood zones#, including height and setback regulations, may start from the #reference plane#, allowing the owner the necessary flexibility to address long-term climate change. For #zoning lots# located within the #high-risk flood zone#, the #reference plane#, may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. (Where the #flood-resistant construction elevation# exceeds 10 feet, the #reference plane# may still be established at the #flood-resistant construction elevation#, but that is not the case here.) While there is a level of flexibility built into the #reference plane# definition, the #reference plane# itself must also be located at or below the #first story above flood elevation#.

Considering the owner of such #single-family# #detached# #residence# is proposing to wet-floodproof the ground floor up to nine feet above grade, the #first story above flood elevation# becomes the finished floor level of the first #story# located at or above nine feet, which is, in this case, the second #story#. Therefore, the #reference plane# was able to be situated at that same level (nine feet above grade), but not higher.

EXAMPLE 2

-  level of dry-floodproofing
-  zoning envelope
-  water
- FSAFE** *first story above the flood elevation*
- FRCE** *flood-resistant construction elevation*
- RP** *reference plane*



Mixed-use building located within the moderate-risk flood zone

A #zoning lot# located within the #moderate-risk flood zone# has a #flood-resistant construction elevation# (as defined in Section [64-11](#)) of two feet above the lowest grade adjacent to the #building or other structure#. The owner of a #mixed building# that was flooded during Hurricane Sandy, would like to proactively comply with #flood-resistant construction standards# to be better prepared in the event of a future storm. To realize that, the owner decided to elevate the ground floor with a #commercial# #use# to the #flood-resistant construction elevation#, and dry-floodproof one foot above that for extra safety.

Pursuant to Section [64-321](#), height measurements in #flood zones#, including height and setback regulations, may start from the #reference plane#, allowing the owner the necessary flexibility to address long-term climate change. For #zoning lots# located within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable. While there is a level of flexibility built within the #reference plane# definition, the #reference plane# must also be located at or below the #first story above flood elevation#.

Considering that the owner of such #mixed building# is proposing to elevate and dry-floodproof the ground floor up to three feet above grade, the #first story above flood elevation# becomes the finished floor level of the first #story# located at or above three feet, which is, in this case, the second #story#. Therefore, the #reference plane# was able to be situated at five feet above the #base plane# or #curb level#, as applicable.

64-322 - Special floor area modifications for flood-resistant buildings

LAST AMENDED
5/12/2021

For all #flood-resistant buildings#, the definition of #floor area# may be modified in accordance with the provisions of this Section.

(a) Entryways

In all districts, for #buildings# other than #residential buildings# with enclosed entryways below the #first story above the flood elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #first story above the flood elevation# and the level of the adjoining sidewalk, provided such floor space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each entryway.

Such exempted floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for #floor area# at the ground floor.

(b) Modifications to attic allowances for #residential buildings#

In R2X, R3, R4, R4A, and R4-1 Districts outside of #lower density growth management areas#, the provisions of paragraph (a) of Section [23-142](#) (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall be modified to allow the #floor area ratio# set forth in the table of such Section to be exceeded by 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least three and one-half inches in vertical distance for each foot of horizontal distance.

(c) Flood-proofed ground floors

(1) For #buildings# along #primary street frontages#, or portions thereof, as defined in Section [64-11](#), floor space located below the #first story above the flood elevation# and within 30 feet of the #street wall# along such #primary street frontage# may be excluded from the calculation of #floor area#, provided that:

- (i) such floor space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher;
- (ii) the level of the finished floor of such floor space is located no more than two feet above nor two feet below #curb level#;
- (iii) such floor space shall be limited to non-#residential uses# other than #accessory# parking or #public parking garages# and subject to the minimum depth requirements set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses);
- (iv) #ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements); and
- (v) for #developments#, the level of the #first story above the flood elevation# is 13 feet or more above the level of the adjoining sidewalk.

However, such floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for non-#residential# #floor area# at the ground floor.

(2) In all districts, floor space located below the #first story above the flood elevation# may be excluded from the calculation of #floor area# provided such floor space complies with the #flood-resistant construction standards# for wet-flood-proofing up to the #flood-resistant construction elevation# or higher.

(d) #Floor area# for existing #buildings#

For #zoning lots# containing #buildings# existing prior to May 12, 2021, as an alternative to the #floor area# regulations of this Chapter, the amount of #floor area# allocated to a #basement# or #cellar# in such existing #building# may be determined in accordance with how those terms were defined prior to May 12, 2021.

64-323 - Special regulations for required yards and open spaces for zoning lots with flood-resistant buildings

LAST AMENDED
5/12/2021

For #zoning lots# with #flood-resistant buildings#, the regulations for #yards# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Level of required yards

In all districts, the underlying #yard# regulations shall be modified to allow the level of a #yard# or a #rear yard equivalent# to be located higher than #curb level#, provided that it does not exceed the #flood-resistant construction elevation#, and the level set forth by the following regulations:

- (1) in #Residence Districts#, the final grade of #front yards# and #side yards# shall not penetrate a plane that begins three feet above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2 feet 6 inches of horizontal distance;
- (2) in #Commercial# and in #Manufacturing Districts#, for portions of #zoning lots# where Sections [33-29](#) and [43-30](#) (SPECIAL

PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) apply, the level of #front yards# and #side yards# may be permitted to exceed #curb level# only pursuant to paragraph (a)(1) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces below grade on all sides in a manner inconsistent with #flood-resistant construction standards#.

(b) Permitted obstructions

(1) Covered porches, balconies, and covered access areas

In all districts, a porch or access area covered by a roof or other permanent structure shall be permitted obstructions in any required #open space# or #yard# on the #zoning lot#. Where permanent structures such as balconies are located directly above a porch or access area, such balconies may exceed the width and depth standards of Section [23-13](#) (Balconies).

(2) Retaining walls

In #Residence Districts#, retaining walls shall be permitted in #front yards# and #side yards# provided any retaining wall parallel to, or within 15 degrees of being parallel to, the #street# shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall, so that no more than three feet of such retaining wall is visible from the #street#; and

(3) Fences

In #Residence Districts#, portions of fences located in #front yards# with height greater than four feet above #curb level# shall be required to be no more than 50 percent opaque.

(c) Front yard planting requirement

In R1 through R5 Districts, where the distance between the #street wall# and the #street line# is 10 feet or less, or for #zoning lots# with #front yards# that are shallower than the minimum required pursuant to the applicable district regulations, stairs, ramps or lifts that access the #first story# above the flood elevation# shall be exempted from the area of a #front yard# for the purpose of calculating the planting requirements of Section [23-451](#) (Planting requirement).

64-324 - Street wall location for flood-resistant buildings

LAST AMENDED
5/12/2021

For all #buildings#, where the #street wall# location regulations of this Resolution require the #street wall# to be located within eight feet of the #street line#, such regulations may be modified to accommodate exterior stairs and ramps for access to the #building#, to comply with the requirements of Section [64-50](#) (Streetscape Regulations), or to provide temporary flood control devices and associated fixtures, as follows:

(a) no #street wall# need be located closer to the #street line# than eight feet;

(b) for #buildings# on #zoning lots# with a #lot width# greater than or equal to 50 feet, up to 50 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court# and the height of such recess shall not be less than the height of the first #story# located completely above the level of the adjoining grade; and

(c) for #buildings# on #zoning lots# with a #lot width# of less than 50 feet:

(1) for the first #story# above the #flood-resistant construction elevation#, or #reference plane#, as applicable, and any #street wall# below such first #story#, the #aggregate width of street wall# may be located anywhere; and

(2) for the remaining #aggregate width of street walls# above such #stories#, up to 50 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

For all #buildings# where the aggregate width of exterior stairs, ramps, or elevated platforms in front of a #street wall# exceeds 70 percent or more along the ground floor of the #street wall#, such stairs, ramps, or elevated platforms shall be screened by living plant material or by the provisions of paragraph (b)(1) of Section [64-521](#) (Options available for all buildings).

64-33 - Special Bulk Regulations for Cottage Envelope Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# with #cottage envelope buildings#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

No #building# that utilizes the provisions of this Section shall subsequently be #enlarged# pursuant to Section [73-622](#) (Enlargements of single- and two-family detached and semi-detached residences).

64-331 - Modifications to the attic allowance for cottage envelope buildings

LAST AMENDED
5/12/2021

R3 R4A R4-1

In #lower density growth management areas# in the districts indicated, the provisions of paragraph (b) of Section [23-142](#) (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall be modified to allow the #floor area ratio# set forth in the table of such Section to be exceeded by 20 percent, provided that any such increase in #floor area# is located in any portion of a #cottage envelope building# covered by a sloping roof that rises at least three and one-half inches in vertical distance for each foot of horizontal distance.

64-332 - Special regulations for required yards, courts and open spaces on zoning lots with cottage envelope buildings

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# containing #cottage envelope buildings#, the following #yards#, #courts# and #open space# regulations may be modified in accordance with the provisions of this Section.

(a) Lot Coverage and Open Space

In R1-2A, R2A, R3-1, R3-2, R4, R4-1, and R4A Districts, the #lot coverage# and #open space# regulations need not apply. In lieu thereof, the #yard# requirements of this Section shall apply.

(b) Front Yards

For #buildings# that are utilizing the provisions of this paragraph, the provisions of paragraphs (b) and (c) of Section [23-45](#) (Minimum Required Front Yards) need not apply.

For the purpose of this Section, the area between the #street line# and the #street wall line# of adjacent #buildings# containing #residences# on the same or adjoining #zoning lots# fronting on the same #street# shall be considered adjacent #front yards#.

Where an adjacent #front yard# is shallower than the minimum required pursuant to the applicable district regulations, then the #front yard# of the #zoning lot# containing #cottage envelope buildings# may be as shallow as the shallowest adjacent #front yard#.

(c) Side Yards

The #side yard# provisions for the applicable district shall apply, except that the required total width of #side yards# for a #zoning lot# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than the minimum widths set forth in the definition of #cottage envelope building# in Section [64-11](#) (Definitions). However, in no event shall the required width of a #side yard# be less than three feet.

In addition, for #buildings# utilizing the provisions of this paragraph, the provisions of paragraph (c) of Section [23-461](#) (Side yards for single- or two-family residences) need not apply, provided such open area does not serve as access or contain #accessory# off-street parking spaces serving existing #buildings# that remain on the #zoning lot#, or an adjoining #zoning lot#.

(d) Rear Yards

- (1) Where an #interior lot# is less than 95 feet deep at any point, the depth of a required #rear yard#, or portion thereof, for such #interior lot#, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 95 feet. However, in no event shall the minimum depth of a required #rear yard#, or portion thereof, be reduced to less than 10 feet.
- (2) Where a #through lot# is less than 180 feet deep at any point, the depth of a required #rear yard equivalent#, or portion thereof, for such #through lot#, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event shall the minimum depth of a required #rear yard equivalent#, or portion thereof, be reduced to less than 20 feet.

(e) Corner Lots

Where a #corner lot# has a #lot area# equal to or less than 3,000 square feet, only one #front yard# need be provided, and the remaining #front lot line# may be treated as a #side lot line#.

64-333 - Height and setback regulations for cottage envelope buildings

LAST AMENDED

5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, all #cottage envelope buildings# shall be subject to the height and setback provisions set forth in paragraph (b) of Section [23-631](#) (General provisions), except that:

- (a) the maximum height of a perimeter wall of a #cottage envelope building# before setback shall be 21 feet;
- (b) the maximum height of a ridge line shall be 25 feet; and
- (c) all heights may be measured from the #reference plane#.

In addition, the maximum number of #stories# in any #cottage envelope building# shall not exceed two #stories# above the #reference plane#. For the purposes of this Section, attic space providing structural headroom of less than eight feet shall not be considered a #story#.

64-40 - SPECIAL PARKING REGULATIONS

LAST AMENDED

5/12/2021

The underlying parking regulations of this Resolution may be modified in accordance with the provisions of this Section inclusive. The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section [64-41](#) (Special Parking Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section [64-42](#) (Special Parking Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

64-41 - Special Parking Regulations for All Buildings

LAST AMENDED

5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# regardless of whether #buildings or other structures# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying parking regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-411 - For residential buildings with below-grade parking

LAST AMENDED

5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where existing below-grade off-street parking facilities within #residential buildings# are eliminated and, in compliance with #flood-resistant construction standards#, are filled in, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#, and such relocated parking spaces need not comply with the underlying parking location, curb cut spacing or permitted obstruction regulations that limit parking, provided that:

- (a) no more than two parking spaces may be located in tandem (one behind the other);
- (b) each relocated parking space shall have a dimension that conforms with the minimums set forth in Section [25-62](#) (Size and Location of Spaces); and
- (c) where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section [23-451](#) (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

In the event that there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that #buildings# existing on May 12, 2021, will remain, the Commissioner of Buildings may waive the requirement for such spaces.

64-412 - Surfacing

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, Section [25-65](#) (Surfacing) may be modified to allow dustless gravel on all open off-street parking spaces and on portions of driveways beyond the #front lot line# that access #single-# or #two-family residences# on a #zoning lot#.

64-42 - Special Parking Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# containing #flood-resistant buildings#.

64-421 - Parking modifications

LAST AMENDED
5/12/2021

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #zoning lots# containing #single-# or #two-family residences#. For such #zoning lots#, where off-street parking spaces are required pursuant to Section [25-20](#) (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES) inclusive, the underlying parking regulations may be modified as follows:

- (a) the regulations governing parking location, curb cut location, or permitted obstruction that limit parking need not apply, provided that all parking spaces are either located beneath the #first story above the flood elevation# within #buildings# or driveways directly in front of a garage opening. Such spaces shall have a dimension that conforms with the minimums set forth in Section [25-62](#) (Size and Location of Spaces). However, within #lower density growth management areas# the provisions of paragraph (c) of Section [25-632](#) (Driveway and curb cut regulations in lower density growth management areas) shall continue to apply; and
- (b) the underlying curb cut spacing regulations for #zoning lots# existing on May 12, 2021, with a frontage of less than 35 feet along a #street# need not apply, provided that at least four feet of curb space is provided between a new curb cut and an existing curb cut on the same or an

adjacent #zoning lot#.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

All #zoning lots# utilizing this Section shall comply with the provisions of Section [23-451](#) (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

64-50 - STREETScape REGULATIONS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, shall apply to #zoning lots# containing #flood-resistant buildings#, as set forth in paragraphs (b) and (c) of Section [64-12](#) (Applicability), that have a #street wall# within 50 feet of the #street line# in #Residence Districts#, #Commercial Districts# and M1 Districts. However, the provisions shall not apply to such #buildings# containing #uses# predominantly listed in Use Group 18.

All #buildings# shall provide streetscape mitigation elements in the categories of access or ground floor level, in order to achieve the total points required in the following table. The total points required varies based upon the level of the #first story above the flood elevation#, as measured from #curb level#. The individual mitigation options are set forth in Sections [64-51](#) (Building Access Mitigation Options) and [64-52](#) (Ground Floor Level Mitigation Options). Cells marked with an “x” designate mandatory categories to fulfill at least one point out of the total points requirement.

The points awarded for compliance with each individual mitigation are set forth in parentheses after the title to each paragraph describing a mitigation element.

For #corner lots#, the total points requirement set forth in this Section shall apply separately along each #street frontage# except where the #street wall# width along one of the #street frontages# is 25 feet or less, the requirements need only apply to one frontage.

Where #zoning lots# are required to provide streetscape elements in accordance with other provisions of this Resolution, such elements may also be utilized towards meeting the requirements of this Section, provided that such elements comply with the applicable standard herein.

In addition, all #buildings# shall meet the requirements set forth in Section [64-53](#) (Screening Requirements for Parking Within or Below Buildings) as applicable.

Level of the #first story above the flood elevation#	Streetscape Mitigation Elements		Total Points Required
	Building Access (Section 64-51)	Ground Floor Level (Section 64-52)	
Below five feet or no #first story above the flood elevation#			1
Five feet or above	x	x	3 ^{1,2}

¹ #Single-# and #two-family residences# on a #zoning lot# less than 25 feet wide with a #first story above the flood elevation# at five feet or above need only satisfy a total of two points instead of the three points set forth in the above table.

² If the requirements of this Section apply to only a portion of the #building# with a #first story above the flood elevation# at five feet or above, and such portion of the #building# does not have a #primary entrance#, the total points required shall be two, and they need only be satisfied through the ground floor level category.

64-51 - Building Access Mitigation Options

LAST AMENDED
5/12/2021

64-511 - Options available for all #buildings#

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Entrance close to grade

(one point)

The #primary entrance# for the principal #use# for the #building# shall be located within two feet of the level of the adjoining sidewalk. However, for #mixed buildings# in #Commercial Districts# the #primary entrance# for the non-#residential use# on the ground floor shall be located within two feet of the level of the adjoining sidewalk, regardless of whether it is the principal #use#.

(b) Recessed access

(one point)

Recesses in the #street wall# shall accommodate the #primary entrance# to the #building#, including stairs or ramps to such entrance. However, recesses shall not exceed 50 percent of the #aggregate width of street wall# for the #building#.

(c) Wide stairs

(one point)

The #primary entrance# to a #building# along the #street wall# shall include stairs:

- (1) with a minimum width of five feet where the #aggregate width of street walls# of the #building# is less than or equal to 25 feet; and
- (2) with a minimum width of eight feet where the #aggregate width of street walls# of the #building# is greater than 25 feet.

In both cases, the run of such stairs shall be oriented perpendicular, or within 15 degrees of being perpendicular, to such #primary entrance# for at least 50 percent of the height of such stairs.

(d) Covered access

(one point)

The #primary entrance# to a #building# shall have a porch or access area covered by a roof or other permanent structure, provided that all structural elements shall have a minimum width or depth of at least three inches. Such roof or other permanent structure shall be located at a minimum height at least eight feet above the finished floor of the #primary entrance#. In addition, such covering shall have a depth of at least three feet measured perpendicular to the #street wall# and shall extend along at least 50 percent of the #aggregate width of the street wall#.

64-512 - Additional options available for single-family, two-family, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Porch or landing

(one point)

The #primary entrance# to a building shall have a porch or landing with a depth of at least three feet and a width that is at least 50 percent of the #aggregate width of the street wall#. However, such porch or landing need not exceed a width of 25 feet.

(b) Stair turn or stair landing

(one point)

The #primary entrance# shall be accessed by stairs or ramps that, at a point no higher or lower than two feet from the beginning and end of the stair run, respectively, either change direction in plan or incorporate at least one landing.

64-513 - Additional options available for all buildings except single-, two-family, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings# except #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

Multiple entrances

(one point)

Multiple entrances into the #building# shall be provided, with at least one entrance per every 50 linear feet of #street frontage#. Fractions equal to or greater than one-half resulting from this calculation shall be considered one entrance.

64-52 - Ground Floor Level Mitigation Options

LAST AMENDED
5/12/2021

For the purposes of this Section, where there is a reference to a “blank wall,” the following shall apply:

- (a) For #manufacturing buildings#, the provisions of Type 2 blank walls set forth in Section [37-361](#) (Blank wall thresholds) shall apply.
- (b) For #commercial buildings#, #community facility buildings# and #mixed buildings#, the provisions of Type 3 blank walls set forth in Section [37-361](#) shall apply.
- (c) For #residential buildings#, the provisions of Type 4 blank walls set forth in Section [37-361](#) shall apply.

Such blank walls shall be covered by one or more options in Section [37-362](#) (Mitigation elements) or by options as described in this Section, inclusive. In addition, any surface area of a wall which bounds stairs, ramps, landings, or chair lifts facing a #street# and that exceeds a height and width of four feet shall constitute a blank wall and comply with the standards of Type 3 blank wall. Such blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation#. In addition, any surface area of a wall which bounds stairs, ramps, landings, or chair lifts facing a #street# and that exceeds a height and width of four feet shall constitute a blank wall and comply with the standards of Type 3 blank wall. Such blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation#.

64-521 - Options available for all buildings

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Surface treatment

(one point)

Surface treatment shall be provided for blank walls in the form of wall treatment, surface texture, or any combination thereof, pursuant to the provisions set forth in paragraphs (a)(1) or (a)(2) of Section [37-362](#) (Mitigation elements).

If the level of the #first story above flood elevation# is greater than 10 feet, surface treatment shall only be required to a height of 10 feet above the level of the adjoining sidewalk.

(b) Linear treatment

(one or, where noted, two points)

Linear treatment shall be provided for blank walls in the form of planting, pursuant to the provisions set forth in paragraph (b)(1) of Section [37-362](#), pursuant to one of the following options below, or any combination thereof. Where the options of this Section are utilized, the percentage requirement associated with the applicable type of blank wall set forth in Section [37-36](#) (Special Requirements for Blank Walls) shall not apply.

(1) Raised front #yards# and #open space#

For #residential buildings# in #Residence Districts# where the distance between the #street wall# and the #street line# is 10 feet or more, the grade between the #street line# and blank walls, and their prolongations, shall be elevated above the level of the adjoining sidewalk so that the height of such grade that is midway between the #street line# and blank walls and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to [64-40](#) (SPECIAL PARKING REGULATIONS). The area with final grade above the level of the adjoining sidewalk shall be greater than 30 percent of the total area between the #street line# and blank walls and their prolongations.

Raised front #yards# and #open spaces# shall be planted in accordance with applicable planting requirements in this Resolution.

This option shall satisfy two points if the area with final grade above #curb level# is greater than 50 percent of the total area between the #street line# and blank walls and their prolongations.

(2) Terraced front #yards# and #open spaces#

For #residential buildings# in #Residence Districts#, terraced planting areas shall be provided. The retaining walls of such areas shall not be less than an average height of three feet and exceed an average height of six feet, as measured from the level of the adjoining sidewalk below such wall, and the retaining wall closest to the #street line# shall not exceed a height of three feet. The area with the retaining walls shall be greater than 30 percent of the total area between the #street line# and blank walls and their prolongations. Planting shall also be provided for at least 50 percent of the linear footage above and below the retaining walls, through a combination of perennials, annual flowers, decorative grasses or shrubs.

This option shall satisfy two points if the area with the retaining walls is greater than 50 percent of the total area between the #street line# and blank walls and their prolongations.

64-522 - Additional options available for single-, two-, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Transparency

(one point)

Transparent glazing materials shall occupy at least 20 percent of the surface area of the #street wall# of the ground floor, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

(b) Additional fenestration

(one point)

In addition to the #primary entrance#, one or more doors, including garage doors, shall be provided.

64-523 - Additional options available for all buildings except single-, two-, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings# except #single-family#, #two-family#, or three-family residences. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Transparency with #use#

(one point)

One or more of the following options may apply:

(1) Lobby

(one point)

In all districts, a lobby that complies with the standards of Type 1 lobbies set forth in Section [37-33](#) (Maximum Width of Certain Uses), shall be provided. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

(2) #Community facilities# and #accessory# #residential uses#

(one point)

In all districts, for #buildings# containing #residences# with three or more #dwelling units#, at least 50 percent of the #ground floor level# #street wall# shall be allocated to #accessory# #residential uses# other than #accessory# off-street parking, or #community facilities uses#, including, but not limited to, recreation space or bicycle storage, that extends to a minimum depth of 15 feet from the #street wall#. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of such #uses#, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Where the spaces for such #uses# need not be fully enclosed, decorative screening or latticework may be substituted for transparent glazing materials.

(3) Non-#residential uses#

(one point)

In #Commercial Districts#, #uses# on the #ground floor level#, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with Section [37-33](#). Ground floor level #street walls# shall be glazed in accordance with Section [37-34](#) (Minimum Transparency Requirements) except that the transparent materials may begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk.

If #group parking facilities# are provided, they shall be wrapped by #floor area#, in accordance with paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements).

(b) Transparency close to grade

(one point)

In all districts, transparent materials provided to satisfy #street wall# transparency requirements shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#.

(c) Linear treatment

(one point)

Linear treatment shall be provided for blank walls in the form of benches, bicycle racks, tables and chairs, or any combination thereof, as set forth in paragraph (b) of Section [37-362](#) (Mitigation elements).

64-53 - Screening Requirements for Parking Within or Below Buildings

LAST AMENDED
5/12/2021

The provisions of this Section shall apply to all #buildings# other than:

(a) #single# or #two-family residences#; and

(b) #buildings# containing predominantly Use Group 18 #uses# in M1 Districts.

Where the #first story above the flood elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be either wrapped by #floor area# or screened pursuant to the provisions of Section [37-35](#) (Parking Wrap and Screening Requirements).

#Buildings# in existence prior to May 12, 2021, shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

64-60 - SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and may be applied to #buildings# with #non-conforming# #uses#, or to #non-complying# #buildings# or other structures#, as applicable, that are also #flood-resistant buildings#.

64-61 - Special Provisions for Non-conforming Uses

LAST AMENDED
5/12/2021

For all #buildings# with #non-conforming# #uses#, the provisions of Sections [52-20](#) (REPAIRS OR ALTERATIONS), [52-40](#) (ENLARGEMENTS OR EXTENSIONS), and [52-50](#) (DAMAGE OR DESTRUCTION), inclusive, shall be modified to allow a #non-conforming# #use# to be continued, and a #building# with #non-conforming# #uses# to be altered, #enlarged#, relocated or reconstructed to comply with #flood-resistant construction standards#, pursuant to the provisions of this Section, inclusive.

Where a #building# with #non-conforming# #uses# is also #non-complying# with the applicable #bulk# regulations, #non-compliances# may be continued, increased or newly created only in accordance with the provisions of Section [64-612](#) (Special floor area regulations for buildings with non-conforming uses), Section [64-613](#) (Special height regulations for buildings with non-conforming uses), and Section [64-614](#) (Process for establishing non-conforming uses), except that Section [64-622](#) (Special open area regulations for non-complying buildings) and Section [64-624](#) (Process for establishing non-compliances) may also apply.

In addition, damage and destruction provisions set forth in Section [64-611](#) (Special regulations for damage or destruction provisions for buildings with non-conforming uses) shall apply to such #buildings#.

64-611 - Special regulations for damage or destruction provisions for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The provisions set forth in Sections [52-53](#) (Buildings or Other Structures in All Districts) and [52-54](#) (Buildings Designed for Residential Use in Residence Districts) shall be modified to allow all #buildings# containing #non-conforming# #uses# to be reconstructed, provided that:

- (a) for #non-conforming# #single-# and #two-family residences# in #Residence Districts# and #Commercial Districts#, except C8 Districts, such reconstruction may exceed 75 percent of the total #floor area# of the #building#;
- (b) for #non-conforming# #single-# and #two-family residences# in C8 Districts or #Manufacturing Districts#, such reconstruction may exceed 75 percent of the total #floor area# of the #building# provided that 25 percent or more of the aggregate length of the #block# frontage on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility uses#;
- (c) for all other #buildings# with #non-conforming# #uses#, the extent of reconstructed #floor area# shall not exceed 75 percent of the total #floor area# of the #building#.

64-612 - Special floor area regulations for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The maximum amount of #non-conforming# #floor area# in the altered, #enlarged#, relocated or reconstructed #building# shall not exceed the amount

of #non-conforming# #floor area# existing prior to the alteration or reconstruction work.

64-613 - Special height regulations for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The maximum height of such altered, #enlarged#, relocated or reconstructed #building# with #non-conforming# #uses#, shall not exceed the maximum height permitted by the applicable district regulations, except that for #non-conforming# #residences# in C8 Districts or #Manufacturing Districts#, the maximum height of such altered, #enlarged#, relocated or reconstructed #building#, shall comply with one of the following options:

- (a) for #single# or #two-family residences#, a horizontal plane equivalent to a height of 35 feet, and for #buildings# other than #single-# or #two-family residences#, the applicable #sky exposure plane# for the district; or
- (b) for all #residences# a horizontal plane equivalent to the pre-existing height of such #building#, as measured from the top of the #lowest usable floor#, to the highest point of such pre-existing #building#, as measured from the #reference plane#.

64-614 - Process for establishing non-conforming uses

LAST AMENDED
5/12/2021

For all #buildings# with #non-conforming# #uses# utilizing any of the provisions of this Section, the amount of pre-existing #non-conforming# #floor area# and pre-existing #non-compliances#, as applicable, shall be based either on construction documents for such #building# that were previously approved by the Department of Buildings at the time of construction, #enlargement#, or subsequent alteration, as applicable, of the #building# or, where an approved set of construction documents does not exist for such #building#, an as-built drawing set completed by a professional engineer or architect. The Department of Buildings may request additional information to substantiate proof of #non-conformances# and #non-compliances#, as applicable. Verification by the Department of Buildings of such documentation shall be a pre-condition prior to any demolition for reconstruction work, or alteration permit issued by the Department of Buildings for a #zoning lot# altering or reconstructing #buildings# with #non-conforming# #uses# and #non-compliances#, as applicable, pursuant to the provisions of this Section.

64-62 - Special Provisions for Non-complying Buildings

LAST AMENDED
5/12/2021

For all #non-complying# #buildings or other structures#, the provisions of Sections [54-20](#) (REPAIRS OR ALTERATIONS), [54-30](#) (ENLARGEMENTS OR CONVERSIONS), and [54-40](#) (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), inclusive, shall be modified to allow a #non-compliance# to be continued, and such #non-complying# #building or other structure# to be altered, #enlarged#, relocated or reconstructed to comply with #flood-resistant construction standards#, subject to the permitted thresholds of Sections [54-41](#) (Permitted Reconstruction) and [54-42](#) (Use of Alternate Formula), and the provisions of this Section.

In addition, such altered, #enlarged#, relocated or reconstructed #building or other structure# may create a new #non-compliance# with, or increase the degree of existing #non-compliance# with the applicable #bulk# regulations for the district, subject to the applicable provisions of this Section, inclusive.

64-621 - Special floor area regulations for non-complying buildings

LAST AMENDED
5/12/2021

For #buildings# with #non-complying# #floor area#, the maximum amount of #floor area# in the altered, #enlarged#, relocated or reconstructed #building# shall not exceed the amount of pre-existing #floor area#, nor shall it exceed the maximum #floor area# permitted by the applicable district regulations by more than 20 percent. In addition, subsequent to such alteration, #enlargement#, relocation or reconstruction, no #extension# or change of #use# may create a new #non-compliance# or increase the degree of existing #non-compliance# with #floor area#.

64-622 - Special open area regulations for non-complying buildings

The following provisions may apply to #non-complying# #buildings or other structures#.

(a) Relocation allowances

#Non-complying# #buildings or other structures# may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with #yards#, #open space#, #open space ratio#, #lot coverage#, #courts#, minimum distances between two or more #buildings#, or minimum distances between #legally required windows# and walls or #lot lines#, in order to relocate or alter the footprint of the #building#, provided that:

- (1) the resulting #lot coverage# shall be less than or equal to that of the pre-existing #building or other structure# as it existed prior to the alteration, #enlargement#, relocation or reconstruction work or the amount permitted by the district, as applicable, whichever is greater, except that, where the provisions of paragraph (b) of this Section are utilized, the #first story above the flood elevation# and any #stories# below, may be exempted from such calculation;
- (2) a new or increased #non-compliance# into an open area shall not exceed a horizontal distance of five feet, as measured perpendicular to the outermost edge of the #non-complying# #building or other structure#, as it existed prior to the alteration, #enlargement#, relocation or reconstruction work, except that such limitation shall not apply:
 - (i) where the pre-existing #building or other structure# is located either partially or entirely seaward of the #shoreline#, and such #building or other structure# will be altered, #enlarged#, relocated or reconstructed to be repositioned landward of the #shoreline# on the same #zoning lot#; or
 - (ii) where additional distance is necessary to accommodate access, including stairs, ramps or lifts in a required #yard#, provided that any additional encroachment is limited to the depth of such access;
- (3) any new or increased #non-compliance# shall not result in an open area of:
 - (i) less than five feet between the wall of a #building or other structure# and a #rear lot line#;
 - (ii) less than three feet between the wall of a #building or other structure# and a #front lot line#, in districts with #front yard# requirements; and
 - (iii) three feet between the wall of a #building or other structure# and a #side lot line# for #detached buildings# in districts that do not allow #zero lot line buildings#; and
- (4) the height of #buildings or other structures# within #non-complying# #yards# or #open space#, as measured from the #reference plane#, shall not exceed the height set forth in paragraph (a) of Section [64-623](#) (Special height regulations for non-complying buildings).

(b) Allowances for horizontal expansions

The #first story above the flood elevation# and #stories# located below such #story#, may create a new #non-compliance# with, or increase the degree of existing #non-compliance# with the applicable #rear yards#, #open space#, #open space ratio#, or #lot coverage# regulations for the district, provided that:

- (1) the increased #lot coverage# does not exceed an additional 20 percent of such #lot coverage# permitted by the underlying regulations in R1-2A, R2A, R3-1, R3-2, R4, R4B, R5, R5B, and R5D Districts;
- (2) the increased #lot coverage# does not exceed an additional 20 percent of the maximum footprint permitted by applying the applicable district #rear#, #side# and #front yard# regulations in R2X, R3A, R3X, R4-1, R4A, and R5A Districts;
- (3) for #single-# or #two-family residences#, the encroachment into a #rear yard# does not result in a #rear yard# with a depth of less than 20 feet; and
- (4) in all districts, the encroachment into a required open area does not exceed a height of 15 feet, as measured from the #first story above the flood elevation#.

Nothing in this Section shall affect the permitted obstruction allowances set forth by the district regulations.

64-623 - Special height regulations for non-complying buildings

For #buildings or other structures# that are #non-complying# with the applicable district height and setback regulations, the maximum height of such altered, #enlarged#, relocated or reconstructed #building or other structure#, shall not exceed the height permitted pursuant to either paragraph (a) or (b) of this Section, as applicable. An alteration, #enlargement#, relocation or reconstruction pursuant to this Section may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with height and setback regulations, and may continue or increase a #non-compliance# with other #bulk# regulations associated with such #non-complying# height, subject to the limitations of this Section. All permitted obstruction allowances shall be measured with respect to the modified envelopes of this Section.

(a) For pre-existing #buildings or other structures# that do not exceed the overall permitted height

Where the height of a pre-existing #building or other structure# does not exceed the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#, the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# shall not exceed:

- (1) the applicable #sky exposure plane#, for #buildings# governed by #sky exposure planes# as measured from the #reference plane#; or
- (2) a horizontal plane equivalent to the maximum #building# height permitted by the applicable district for all other #buildings# as measured from the #reference plane#.

(b) For pre-existing #buildings or other structures# that exceed the overall permitted height

Where the height of a pre-existing #building or other structure# exceeds the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#:

- (1) the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed a horizontal plane equivalent to the pre-existing height of such #building#, as measured from the top of the #lowest usable floor#, to the highest point of such pre-existing #building#, provided also that such height shall not exceed the overall height permitted by the applicable district regulations by 10 percent, or 10 feet, whichever is less; and
- (2) for #single# or #two-family residences# in R1-2A, R2A, R2X, R3, R4, R4-1, R4A, or R5A Districts, where the degree of the alteration or reconstruction exceeds 75 percent of the #floor area#, the height of a perimeter wall of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed the higher of the maximum perimeter wall height for the district, or the pre-existing height of such perimeter wall, as measured from the top of the #lowest usable floor# to the highest point in such pre-existing #building# before setback.

However, the height allowances of this Section shall not apply to #single# or #two-family residences# that are not #non-complying# with #floor area# requirements, or where the provisions of paragraph (b) Section [64-622](#) (Special open area regulations for non-complying buildings) are utilized.

64-624 - Process for establishing non-compliances

For all #non-complying# #buildings or other structures# utilizing any of the provisions of this Section, the amount of pre-existing #non-compliances# shall be based either on the construction documents of such #building or other structure# previously approved by the Department of Buildings at the time of construction, #enlargement#, or subsequent alteration of such #building or other structure#, as applicable, or, where an approved set of construction documents does not exist for such #building or other structure#, an as-built drawing set completed by a professional engineer or architect. The Department of Buildings may request additional information to substantiate proof of #non-compliances#. Verification by the Department of Buildings of such documentation shall be a pre-condition prior to any demolition for reconstruction work, or alteration permit issued by the Department of Buildings for a #zoning lot# altering or reconstructing #non-compliances# pursuant to the provisions of this Section.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 5 - Special Regulations Applying in Designated Recovery Areas

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Chapter 5 - Special Regulations Applying in Designated Recovery Areas

65-00 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

The provisions of this Resolution shall apply as modified by this Chapter and by the special regulations set forth herein. The provisions of this Chapter establish optional special regulations which are designed to facilitate, on a temporary basis, the recovery of areas impacted by a severe disaster and in so doing promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to expedite the recovery of neighborhoods that have experienced physical or non-physical impacts from a severe disaster;
- (b) to enable the reconstruction and alteration of buildings damaged by a severe disaster, by removing disincentives; and
- (c) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

65-01 - Applicability of Article VI, Chapter 5

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply based on the type of impacts caused by each #severe disaster#, and such applicability shall be determined at the time such provisions are added to the Chapter's applicability. #Designated recovery areas# shall be determined based on the extent of the impacts caused by the #severe disaster# and recovery plans, as applicable. For each of the #designated recovery areas#, applicable recovery provisions will be set forth in this Chapter based on the type of impacts caused by the #severe disaster#. The #designated recovery areas# shall be listed in Appendix A of this Chapter, and the applicable time duration shall be set forth in the following table.

#Designated Recovery Area# Number and #severe disaster#	Effective Date	Applicable Sections								Time Duration (after effective date)*
		65-11	65-12	65-13	65-21	65-31	65-41	65-42	64-51	
1: COVID-19	May 12, 2021		x	x						2 years

* Such time duration limitation may be modified by the specific provision located in this Chapter

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.

65-10 - SPECIAL TIME-BASED PROVISIONS

LAST AMENDED

5/12/2021

The modifications to time limits associated with this Resolution and set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5).

65-11 - Vesting Provisions

LAST AMENDED

5/12/2021

In all districts, the provisions of Section [11-30](#) (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, and any other provision that requires a building permit to be submitted, or a particular amount of construction to be completed within a certain timeframe, shall be suspended. Subsequent to the expiration of the applicable time duration as set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5), the time period established by the applicable provisions of this Resolution shall be resumed, and the remaining time associated with submitting a building permit, or completing a particular amount of construction shall be the amount existing prior to the #severe disaster#.

65-12 - Authorizations or Special Permits Granted by the City Planning Commission

LAST AMENDED

5/12/2021

In all districts, for special permits or authorizations granted by the City Planning Commission where substantial construction has not taken place and such approval would lapse after a total of 10 years within the applicable time duration set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5), the provisions of Section [11-42](#) (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and [11-43](#) (Renewal of Authorization or Special Permit) shall be modified to allow the renewal of such authorization or special permit without public hearing, for one additional three-year term, provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed. An application for a renewal of authorization or special permit shall be filed with the Commission before it lapses.

65-13 - Discontinuance Provisions

LAST AMENDED

5/12/2021

In all districts, where a #non-conforming# #use# has been discontinued, the time limits associated with restoring active operations of such #use# to retain its #non-conforming# status shall be suspended. Subsequent to the expiration of the applicable time duration as set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5), the time period established by the applicable provisions of this Resolution shall be resumed, and the remaining time associated with restoring active operations shall be the amount existing prior to the #severe disaster#.

65-20 - SPECIAL DAMAGE AND DESTRUCTION PROVISIONS

LAST AMENDED

5/12/2021

The following modifications to damage and destruction provisions associated with this Resolution may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5).

65-21 - Reconstruction Provisions

LAST AMENDED

5/12/2021

In all districts, where the provisions of this Section are utilized, the provisions of Article V, Chapters 2 (Non-Conforming Uses) and 4 (Non-Complying Buildings) shall be modified to allow the reconstruction of #buildings or other structures# containing #non-conforming# #uses# and #non-complying# #buildings or other structures#, that were damaged due to the effects of the #severe disaster#, as follows:

- (a) Section [52-53](#) (Buildings or Other Structures in All Districts), inclusive, shall be modified to allow the reconstruction of a #non-conforming# #use# where a #building or other structure# containing such #use# is damaged to the extent of 50 percent or more due to the effects of a #severe disaster#. In addition, for the purpose of this paragraph, the provisions of Section [52-60](#) (DISCONTINUANCE) shall not apply to such damaged #building or other structure# with #non-conforming# #uses#; and
- (b) Section [54-40](#) (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying# #building or other structure# where such #building or other structure# is damaged to the extent of 75 percent or more due to the effects of a #severe disaster#.

For the purpose of applying waterfront and parking regulations, #buildings# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

65-30 - SPECIAL USE REGULATIONS

LAST AMENDED

5/12/2021

The following modifications to #use# regulations set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5).

65-31 - Temporary Uses

LAST AMENDED

5/12/2021

In all districts, where the provisions of this Section are utilized, the #use# provisions of this Resolution, including any supplemental use regulations and provisions regulating size limitations, change of #non-conforming# #uses#, #enlargement# or #extension# of #non-conforming# #uses#, shall be modified to allow a temporary #non-conforming# #use# to be created, and a #non-conforming use# to be #enlarged# or #extended#, on a temporary basis, to aid in the immediate restoration and recovery of an area adversely impacted by a #severe disaster#.

The creation of a new #non-conforming# #use# shall be subject to the following limitations:

#Severe Disaster#	District	Use Group of permitted new #non-conformance#	Time Duration (if different from Section 65-01)

Subsequent to the expiration of the applicable time duration as set forth in this Section, any #non-conforming# #use# that was created, or any portion of a #non-conforming# #use# that was #enlarged# or #extended# on a #zoning lot#, shall be terminated and, thereafter, such #zoning lot# shall be restored to its pre-existing degree of #non-conformity#, or used only for a conforming #use#.

65-40 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/12/2021

The following modifications to #bulk# regulations set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5).

65-41 - Reconstruction and Alteration of Disaster-Damaged Buildings

LAST AMENDED
5/12/2021

In all districts, where the provisions of this Section are utilized, the #bulk# provisions of this Resolution, and the provisions regulating the reconstruction, #enlargement# and alteration of #buildings# with #non-conforming# #uses# and #non-complying# #buildings or other structures# shall be modified to allow the reconstruction, #enlargement#, relocation and alteration of #buildings or other structures# that were damaged due to the effects of the #severe disaster#, including #non-conformances# to be continued, and #non-compliances# to be created, continued, or increased, provided the #building or other structure# is subject to the following provisions, as applicable:

(a) Floor area

The maximum amount of #floor area# shall not exceed the amount of pre-existing #floor area# as it existed prior to the reconstruction, #enlargement#, relocation or alteration work or the amount permitted by the district, whichever is greater. Furthermore, no #extension# or change of #use# may create a new #non-conformance# or a new #non-compliance#, or increase the degree of existing #non-conformance# or #non-compliance# with #floor area#.

(b) Building footprint

The resulting #lot coverage# shall be less than or equal to that of the pre-existing #building or other structure# as it existed prior to the reconstruction, #enlargement#, relocation or alteration work or the amount permitted by the district, as applicable, whichever is greater. Furthermore, a #building or other structure# may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with respect to open areas required through regulations for #yards#, #open space#, #open space ratio#, #lot coverage#, #courts#, and

minimum distance between #buildings#, in order to relocate or alter the footprint of the #building or other structure#, provided that:

- (1) a new or increased #non-compliance# into an open area shall not exceed a horizontal distance of five feet, as measured perpendicular to the outermost edge of the #non-complying# #building or other structure#, as it existed prior to the reconstruction, #enlargement#, relocation or alteration work; and
- (2) any new or increased #non-compliance# shall not result in an open area of:
 - (i) less than five feet between the wall of a #building or other structure# and a #rear lot line#;
 - (ii) less than three feet between the wall of a #building or other structure# and a #front lot line#, in districts with #front yard# requirements; and
 - (iii) less than three feet between the wall of a #building or other structure# and a #side lot line# for #detached buildings# in districts that do not allow #zero lot line buildings#.

Nothing in this Section shall affect the permitted obstruction allowances set forth by the district regulations.

(c) Building height

The resulting height and setback may continue an existing #non-compliance#, provided that the height of such reconstructed, #enlarged#, relocated or altered #building or other structure# as measured from #curb level#, #base plane# or other applicable underlying datum, does not exceed the pre-existing height of such #building#, as measured from the top of the lowest floor that contains #floor area#, to the highest point of such pre-existing #building#. All permitted obstruction allowances shall be measured with respect to the modified height and setback regulations set forth in this Section.

For the purpose of applying waterfront and parking regulations, #buildings or other structures# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

65-42 - Properties with Disaster-Damaged Buildings

LAST AMENDED
5/12/2021

In all districts, the definition of #zoning lot# set forth in Section [12-10](#) (DEFINITIONS) may be modified to allow a tax lot containing one or more #buildings# that were damaged by the #severe disaster#, or where a #building# or #buildings# that were damaged by the #severe disaster# occupied more than one tax lot on the date of the #severe disaster#, to be provisionally considered a #zoning lot# for the sole purpose of demonstrating compliance with the #bulk# requirements of this Resolution, including the provisions of Section [65-31](#) (Reconstruction and Alteration of Disaster-Damaged Buildings), as applicable.

65-50 - SPECIAL DOCUMENTATION PROVISIONS

LAST AMENDED
5/12/2021

The following modifications to documentation procedures may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section [65-01](#) (Applicability of Article VI, Chapter 5).

65-51 - Documentation Provisions

LAST AMENDED
5/12/2021

For #buildings or other structures# that were damaged due to the effects of the #severe disaster# and do not have a certificate of occupancy, construction documents, or other lawful documentation filed with the Department of Buildings indicating the existence of such #building or other structure# prior to the #severe disaster# and the presence and extent of #non-conforming# #uses# or #non-compliances# as to #bulk#, as applicable, in order to receive a building permit to reconstruct, #enlarge#, relocate or alter #buildings or other structures# pursuant to the provisions of this Resolution, inclusive of this Chapter, the Commissioner of Buildings may determine alternate and appropriate documentation necessary to substantiate proof of such #non-conformances# or #non-compliances#, as applicable.

Appendix A - Designated Recovery Areas

LAST AMENDED 5/12/2021

The boundaries of each #designated recovery area# are described in this Appendix, and are subject to the temporary provisions of this Chapter, as specified in Section 65-01 (Applicability of Article VI, Chapter 5).

Designated Recovery Area 1: COVID-19 (5/12/21)

The #designated recovery area 1# shall include all #zoning lots# located within the City of New York.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 6 - Special Regulations Applying Around Mass Transit Stations

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Chapter 6 - Special Regulations Applying Around Mass Transit Stations

66-00 - GENERAL PURPOSES

LAST AMENDED

10/7/2021

The provisions of this Chapter establish special regulations which are designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations, and in doing so, promote and protect public health, safety, general welfare and amenity. The general goals of this Chapter include, among others, the following purposes:

- (a) to support the long-term planning needs of mass transit stations and systemwide accessibility;
- (b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;
- (c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;
- (d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;
- (e) to coordinate the present and future relationship of land uses around transit stations; and
- (f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

66-10 - GENERAL PROVISIONS

LAST AMENDED

10/7/2021

66-11 - Definitions

LAST AMENDED

10/7/2021

For purposes of this Chapter, matter in *italics* is defined in Section [12-10](#) (DEFINITIONS) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Above-grade mass transit station

For the purposes of this Chapter, an “above-grade mass transit station” shall refer to a #mass transit station# with a platform that is located entirely above five feet from #curb level#.

At or below-grade mass transit station

For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a #mass transit station# that is not an #above-grade mass transit stations#.

Central Business Districts

For the purposes of this Chapter, “Central Business Districts” shall refer to #Special Midtown District#, #Special Hudson Yards District#, #Special Lower Manhattan District#, #Special Downtown Brooklyn District#, #Special Long Island City Mixed Use District# or #Special Garment Center District#.

Clear path

For the purposes of this Chapter, a “clear path” shall refer to an unobstructed area between the #street line# and #street wall# that:

- (a) directly #abuts# an adjoining public sidewalk; and
- (b) extends along the #street line# for a distance equal to the width of an existing or planned access point to a #mass transit station# facing such #transit-adjacent site#, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All #clear paths# shall be accessible to the public at all times.

Easement volume

For the purposes of this Chapter, an “easement volume” shall refer to an area of the #zoning lot# used to accommodate either:

- (a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or
- (b) ancillary facilities that are needed to support transit system functionality.

Eligible zoning districts

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

- (a) R5D, R6, R7, R8, R9 or R10 Districts;
- (b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;
- (c) M1 Districts paired with R6 through R10 Districts; or
- (d) #Manufacturing Districts#.

Mass transit station

For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail #mass transit station# operated by a

#transit agency#. Such #mass transit stations# shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

Primary transit-adjacent sites

For the purposes of this Chapter, “primary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of 5,000 square feet or more.

Qualifying transit improvement sites

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to #zoning lots# that are:

- (a) located in one of the following zoning districts:
 - (1) R9 or R10 Districts;
 - (2) #Commercial Districts# mapped within, or with an equivalent of an R9 or R10 District;
 - (3) M1 Districts paired with an R9 or R10 District; or
 - (4) M1-6 Districts; and
- (b) located wholly or partially within the following distance from a #mass transit station#:
 - (1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or
 - (2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

Such distance shall be measured from the outermost extent of the #mass transit station#. For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.

Secondary transit-adjacent sites

For the purposes of this Chapter, “secondary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of less than 5,000 square feet.

Transit agency

For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected #mass transit station#.

Transit-adjacent sites

For the purposes of this Chapter, “transit-adjacent sites” shall refer to #zoning lots# that are located within 50 feet of a #mass transit station# and located in #eligible zoning districts#. #Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

Transit volume

For the purposes of this Chapter, a “transit volume” shall refer to an area of a #transit-adjacent site# where, pursuant to the provisions of this Chapter, a #transit agency# has determined transit or pedestrian circulation improvements are needed for a #mass transit station#. Such #transit volume# may be used to accommodate #easement volumes# or #clear paths#.

66-12 - Applicability

LAST AMENDED
10/7/2021

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.

66-121 - General applicability

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply to #transit-adjacent sites# or #qualifying transit improvement sites#, as follows:

- (a) For #transit-adjacent sites#
 - (1) The provisions of Section [66-20](#) (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#.
 - (2) The provisions of Section [66-30](#) (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#.
 - (3) The provisions of Section [66-40](#) (CONSTRUCTION, MAINTENANCE AND ADDITIONAL PROVISIONS), inclusive, shall apply to all #transit-adjacent sites# providing an #easement volume# pursuant to Section [66-20](#) or Section [66-30](#).

- (b) For #qualifying transit improvement sites#

The provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements) shall be optional for #qualifying transit improvement sites#.

66-122 - Limitations on applicability in certain areas

LAST AMENDED
10/7/2021

The provisions of this Chapter shall not apply as follows:

- (a) The provisions of Section [66-20](#) (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) and Section [66-30](#) (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:
- (1) all subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;
 - (2) #qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section [81-613](#) (Definitions); or
 - (3) the #Special Transit Land Use District#.
- (b) The provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements) shall not apply:
- (1) to the following areas within Special Purpose Districts:
 - (i) all subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;
 - (ii) the Court Square Subdistrict within #Special Long Island Mixed Use District#; or
 - (iii) #qualifying sites# in the East Midtown Subdistrict within the #Special Midtown District#, as defined in Section [81-613](#) (Definitions); or
 - (2) to the 34th Street - Hudson Yards Station.

66-123 - Other limitations on applicability

LAST AMENDED
10/7/2021

The provisions of Section [11-30](#) (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. In addition, the following special vesting provisions shall apply:

- (a) Inapplicability of easement provisions for vested sites and previously approved easements

The provisions of Section [66-20](#) (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), shall not apply to:

- (1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before October 7, 2021, where such easement is providing transit station access infrastructure or ancillary facilities; or
- (2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before October 7, 2021:
 - (i) an application has been filed with the Department of Buildings, and if, on or before October 7, 2021, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is not increased beyond the amount described in the

- approved application;
- (ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;
 - (iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or
 - (iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

Subsequent to October 7, 2021, such applications for #developments# or #enlargements# may be continued, and, if approved, construction may be started or continued pursuant to the provisions in effect prior to October 7, 2021.

(b) Applicability of bonus provisions to previously filed special permits applications

If, before October 7, 2021, an application for a special permit for a #floor area# bonus for subway station improvements has been referred for public review by the City Planning Commission pursuant to Section [74-634](#) (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to October 7, 2021, such application may continue pursuant to the regulations in effect at the time such special permit was referred for public review by the Commission. Such special permit, if granted by the Commission, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was referred by the Commission.

66-20 - SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

LAST AMENDED
10/7/2021

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination, or certification, where applicable, for a #transit volume# shall be obtained pursuant to Section [66-21](#) (Determination and Certification for Transit Volumes). Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections [66-22](#) (Special Use Regulations), [66-23](#) (Special Bulk Regulations), [66-24](#) (Special Regulations for Accessory Off-street Parking), and [66-25](#) (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

66-21 - Determination and Certification for Transit Volumes

LAST AMENDED
10/7/2021

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

(a) Initial determination

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

(b) Determination of easement dimensions and location

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#.

Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

- (1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or
- (2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a

certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section [66-20](#), inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section [66-41](#) (Construction, Maintenance and Other Obligations).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume# setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section [66-41](#), have been completed.

66-22 - Special Use Regulations

LAST AMENDED
10/7/2021

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections [62-221](#) (Temporary uses) and [62-222](#) (Special use allowances around easement volumes).

66-221 - Temporary uses

LAST AMENDED
10/7/2021

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

- (a) in all districts, any #community facility use# without sleeping accommodations allowed by the underlying district;
- (b) in #Residence Districts#, #uses# listed in Use Group 6A and 6C; or
- (c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

66-222 - Special use allowances around easement volumes

LAST AMENDED

The following #use# allowances around #easement volumes# shall apply in applicable districts.

(a) Special #use# allowances in #Residence Districts#

In all #Residence Districts#, #uses# listed in Use Group 6A and 6C shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

- (1) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or
- (2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

(b) Special regulations for #commercial use# location in #mixed buildings# in #Commercial Districts#

In C1 or C2 Districts, the underlying provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# that are #developed# or #enlarged# with an #easement volume# serving an #above-grade mass transit station#, to allow all permitted #commercial uses# on the lowest two #stories#.

66-23 - Special Bulk Regulations

LAST AMENDED

10/7/2021

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section [66-233](#) (Special street wall modifications) shall apply.

66-231 - Special floor area modifications

LAST AMENDED

10/7/2021

The #floor area# modifications of this Section shall apply as follows:

(a) #Floor area# exemption

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

(b) #Commercial# #floor area# in #Residence Districts#

Where special #use# allowances pursuant to paragraph (a) of Section [66-222](#) (Special use allowances around easement volumes) are permitted in #Residence Districts#, the maximum permitted #commercial floor area# shall be equivalent to the area permitted for #commercial uses# pursuant to such Section.

66-232 - Special open space, lot coverage and yard modifications

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level#, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

(b) Special #open space# modifications in certain districts

In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the provisions of paragraph (g) of Section [23-142](#) (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall not apply.

(c) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except as modified pursuant to this paragraph.

(1) Any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.

(2) In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 85 percent. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#.

(3) In R6 and R7 Districts, for #Quality Housing buildings#, the maximum #residential lot coverage# for #interior lots# and #through lots# shall be 70 percent.

66-233 - Special street wall modifications

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

For #Quality Housing buildings#, the underlying #street wall# location provisions shall be modified pursuant to this

paragraph.

- (1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.
- (2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

- (b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

66-234 - Special height and setback modifications

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LAST AMENDED

12/6/2023

The height and setback modifications of this Section shall apply as follows:

- (a) Permitted obstructions

- (1) #Easement volumes#

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

- (2) Dormers

For #Quality Housing buildings#, as an alternative to the provisions of paragraph (c) of Section [23-623](#), dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the #street wall# shall be determined pursuant to the provisions of paragraph (a) of Section [66-233](#) (Special street wall modifications).

- (b) Special height and setback provisions for R5 Districts

The requirements of Section [23-63](#) (Height and Setback Requirements in R1 Through R5 Districts) shall be modified for the portions of a #building# used for #residential use#, as follows:

- (1) In #Commercial Districts# mapped within, or with a #residential# equivalent of an R5 District, the maximum height of a #street wall# before setback shall be 35 feet. Above such height, a setback of 10 feet shall be provided, and the maximum #building# height shall be 45 feet. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#; and
- (2) In R5D Districts or #Commercial Districts# mapped within, or with a #residential# equivalent of an R5D District, the maximum #building# height shall be increased by 10 feet or one #story#, whichever is less.

(c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts

In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R6 through R10 Districts, and M1-6 Districts, where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R7 through R10 Districts, and M1-6 Districts, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

66-24 - Special Regulations for Accessory Off-street Parking

LAST AMENDED
10/7/2021

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

(a) Parking space deduction

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or waivers of #accessory# off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

(b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

District	Lot Area (in square feet)
R5 R5D C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C7 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	10,000 or less
R6 R7 R8 R9 R10 C1-4 C2-4 C4-4 C4-5D C8-3 C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	15,000 or less

(c) Waiver of requirements where access would be forbidden

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections [25-27](#), [25-34](#), [36-24](#), [36-38](#) or [44-24](#) (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

66-25 - Special Streetscape Regulations

LAST AMENDED
10/7/2021

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections [62-251](#) (Ground floor level requirements) and [62-252](#) (Planting requirements).

66-251 - Ground floor level requirements

LAST AMENDED
10/7/2021

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

66-252 - Planting requirements

LAST AMENDED

10/7/2021

(a) Planting requirements for R5D Districts

In R5D Districts, planting requirements shall be modified as follows:

- (1) The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the planting requirement of Section [23-451](#) (Planting requirement); and
- (2) Where planting strips are required along the entire length of the curb of the #street# pursuant to Section [26-42](#) (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.

(b) Planting requirements for #Quality Housing buildings#

For #Quality Housing buildings#, the area of the #zoning lot# between the #street line# and the #easement volume# shall be exempt from the planting requirements of Section [28-23](#) (Planting Areas).

66-26 - Additional Modifications

LAST AMENDED

10/7/2021

Where a #transit volume# is provided pursuant to Section [66-21](#) (Determination and Certification for Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in Section [66-20](#) (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section [66-52](#) (Additional Modifications).

66-30 - SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

LAST AMENDED

10/7/2021

For all #secondary transit-adjacent sites#, the provisions of this Section are optional. On such sites, an optional #transit volume# may be provided in accordance with a determination by the #transit agency# and certification by the Chairperson of the City Planning Commission pursuant to Section [66-31](#) (Determination and Certification for Optional Transit Volumes). Where a #transit volume# is provided, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections [66-32](#) (Special Modifications for Secondary Transit-adjacent Sites).

66-31 - Determination and Certification for Optional Transit Volumes

LAST AMENDED

10/7/2021

For all #developments# and #enlargements# on #secondary transit-adjacent sites# and #conversions# on all #transit-adjacent sites# seeking to provide a #transit volume#, an initial determination by the #transit agency# shall be made in accordance with the provisions of paragraph (a) of Section [66-21](#) (Determination and Certification for Transit Volumes). Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established

in accordance with paragraph (b) of Section [66-21](#), and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of such Section.

66-32 - Special Modifications for Secondary Transit-adjacent Sites

LAST AMENDED

10/7/2021

Where a #transit volume# is provided pursuant to Section [66-31](#) (Determination and Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

- (a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections [66-22](#) through [66-25](#) shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.
- (b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:
 - (1) #Use# modifications pursuant to Section [66-221](#) (Temporary uses);
 - (2) #Bulk# modifications pursuant to Section [66-231](#) (Special floor area modifications), paragraph (a)(1) of Section [66-232](#) (Special open space, lot coverage and yard modifications), Section [66-233](#) (Special street wall modifications), and paragraph (a)(1) of Section [66-234](#) (Special height and setback modifications);
 - (3) Waiver provisions for required parking pursuant to paragraph (c) of Section [66-24](#) (Special Regulations for Accessory Off-street Parking); and
 - (4) Streetscape modifications pursuant to Section [66-25](#) (Special Streetscape Regulations).

66-33 - Additional Modifications

LAST AMENDED

10/7/2021

Where a #transit volume# is provided pursuant to Section [66-31](#) (Determination and Certification for Optional Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in this Section, pursuant to Section [66-52](#) (Additional Modifications).

66-40 - CONSTRUCTION, MAINTENANCE, AND ADDITIONAL PROVISIONS

LAST AMENDED

10/7/2021

Where an #easement volume# is provided pursuant to Section [66-20](#) (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) or Section [66-30](#) (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) the provisions of this Section, inclusive, shall apply. Where a #clear path# is provided pursuant to the aforementioned Sections, the provisions of Section [66-42](#) (Termination of a Transit Volume) shall also apply.

66-41 - Construction, Maintenance and Other Obligations

LAST AMENDED

10/7/2021

Where an #easement volume# is provided pursuant to this Chapter, transit access improvements within such volume shall be constructed and maintained either by the #transit agency# or the owner of the #zoning lot# with the #development#, #enlargement# or #conversion#.

- (a) Where such transit access improvement is constructed and maintained by the #transit agency#:
- (1) the owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date;
 - (2) in the event that the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit agency#;
 - (3) temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#; and
 - (4) in the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.
- (b) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#:
- (1) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;
 - (2) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;
 - (3) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section [32-642](#) (Non-illuminated signs); and
 - (4) no temporary certificate of occupancy shall be granted by the Department of Buildings until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

66-42 - Termination of a Transit Volume

LAST AMENDED

10/7/2021

In the event that the #transit agency# and the Chairperson of the City Planning Commission jointly notify, in writing, the owner of the #zoning lot# and the Department of Buildings that a #transit volume# is not needed on such #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following

receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the #transit agency# to the extinguishment of the #transit volume#.

Where initially determined that an #easement volume# is needed on any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Chapter, where termination of such #easement volume# has been certified pursuant to this paragraph, the #use# provisions of Section [66-221](#) (Temporary uses) and Section [66-222](#) (Special use allowances around easement volumes) shall continue to apply to any floor space in a previously needed #easement volume# and around such #easement volume# where special #uses# allowances are permitted in #Residence Districts# pursuant to this Chapter. Additionally, any floor space in a previously needed #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously needed volume is located within a #building#, the ground floor space shall be subject to all applicable ground floor level requirements of this Resolution.

66-43 - Annual Reporting

LAST AMENDED
10/7/2021

The #transit agency# shall submit annually to the Chairperson of the City Planning Commission and to the City Council a report containing an inventory of all #easement volumes# established through the provisions of this Chapter and describing the status of improvements within all such #easement volume#.

66-50 - SPECIAL APPROVALS

LAST AMENDED
10/7/2021

For #qualifying transit improvement sites#, a #floor area# bonus may be granted, either by authorization or special permit, where major #mass transit station# improvements are provided pursuant to Section [66-51](#) (Additional Floor Area for Mass Transit Improvements).

For all applications pursuant to the provisions of Sections [66-20](#) (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), [66-30](#) (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or [66-51](#), additional modifications may be granted by the City Planning Commission, either by authorization or special permit, pursuant to Section [66-52](#) (Additional Modifications).

66-51 - Additional Floor Area for Mass Transit Station Improvements

LAST AMENDED
10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites#, the City Planning Commission may grant a #floor area# bonus, by authorization, pursuant to Section [66-511](#) (Additional floor area for mass transit station improvements by authorization), or by special permit, pursuant to Section [66-512](#) (Additional floor area for mass transit station improvements by special permit). All such #floor area# bonuses shall comply with the conditions, findings and additional requirements set forth in Section [66-513](#) (Additional rules and limitations, conditions, findings and requirements).

66-511 - Additional floor area for mass transit station improvements by authorization

LAST AMENDED
10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by authorization, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent or 200,000 square feet of #floor area#, whichever is less, where a major improvement to a #mass transit station# is provided.

The provisions of Section [66-513](#) (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the authorization, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-512 - Additional floor area for mass transit station improvements by special permit

LAST AMENDED
10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by special permit, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, without limitation on overall square footage, where a major improvement to a #mass transit station# is provided.

The provisions of Section [66-513](#) (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the special permit, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-513 - Additional rules and limitations, conditions, findings and requirements

LAST AMENDED
10/7/2021

Any authorization or special permit application pursuant to the provisions of Section [66-511](#) (Additional floor area for mass transit station improvements by authorization) or Section [66-512](#) (Additional floor area for mass transit station improvements by special permit), respectively, shall be subject to the following provisions.

- (a) Additional rules and limitations on bonus #floor area#

The following rules and limitations on bonus #floor area# shall apply in addition to the provisions set forth in Sections [66-511](#) and [66-512](#):

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area

ratio# permitted on the #zoning lot#;

- (2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:
 - (i) where explicitly stated otherwise in a Special Purpose District; or
 - (ii) within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#;
- (3) Within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #residential# #floor area ratio# set forth in paragraph (a) or (b) of Section [23-154](#) (Inclusionary Housing), as applicable; and
- (4) For #compensated developments# or #MIH developments#, as defined in Section [23-911](#) (General definitions), the requirements of Section [23-154](#) shall not apply to the bonus #floor area# granted under the provisions of this Section.

For the purposes of applying this paragraph to applications seeking an authorization pursuant to Section [66-511](#), notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate #mass transit station#, that shall be characteristic of current best practice in mass transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a #mass transit station# that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

(c) Application requirements

All applications shall include the following:

- (1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of application referral or certification, the Commission shall be provided with the following application materials:

- (i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
 - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
 - (iii) initial plans for the maintenance of the proposed improvements.
- (3) Where a #transit volume# is needed pursuant to the provisions of Section [66-21](#) (Determination and Certification for Transit Volumes), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

- (1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization or special permit;
- (2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and
- (3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

- (1) Prior to the granting of such #floor area# bonus, the following requirements shall be met:
 - (i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and
 - (ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.
- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written

declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

Where an #easement volume# is needed pursuant to the provisions of Section [66-21](#) (Determination and Certification for Transit Volumes) or Section [66-31](#) (Determination and Certification for Optional Transit Volumes), the provisions of paragraph (b) of Section [66-41](#) (Construction, Maintenance and Other Obligations) shall not apply.

66-52 - Additional Modifications

LAST AMENDED
10/7/2021

In conjunction with any application pursuant to Section [66-21](#) (Determination and Certification for Transit Volumes), [66-31](#) (Determination and Certification for Optional Transit Volumes) and [66-51](#) (Additional Floor Area for Mass Transit Station Improvements), modifications may be granted pursuant to Section [66-521](#) (Authorization for transit-adjacent sites or qualifying transit improvement sites) or Section [66-522](#) (Special permit for transit-adjacent sites or qualifying transit improvement sites).

66-521 - Authorization for transit-adjacent sites or qualifying transit improvement sites

LAST AMENDED
10/7/2021

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

- (a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations. Any additional height permitted pursuant to Section [66-234](#) (Special height and setback modifications) shall not be included in such percentage increase but may be applied in addition to the resulting #building# height limits.

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

- (1) such proposed modifications are the minimum extent necessary to:
 - (i) reasonably accommodate an #easement volume#, including any associated access thereto; or
 - (ii) where improvements to #mass transit stations# are provided, reasonably accommodate the additional #floor area# granted pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements);
- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

66-522 - Special permit for transit-adjacent sites or qualifying transit improvement sites

LAST AMENDED

10/7/2021

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

(a) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(b) Findings

The Commission shall find that:

- (1) such proposed modifications are necessary
 - (i) to facilitate an #easement volume#, including any associated access thereto; or
 - (ii) where improvements to #mass transit stations# are provided, to accommodate the additional #floor area#

granted pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements);

- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations:
 - (i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and
 - (ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.