62-33 - Special Yard Regulations on Waterfront Blocks
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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 shorelines, 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
<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts with 30 Foot Requirement</td>
<td>Districts with 40 Foot Requirement</td>
</tr>
<tr>
<td>R1 R2 R3 R4 R5</td>
<td>R6 R7 R8 R9 R10</td>
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<tr>
<td>C1 C2 mapped in</td>
<td>C1 C2 mapped in</td>
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<tr>
<td>R1 R2 R3 R4 R5</td>
<td>R6 R7 R8 R9 R10</td>
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<tr>
<td>C3</td>
<td>C1-6 C1-7 C1-8 C1-9</td>
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<td></td>
<td>C2-6 C2-7 C2-8</td>
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<tr>
<td></td>
<td>C4 C5 C6 C7 C8</td>
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<tr>
<td></td>
<td>M1 M2 M3</td>
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</tbody>
</table>

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)
(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.