62-52 - Applicability of Waterfront Public Access Area Requirements
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LAST AMENDED
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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.