



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

84-10 - ZONE A GENERAL DISTRICT REGULATIONS

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84-10 - ZONE A GENERAL DISTRICT REGULATIONS

LAST AMENDED
2/2/2011

Zone A is designed generally to provide for residential development with ancillary retail and service #uses#, and #transient hotels# as permitted pursuant to Section [84-12](#). Zone A is divided into six subzones: A-1, A-2, A-3, A-4, A-5 and A-6. The location and boundaries of the subzones are shown in Appendices 2 and 3 of this Chapter.

84-11 - General Provisions

LAST AMENDED
2/2/2011

Except as expressly modified by the provisions of this Chapter, the regulations applying to an R10 District shall apply in subzones A-1, A-2, A-3, A-5 and A-6 of the #Special Battery Park City District#.

Notwithstanding any other provision of this Resolution, #developments# and #enlargements# may only be constructed in subzone A-4 in accordance with certifications given by the City Planning Commission. #Residential# #open space# in subzone A-4 shall be subject to the provisions of Sections [12-10](#) (DEFINITIONS) and [23-12](#) (Permitted Obstructions in Open Space). For every #dwelling unit# there shall be a minimum of 55.0 square feet of #open space#. All other provisions of this Chapter with respect to Zone A shall not apply to #developments# or #enlargements# in subzone A-4 unless otherwise indicated.

84-12 - Use Regulations

LAST AMENDED
2/2/2011

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections [84-031](#) (Special permit uses), [84-032](#) (Uses not permitted), [84-121](#) (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial# #uses#, #residential uses# are permitted on the same #story# as a #commercial# #use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial# #uses# are not located over any #residences#. However, such #commercial# #use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial# #uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section [84-134](#) (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel# #uses# where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels), or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a #health and fitness establishment# may be permitted; and
- (2) an eating and drinking establishment, as permitted in Section [32-15](#) (Use Group 6), and a #health and fitness establishment# or a non-#residential# #accessory use#, may be located above a #story# containing #residential uses#.

84-121 - Uses along Esplanade

LAST AMENDED
2/2/2011

Except as set forth in this Section and in Section [84-12](#) (Use Regulations), #uses# fronting on the #Esplanade# shall be limited to the #uses# listed in Use Groups 2, 3 and 4 as set forth in Section [22-10](#) (USES PERMITTED AS-OF-RIGHT), except that in the areas indicated as permitted #commercial# locations in Appendix 2.3, in the lowest #story# other than a #basement# in any #building#, the following additional #uses# shall be permitted:

Eating or drinking places, as listed in Use Group 6A in Section [32-15](#)

84-122 - Uses permitted within public open space areas

LAST AMENDED
2/27/2001

Public open space areas located between Murray Street and Warren Street, as indicated in Appendix 3.6, shall be improved at or above grade for use by the public as open areas for passive and/or active recreational #uses#.

84-13 - Bulk Regulations

LAST AMENDED
2/2/2011

#Residential# and #community facility# #bulk# regulations otherwise applicable in R10 Districts are modified to the extent set forth in this Section and Sections [84-131](#) through [84-135](#), inclusive.

The regulations otherwise applicable in R10 Districts are superseded by the regulations set forth in Sections [84-131](#) (Floor area regulations), [84-132](#) (Mandatory front building walls), [84-134](#) (Mandatory arcades) and [84-135](#) (Limited height of buildings).

The provisions of Sections [23-532](#) (Required rear yard equivalents) and [24-11](#) (Maximum Floor Area Ratio and Percentage of Lot Coverage), and Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments) and Chapter 9 (Special Regulations Applying to Large-scale Community Facility Developments), are not applicable.

The provisions of Section [23-70](#) (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) may be modified by the Battery Park City Authority. Prior to the granting of any such modification, the Authority shall make the following findings:

- (a) that such modification will aid in achieving the general purpose and intent of the #Special Battery Park City District#, as set forth in Section [84-01](#);
- (b) that such modification will not unduly increase the #bulk# of #buildings#, the density of population or the intensity of #use# on any #zoning lot# to the detriment of the occupants of #buildings# on such #zoning lot# or nearby #zoning

lots# ;

- (c) that such modification will not adversely affect the #buildings# on the #zoning lot# or nearby #zoning lots# by restricting access to light and air; and
- (d) that if an open area is provided, at any level, between two #buildings#, it shall have a width of not less than eight feet.

84-131 - Floor area regulations

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot# in subzones A-1 and A-5 shall not exceed 12.0, and in subzones A-2, A-3 and A-6 shall not exceed 8.0. However, within subzone A-6, the #floor area ratio# for the #zoning lot# on the southeast corner of Chambers Street and North End Avenue may be increased from 8.0 to a maximum of 12.0, provided that such additional #floor area# is occupied by a #school#.

The #floor area# bonus provisions with respect to R10 Districts shall not apply.

84-132 - Mandatory front building walls

LAST AMENDED
2/2/2011

Except as set forth in paragraphs (g) and (i) of this Section, where Appendices 2.1 or 3.1 show a requirement for a #building# in Zone A to be built to a #mandatory front building wall line#, any such #building# shall have a mandatory front #building# wall coincident with and constructed along such #mandatory front building wall line#, which shall rise without setback for a height above #curb level#, as specified in this Section, except that, at #building# entrances, openings below the second #story# ceiling in the mandatory front #building# walls will be permitted to provide access to courtyards:

- (a) except as set forth in paragraph (d) of this Section, with respect to any 60–85 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 60 feet nor more than 85 feet;
- (b) with respect to any 110–135 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 110 feet nor more than 135 feet. However, a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level# ;
- (c) on the portion of any #zoning lot# designated as a #special height location# in Appendix 2.2, a height of not less than the applicable amount set forth in paragraphs (a) or (b) of this Section and not more than the maximum height indicated in Appendix 2.2 or in paragraph (d)(1) of Section [84-135](#) (Limited height of buildings);
- (d) with respect to any #zoning lot# south of West Thames Street, east of South End Avenue, north of Third Place and west of Battery Place, a height of not less than 18 feet nor more than 85 feet above #curb level# ;
- (e) with respect to any 110–135 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 135 feet;
- (f) with respect to any 110–230 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 230 feet, except that:
 - (1) the width of the mandatory front #building# wall in excess of a height of 135 feet shall not exceed 120 feet along any frontage;

- (2) where the width of the #mandatory front building wall line# along #street lines# intersecting North End Avenue exceeds 100 feet, the mandatory front #building# wall in excess of a height of 135 feet shall not exceed a width of 75 feet along North End Avenue. However, the width of the mandatory front #building# wall along #street lines# intersecting North End Avenue may be reduced to not less than 100 feet in order to accommodate landscaping and other improvements within or adjacent to the public open space areas shown in Appendix 3.6;
 - (3) a setback of 10 feet at a height of 135 feet is required along all street frontages, except Park Place West; and
 - (4) a setback of not less than five feet and not more than 10 feet is required in other locations at a height of 135 feet, as shown in Appendix 3.1;
- (g) with respect to any 150–250 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 150 feet nor more than 250 feet, except that the height may not exceed either 150 feet for more than 120 feet or 75 percent of the length of the site's western property line, whichever is less, and a setback of not less than five feet and not more than 10 feet is required at a height of 150 feet. Where Appendix 3.1 shows a requirement for a #building# to be built to a #mandatory front building wall line# along frontage on River Terrace, any such #building# may have a mandatory front #building# wall coincident with and constructed along a line set back one and one-half feet from the #street line# along River Terrace to accommodate landscaping treatment as required by the Battery Park City Authority;
 - (h) on the portion of any #zoning lot# designated as a #special height location# in Appendix 3.2, a height of not less than the applicable amount set forth in paragraphs (e), (f) or (g) of this Section and not more than the height shown in Appendix 3.2; and
 - (i) on the #zoning lot# south of First Place and west of Battery Place, the eastern mandatory front #building# wall may be located within 30 feet from the eastern #mandatory front building wall line#, and the southern mandatory front #building# wall may be reduced in width up to 30 feet along the southern #mandatory front building wall line# within 30 feet from the intersection with the eastern #mandatory building wall line#.

Subject to the provisions of Section [84-133](#) (Front wall recesses), the mandatory front #building# wall requirements set forth in this Section shall also apply to all #buildings# along all #street lines# within 50 feet of their intersection with any #mandatory front building wall line#. For the next 20 feet along the #street line#, the mandatory front #building# wall requirements are optional except that, for any #building# north of Vesey Street and Vesey Place, the mandatory front #building# wall requirements are optional for the next 25 feet. The height limit of 85 feet shall apply along #street lines# or to #buildings# not subject to the mandatory front #building# wall requirements.

84-133 - Front wall recesses

LAST AMENDED
1/8/1997

Front wall recesses for architectural or decorative purposes are permitted, except in an #arcade# required in Section [84-134](#) (Mandatory arcades), provided that below the level of the second #story# ceiling the depth of such recess does not exceed 20 feet. At any #story# above the level of the second #story# ceiling, recesses to the amount of 25 percent of the aggregate area of the wall at each #story# are permitted, provided the depth of any such recess does not exceed 10 feet. All recesses shall be subject to the applicable provisions of Section [23-84](#) (Outer Court Regulations).

84-134 - Mandatory arcades

LAST AMENDED
2/2/2011

Appendix 2.4 (Mandatory Arcades) specifies those #zoning lots# where an #arcade#, as defined in Section [12-10](#) (DEFINITIONS), shall be provided; and:

- (a) the #arcade# shall extend the full width of the #zoning lot# along the indicated #street lines# or other lines, except where otherwise indicated in Appendix 2.4; and
- (b) the minimum unobstructed depth of the #arcade# shall be 12 feet, and the minimum height of the #arcade# shall be 20 feet above #curb level#.

84-135 - Limited height of buildings

LAST AMENDED
4/30/2012

For the purposes of this Section, the term “#buildings#” shall include #buildings or other structures#. No portion of any #building# may be built to a height greater than 85 feet above #curb level#, except that:

- (a) any portion of a #building# required to have an exterior wall coincident with a 110–135 foot #mandatory front building wall line#, as provided in Section [84-132](#) (Mandatory front building walls), may be built to a height of up to 135 feet above #curb level# ;
- (b) any portion of a #building# required to have an exterior wall coincident with a 110–230 foot #mandatory front building wall line#, as provided in Section [84-132](#) and subject to the requirements contained in paragraph (f) therein, may be built to a height of up to 230 feet above #curb level# ;
- (c) portions of a #building# required to have an exterior wall coincident with a 150–250 foot #mandatory front building wall line#, as provided in Section [84-132](#), may be built to a height of up to 250 feet above #curb level# ;
- (d) on the portion of any #zoning lot# designated as a #special height location# in Appendices 2.2 or 3.2, a #building# may be built to the height above #curb level# indicated in Appendices 2.2 or 3.2, subject to the following:
 - (1) on any #building# south of First Place and east of Battery Place, with a mandatory front #building# wall, the area of which, below the level of the second story ceiling, occupies 100 percent of the frontage along its #mandatory front building wall line#, a height of not more than 450 feet, provided, however, that a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;
 - (2) on #zoning lots# located north of First Place, south of Third Place, and east of Battery Place, #special height locations# not to exceed heights of 135 feet or 360 feet above #curb level# are permitted as indicated in Appendix 2.2, provided that a setback of 10 feet is provided at a height of 85 feet above #curb level# along any #narrow street# frontage;
 - (3) on the #zoning lot# at the southeast corner of Chambers Street and North End Avenue, the #special height location# indicated in Appendix 3.2 shall apply only if such #zoning lot# is occupied by #school# and #residential uses# and the portion of the #building# above a height of 135 feet above #curb level# does not exceed a #lot coverage# of 40 percent; and
 - (4) on the #zoning lot# at the northeast corner of Murray Street and North End Avenue, a #special height location# of 320 feet above #curb level# is permitted as indicated in Appendix 3.2, subject to the requirements contained in Section [84-132](#), paragraph (f);
- (e) Sections [23-62](#) and [33-42](#) (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building# that

exceeds an established height limit shall be subject to the following provisions:

- (1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:
 - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
 - (ii) Elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment (including enclosure walls), pursuant to Section [33-42](#);
 - (iii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
 - (iv) External wall thickness, pursuant to Section [33-42](#);
 - (v) Flagpoles and aerials;
 - (vi) Heliostats and wind energy systems;
 - (vii) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
 - (viii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (e)(1)(viii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
 - (ix) Rooftop greenhouses, permitted pursuant to Section [75-01](#) (Certification for Rooftop Greenhouses);
 - (x) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
 - (xi) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section [33-42](#), do not exceed a height of six feet;

- (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (xii) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (xiii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (xiv) Wire, chain link or other transparent fences.

- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

- (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;
- (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
- (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and

- (f) in #special height locations# in Appendices 2.2 and 3.2 of this Chapter, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

84-14 - Parking Regulations and Curb Cuts

LAST AMENDED

1/8/1997

84-141 - Accessory off-street parking spaces

LAST AMENDED

5/8/2013

Except as provided in Section [84-142](#) (Accessory off-street parking spaces for buildings containing hotel uses), #accessory# off-street parking spaces may be provided only for #residential uses# subject to the provisions of this Section. The ownership requirement for #accessory# off-street parking is satisfied by an interest commensurate with the interest of the principal #use#. Such #accessory# parking spaces shall be #completely enclosed#. No portion of any #accessory# parking facility may be constructed at a height of more than 23 feet above #curb level#. Except as otherwise provided in this Section, no #accessory# off-

site parking shall be permitted.

#Accessory# parking facilities shall be constructed so that no exhaust vents open onto any #street# or park or onto the #Esplanade# and so that no portion of the facility, other than entrances and exits, is visible from adjoining #zoning lots#, #streets# or parks or the #Esplanade#.

The City Planning Commission may, upon application, authorize permitted #accessory# off-street parking spaces to be located anywhere within Zone A without regard for #zoning lot lines#, provided that the Commission shall find that:

- (a) the #accessory# off-street parking spaces and required curb cuts are located within subzones A-1, A-2 or A-3 for #zoning lots# within subzones A-1, A-2 or A-3, or within subzones A-5 or A-6 for #zoning lots# in subzones A-5 or A-6, as indicated in Appendices 2 and 3; parking setbacks in Appendices 2.5 and 3.4; and curb cut locations in Appendices 2.6 and 3.5;
- (b) such #accessory# off-street parking spaces will be conveniently located in relation to the #buildings# containing #residences# to which such off-street spaces are #accessory#, and provided that all such spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory# ;
- (c) such location of #accessory# off-street parking spaces will permit better site planning;
- (d) such #accessory# off-street parking facility shall contain parking spaces #accessory# to #residential uses# only; and
- (e) such parking facility complies with the findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section [13-45](#) (Special Permits for Additional Parking Spaces).

Whenever off-street parking spaces are authorized to be located without regard to #zoning lot lines# in accordance with the provisions of this Section, the number of spaces generated by each #building# shall be recorded in that building's certificate of occupancy (temporary and permanent). In addition, any certificate of occupancy for the #accessory# off-street parking facility shall state the number of parking spaces authorized to be relocated from each #zoning lot#.

84-142 - Accessory off-street parking spaces for buildings containing hotel uses

LAST AMENDED
5/8/2013

For the #zoning lot# south of First Place and east of Battery Place, #accessory# off-street parking spaces for hotel #uses# may be provided at the rate established for #transient hotels# in Section [13-12](#) (Permitted Parking for Non-residential Uses) or [13-13](#) (Permitted Parking for Zoning Lots With Multiple Uses), as applicable.

84-143 - Off-street loading

LAST AMENDED
5/8/2013

Enclosed #accessory# off-street loading berths shall be provided in conformity with the requirements set forth in the following table and under rules and regulations promulgated by the Commissioner of Buildings for the #uses# listed in the table.

REQUIRED OFF-STREET LOADING BERTHS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths
Supermarkets	First 8,000	None
	Next 17,000	1
	Next 15,000	1
	Each additional 15,000 or fraction thereof	1
Hotels	First 100,000	None
	Next 200,000	1
	Each additional 300,000 or fraction thereof	1

84-144 - Location of curb cuts

LAST AMENDED
2/2/2011

Curb cuts are permitted only in the areas or locations indicated in Appendices 2.6 and 3.5. The aggregate width of all curb cuts provided for any #zoning lot# shall not exceed 20 feet, except that:

- (a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street, and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;
- (b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15 foot curb cuts;
- (c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25 foot wide curb cut to the #accessory# off-street parking facility;
- (d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet;
- (e) for each #zoning lot# located on the east side of Battery Place:
 - (1) between First Place and Second Place, the aggregate width of all curb cuts shall not exceed 40 feet;

- (2) between Second Place and Third Place, the aggregate width of all curb cuts shall not exceed 50 feet; and
- (f) for the #zoning lot# south of First Place and west of Battery Place, the aggregate width of all curb cuts shall not exceed 24 feet.