

CITY PLANNING COMMISSION DISPOSITION SHEET

SPECIAL MEETING:
MONDAY, AUGUST 16, 1993
1:00 P.M. IN SPECTOR HALL

Lois McDaniel, Calendar officer
 22 Reade Street, Room 2E
 New York, New York 1000-1216
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION
1	N 930327 (C) ZRY		Favorable Report Adopted	23			
2				24			
3				25			
4				26			
5				27			
6				28			
7				29			
8				30			
9				31			
10				32			
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16				38			
17				39			
18				40			
19				41			
20				42			
21				43			
22				44			

COMMISSION ATTENDANCE:	Present	Absent	(P)	(A)	COMMISSION VOTING RECORD:										In Favor - Y Oppose - N Abstain - AB			
					Calendar Numbers													
					1													
Richard L. Schaffer, <i>Chairman</i>	P		Y															
Victor G. Alcea, <i>Vice Chairman</i>	P		Y															
Eugene L. Birch, <i>A.I.C.P.</i>	P		Y															
Amanda M. Burden, <i>A.I.C.P.</i>	P		Y															
Anthony I. Giacobbe	P		Y															
Maxine Griffith	P		Y															
James C. Jao, <i>R.A.</i>	P		Y															
Brenda Levin	P		Y															
Joel A. Miele, <i>SR., P.E.</i>	A																	
Edward T. Rogowsky	P		Y															
Ronald Shiffman, <i>A.I.C.P.</i>	P		Y															
Analisa Torres, <i>Esq.</i>	P		Y															
Jacob B. Ward, <i>Esq., Commissioners</i>	P		Y															

MEETING ADJOURNED AT: 2:23 P.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION
—
MONDAY, AUGUST 16, 1993
—
SPECIAL MEETING AT 1:00 P.M.
in
SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK



David N. Dinkins, Mayor
City of New York

Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

RICHARD L. SCHAFFER, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
EUGENIE L. BIRCH, A.I.C.P.
AMANDA M. BURDEN, A.I.C.P.
ANTHONY I. GIACOBBE, *Esq.*
MAXINE GRIFFITH
JAMES C. JAO, R.A.
BRENDA LEVIN
JOEL A. MIELE, SR., P.E.
EDWARD T. ROGOWSKY
RONALD SHIFFMAN, A.I.C.P.
ANALISA TORRES, *Esq.*
JACOB B. WARD, *Esq., Commissioners*
LOIS MCDANIEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in City Hall, Manhattan, unless otherwise ordered.

I. REPORTS

CITYWIDE

No. 1

(Amendments to the Zoning Resolution concerning use, bulk, design and parking regulations for developments along the waterfront. The original application, N 930327 ZRY, was printed in Calendars dated May 12, 1993, May 26, 1993, June 23, 1993 and July 7, 1993 and heard on those dates. The modification, N 930327(C) ZRY, was printed in Calendars dated June 23, 1993 and July 7, 1993 and heard on those dates. The original text is hereby incorporated into the modified application, N 930327(C) ZRY, as follows.)

N 930327(C) ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, relating to various sections and the establishment of Article VI, Chapter 2, as follows:

Matter in **Graytone** is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10, or 62-11;
... indicate unchanged text omitted within a paragraph;
* * * indicate where unchanged text appears in the Zoning Resolution

Article I - General Provisions

Chapter 1 Title, Establishment of Controls, and Interpretation of Regulations

* * *

11-12 Establishment of Districts

* * *

Residence Districts

* * *

R7-2 General Residence District

R7-3 General Residence District

R7A General Residence District

* * *

R9 General Residence District

R9-1 General Residence District

R9A General Residence District

* * *

11-16 Pierhead Lines, Bulkhead Lines and Marginal Streets

The pierhead and bulkhead lines shown on the #zoning maps# shall be the lines adopted by the United States Army Corps of Engineers, except where a New York City pierhead or bulkhead line is adopted, in which case the New York City line shall be the governing line for the purposes of this Resolution. In the event a provision of this Resolution refers to a pierhead or bulkhead line and no such line is shown on the #zoning map#, then the #shoreline# shall control.

Marginal streets, ways, places or wharves shown on the #zoning maps# shall not be deemed to be #streets# for the purposes of this Resolution, unless expressly stated otherwise.

* * *

12-10 DEFINITIONS

* * *

Accessory use, or accessory

An "accessory use":

- (a) is a #use# conducted on the same #zoning lot# as the principal #use# to which it is related (whether located within the same or an #accessory building or other structure#, or as an #accessory use# of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, #accessory# docks, off-street parking or off-street loading need not be located on the same #zoning lot#; and

* * *

Base plane [Definition moved from Section 23-61]

A "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections in ~~R2X, R3, R4 and R5~~ Districts. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, where the #base flood elevation# is higher than grade, the #base flood elevation# may be the level of the #base plane#. In addition, the following regulations shall apply:

- (a) Within 100 feet of a #street line#:
- (1) The level of the #base plane# for a #building# or #building segment# without a #street wall# shall be determined by the average elevation of the final grade adjoining such #building# or #building segment#.

- (2) Where a #base plane# other than #curb level# is established, the average elevation of the final grade adjoining the #street wall# of the #building# or #building segment#, excluding the entrance to a garage within the #street wall#, shall not be lower than the level of the #base plane#, unless the #base plane# is also the #base flood elevation#.
 - (3) For #buildings developed# after June 30, 1989 in #Residence Districts#, where the average elevation of the final grade adjoining the #street wall# of the #building#, excluding the entrance to a garage within the #street wall#, is more than two feet below #curb level#, the level of the #base plane# shall be the elevation of such final grade, unless the #base plane# is also the #base flood elevation#.
 - (4) As an option, on sites which slope from the #street wall line level# to the #rear wall line level# by at least ten percent to the horizontal, the level of the #base plane# may extend in a sloping plane from such #street wall line level# to such #rear wall line level#. When a sloping #base plane# is thus established, the average elevation of the final grade at the #rear wall line# shall not be lower than the #rear wall line level#.
- (b) For all #buildings#, where #base planes# of different elevations apply to different portions of a #building#, only that portion of the #building# to which such #base plane# applies may be used to determine such #base plane#.
 - (c) For #buildings# located partially within and partially beyond 100 feet of a #street line#, or where #corner lot# or #through lot# regulations subject different portions of a #building# to #base planes# of different elevations, separate #base planes# may be determined for each such portion of the #building# or, as an option, the elevation of each such #base plane# may be multiplied by the percentage of the total #lot coverage# of

the #building# to which such #base plane# applies. The sum of the products thus obtained may be the elevation of the adjusted #base plane# applicable to such #building#.

* * *

Basement

A "basement", except in ~~R2X, R3, R4, and R5 Districts~~, where a #base plane# is used to determine #building# height, is a #story#, or portion of a #story#, partly below #curb level#, with at least one-half of its height (measured from floor to ceiling) above #curb level#. On #through lots#, the #curb level# nearest to a #story#, or portion of a #story#, shall be used to determine whether such #story#, or portion of a #story#, is a #basement#.

~~In R2X, R3, R4, and R5 Districts~~, where a #base plane# is used to determine #building# height, a #basement# is a #story# (or portion of a #story#) partly below the #base plane#, with at least one half its height (measured from floor to ceiling) above the #base plane#.

* * *

Cellar

A "cellar", except in ~~R2X, R3, R4, R5 Districts~~, where a #base plane# is used to determine #building# height, is a space wholly or partly below #curb level#, with more than one-half its height (measured from floor to ceiling) below #curb level#. On #through lots#, the #curb level# nearest to such space shall be used to determine whether such space is a #cellar#.

~~In R2X, R3, R4, and R5 Districts~~, where a #base plane# is used to determine #building# height, a #cellar# is a space wholly or partly below the #base plane#, with more than one-half its height (measured from floor to ceiling) below the #base plane#.

* * *

Curb level [Definition moved from Section 23-61]

* * *

For the purposes of determining a #base plane#, "curb level" is the mean level at that portion of the curb adjoining a #zoning lot# from which, when viewed directly from above, lines perpendicular to the curb may be drawn to a #street wall#. On #corner lots#, #curb level# is the average of the mean levels of such portions of the curbs on intersecting #streets#. On #through lots#, #curb level# is determined separately for each #street# frontage to a distance midway between such #streets#.

* * *

Lot coverage

* * *

In R2X, R3, R4 or R5 Districts, and for #residential buildings# in other districts within the #waterfront area#, obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.

* * *

Shoreline

The "shoreline" is the mean high water line, as determined in accordance with the procedure set forth by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

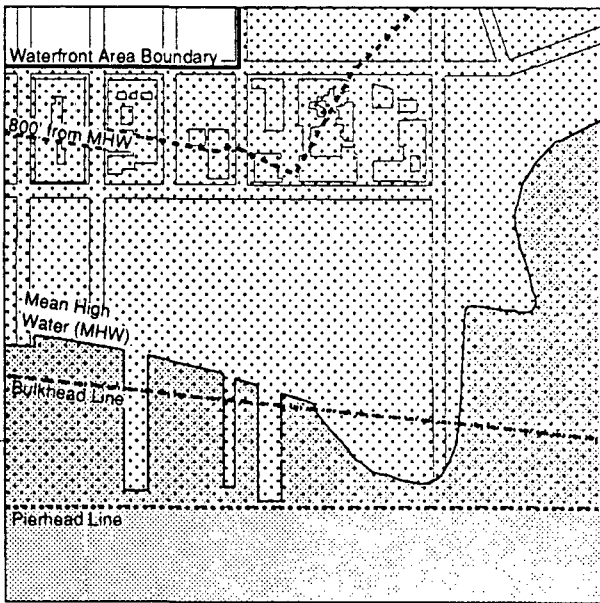
* * *

Waterfront area

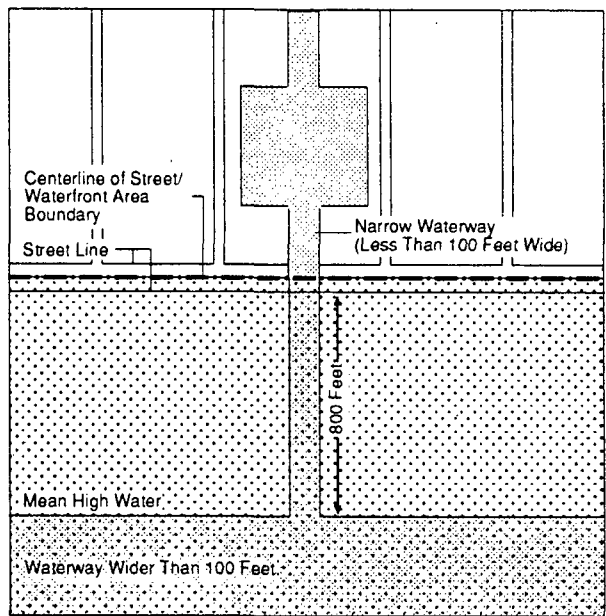
The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#. Where such line intersects a #block#, the

entire #block# shall be included and the #waterfront area# boundary shall coincide with the centerline of the landward boundary #street# or other #block# boundary.

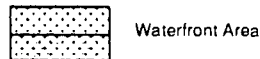
For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shorelines#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#.



Waterfront Area



Narrow Waterway Exclusion



* * *

Article II - Residence District Regulations

Chapter 1 Statement of Legislative Intent

* * *

21-15 R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 General Residence Districts

* * *

R7-3 and R9-1 Districts may be mapped only within the waterfront area#.

* * *

Chapter 2 Use Regulations

22-00 GENERAL PROVISIONS

* * *

The #uses# listed in the various Use Groups... shall prevail.

Special regulations applying in the waterfront area# are set forth in Article VI, Chapter 2.

* * *

22-22 By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4 or as otherwise indicated in this Section.

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section 62-732

Domiciliary care facilities for adults

* * *

23-01 Applicability of This Chapter

* * *

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

~~Special Midtown District~~

~~In the #Special Midtown District#, certain provisions of this Chapter which would otherwise be applicable by cross reference from Article III are modified as specifically set forth in Article VIII, Chapter 1.~~

* * *

23-12 Permitted Obstructions in Open Space

* * *

~~(h) Those improvements authorized, pursuant to paragraph (g) of Section 78-312 (Special permit authorizations) on an underwater portion of #zoning lot#.~~

* * *

23-60 Height and Setback Regulations
Definitions and General Provisions

23-61 Definitions

* * *

~~Base plane~~

~~[Entire definition deleted and incorporated into the definition of "base plane" in Section 12-10.]~~

~~Curb level~~

~~[Entire definition deleted and incorporated into the definition of "base plane" in Section 12-10.]~~

* * *

24-01 Applicability of this Chapter

* * *

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

~~Special Midtown District~~

~~In the #Special Midtown District#, certain provisions of this Chapter which would otherwise be applicable by cross reference from Article III are modified as specifically set forth in Article VIII, Chapter 1.~~

* * *

25-026 Applicability of regulations in the waterfront area

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District; R9-1 Districts shall be governed by such regulations for an R9 District.

* * *

25-30 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

25-31 General Provisions

* * *

For Uses Permitted by Special Permit

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees.

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries (Parking Requirement - as provided in Section 62-53)

Fire or police stations

* * *

Article III - Commercial District Regulations

* * *

32-00 GENERAL PROVISIONS

* * *

In the area, which as a result of zoning map change 840260 ZMM...a conforming #use#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

* * *

32-15 Use Group 6

C1 C2 C4 C5 C6 C8

* * *

C. Retail or Service Establishments

* * *

Clothing rental establishments...per establishment (Parking Category B)

Docks for ferries, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour (Parking Category H)

Docks for water taxis with vessel capacity limited to 20 passengers

Docks or mooring facilities for non-commercial pleasure boats (Parking Category H)

Dry goods or fabric stores...per establishment (Parking Category B)

* * *

32-18 Use Group 9

C2 C4 C5 C6 C8

* * *

A. Retail or Service Establishments

* * *

*Clothing or costume rental establishments (Parking Category B)

Docks for sightseeing, excursion or sport fishing vessels limited to the following aggregate dock capacities per #zoning lot#:

200 in C2, C3 Districts;

500 in C4-1, C4-2, C4-3, C4-4, C7, C8-1, C8-2, C8-3 Districts;

2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot# (Parking Category H).

32-19 Use Group 10
C4 C5 C6 C8

A. Retail or Service Establishments

* * *

Depositories for storage of office records...data processing (Parking Category G)

Docks for ferries, with no restriction on passenger load (Parking Category H)

Dry goods or fabric stores...per establishment (Parking Category B)

* * *

32-23 Use Group 14
C2 C3 C7 C8

* * *

A. Retail or Service Uses

* * *

Boat fuel sales...dock berth (Parking Category C)

~~Boat launching facilities for non-commercial pleasure boats.~~

Boat rentals, open or enclosed (Parking Category H)

* * *

Coin-operated vending machines...self-contained machines

~~Docks for ferries, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour (Parking Category H)~~~~Docks for sightseeing, excursion or sport fishing vessels limited to the following aggregate dock capacities per #zoning lot#:~~~~200 in C2, C3 Districts;~~~~500 in C7, C8-1, C8-2, C8-3 Districts;~~~~2,500 in C8-4 Districts.~~~~"Dock capacity" is the U.S. Coast Guard certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot#.~~~~Docks for water taxis with vessel capacity limited to 20 passengers~~~~Docks or mooring facilities for non-commercial pleasure boats less than 100 feet in length (Parking Category H)~~

Fishing tackle or equipment, rental or sales (Parking Category B1)

* * *

32-32 By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4 or as otherwise indicated in this Section.

* * *

Children's amusement parks...per establishment

C6

Docks for passenger ocean vessels pursuant to Section 62-731.

Domiciliary care facilities for adults.

* * *

33-01 Applicability of this Chapter

* * *

~~In the #Special Midtown District#, certain provisions of this Chapter are modified as specifically set forth in Article VIII, Chapter 1.~~

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

* * *

34-01 Applicability of this Chapter

* * *

~~Special regulations applying only in Special Purpose Districts are set forth in Article VIII.~~

* * *

~~In the #Special Midtown District#, certain provisions of this Chapter are modified as specifically set forth in Article VIII, Chapter 1.~~

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

* * *

35-01 Applicability of this Chapter

* * *

In Manhattan Community Districts...meet the requirements for new #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

* * *

36-027 Applicability of regulations in the waterfront area

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 Districts, the #accessory# off-street parking regulations of R7-2 Districts shall apply to #residential uses#. In #Commercial Districts# governed by R9-1 regulations, the #accessory# parking regulations of R9 Districts shall apply to #residential uses#.

* * *

36-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR
COMMERCIAL OR COMMUNITY FACILITY USES

36-21 General Provisions

* * *

Other commercial #uses# - #Uses# in parking requirement category H
in Use Group 5, 6, 7, 8, 9, 10, 13, or 14, or when permitted by
special permit.

* * *

Camps...employees

Docks for non-commercial pleasure boats; rental boats;
ferries; sightseeing, excursion or sport fishing vessels;
or passenger ocean vessels (Parking Requirement - as
provided in Section 62-53

Hotels

* * *

Funeral Establishments

~~Boat docks or boat rental establishments~~
~~c2 c3 c7 c8~~
~~1 per 2 boat berths~~

* * *

Article IV - Manufacturing District Regulations

42-00 GENERAL PROVISIONS

* * *

The #uses# listed in the various Use Groups...the text of these Use Groups shall prevail.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

* * *

42-12 Use Groups 3A, 6A, 6B, 6D, 6E, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

M1 M2 M3

* * *

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.

* * *

42-13 Use Groups 6C, 9A and 12B

M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis;...and watch or clock repair shops.

42-14 Use Group 17

M1 M2 M3

* * *

C. Miscellaneous Uses

Agriculture...truck gardens.

Docks for passenger ocean vessels

Docks for sightseeing, excursion or sport fishing vessels,
with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed

Public transit...as to size

* * *

Trucking terminals...per establishment

~~Waterfront shipping~~

* * *

43-01 Applicability of this Chapter

* * *

~~In the #Special Midtown District#, certain provisions of this Chapter are modified as specifically set forth in Article VIII, Chapter 1.~~

In M1-1D...pursuant to Section 42-47 (Residential Uses in M1-D Districts).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

* * *

44-02 Applicability

Except as otherwise provided...the provisions of the various Sections.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

* * *

44-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR
MANUFACTURING, COMMERCIAL, OR COMMUNITY FACILITY USES

44-21 General Provisions

* * *

Camps...employees

Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed (Parking Requirement - as provided in Section 62-53)

* * *

Funeral Establishments

~~Boat docks or boat rental establishments~~
~~M1 M2 M3~~
~~1 per 2 boat berths~~

* * *

Article VI - Special Height Regulations Applying ~~Applicable~~
Around Major Airports to Certain Areas

Chapter 1 ~~Restrictions of Maximum Height of Buildings~~ Special
Regulations Applying Around Major Airports

61-00 General Provisions

The maximum height of buildings or other structures shall be regulated by the special controls set forth in this Article Chapter...and general welfare.

The definitions applicable to this Article Chapter...Section 61-30.

* * *

61-11 Designation of Major Airports

The major airports are hereby designated to include ~~New York~~ John F. Kennedy International, LaGuardia and U.S. Naval Air Station (Floyd Bennett Field).

* * *

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

* * *

APPLICATION TO MAJOR AIRPORTS

	John F. Kennedy New York International	U.S. Naval Air Station (Floyd Bennett Field)
<u>LaGuardia</u>		

* * *

61-42 Runways for Major Airports

* * *

[RUNWAY DIAGRAM FOR JFK AIRPORT]

~~New York~~ John F. Kennedy International Airport

* * *

Article VI

Special Regulations Applicable to Certain Areas

Chapter 2 Special Regulations Applying in the Waterfront Area

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[N.B.: All of Article VI, Chapter 2, is new text]

Chapter 2 Special Regulations Applying in the Waterfront Area

62-00 GENERAL PURPOSES

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 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;
and
- (f) To protect natural resources in environmentally sensitive areas along the shore.

62-10 GENERAL PROVISIONS

62-11 Definitions

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).

Development

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

- (a) an #enlargement#, or any other alteration that increases the height or coverage of an existing #building or other structure#;
- (b) an #enlargement# that increases the portion of a tract of land occupied by an existing #use#;
- (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 #waterfront area use# classification to another.

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:

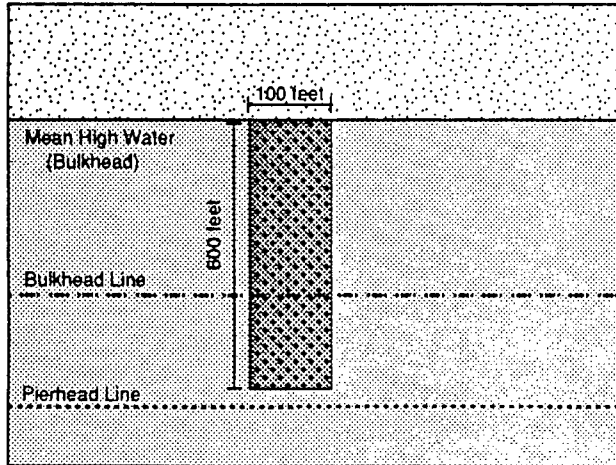
- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
- (b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

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.

Platform

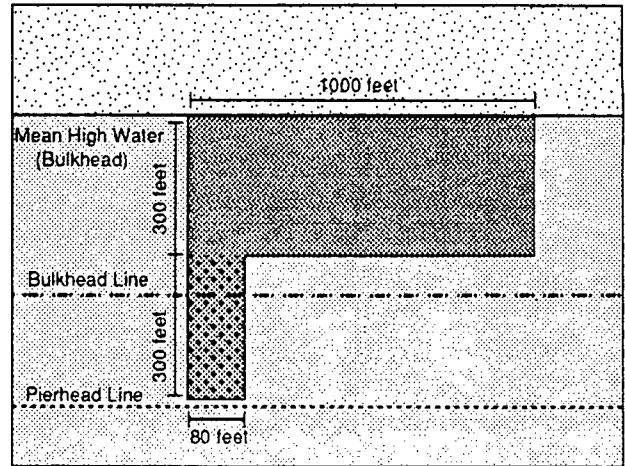
A "platform" is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

- (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.



Pier

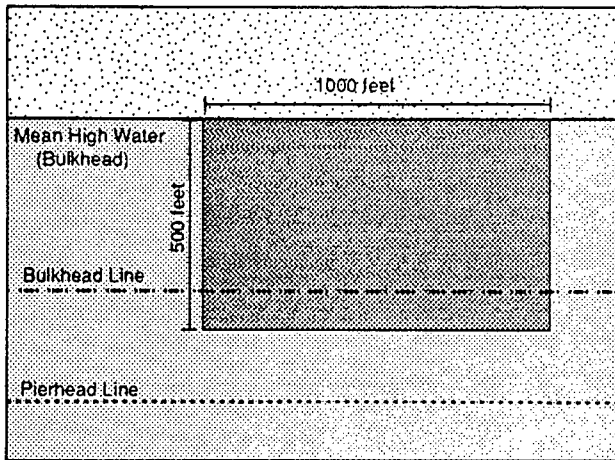
Length: 600 ft.
 Width: 100 ft.
 Ratio: 6:1 > 2:1 (length to width)



Platform with Pier Portion

Platform
 Length: 300 ft.
 Width: 1000 ft.
 Ratio: 0.3:1 < 2:1 (length to width)




Pier
 Length: 300 ft.
 Width: 80 ft.
 Ratio: 3.75:1 > 1:1 (length to width)



Platform

Length: 500 ft.
 Width: 1000 ft.
 Ratio: 0.5:1 < 2:1 (length to width)

Piers/Platforms: Configuration

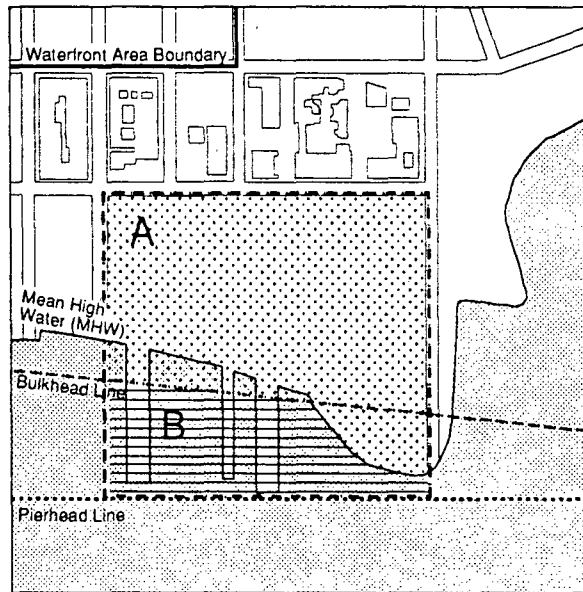
-  Land
-  Pier (or Pier Portion)
-  Platform

Predominant or Predominantly

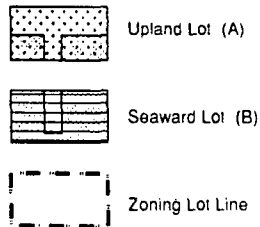
"Predominant" or "predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area# or #pier water coverage#, as applicable.

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



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 waterview plaza, waterview park, waterview sitting area or residual area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the waterfront public access requirements.

Upland Connection

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# or a #supplemental public access area# to a public sidewalk within a public #street#, #public park# or other 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#.

Visual Corridor

A "visual corridor" is a public #street# or tract of land within a #block# 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.

For the purpose of applying #water coverage# to any provision of this Resolution relating to #lot area#, a #pier# or #platform# shall be structurally sound and physically accessible directly from the shore, with a surface capable of lawful occupancy. However, 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#.

Waterfront Block, Public Park or Zoning Lot

A "waterfront block, public park or zoning lot" is a #block#, #public park# 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 #block# within the #waterfront area# that abuts a #waterfront public park# shall be deemed to be part of a #waterfront block#.

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

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 62-80.

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 City Planning Commission and City Council, or former Board of Estimate, as applicable, prior to (effective date of amendment) 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) through (f) 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 City Planning Commission and, if applicable, the City Council, provided such modifications do not:

- (a) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section 62-30;
- (b) 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 62-35;
- (c) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to (effective date of amendment);
- (d) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;
- (e) 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 (effective date of amendment); or
- (f) 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 62-40 (Requirements for Waterfront Public Access and Visual Corridors).

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.

Notwithstanding the provisions of Section 11-30 (Building Permits Issued Before Effective Date of Amendment), construction authorized

pursuant to a building permit issued by the Department of Buildings or Business Services for any #development# for which an application, with complete plans and specifications for the entire construction and not merely a part thereof, was filed and pending with the Department of Buildings or Business Services as of May 12, 1993, may be continued for a period of 30 days from (effective date of amendment). Thereafter, the Chairman of the City Planning Commission may grant an extension of time not to exceed one year from (effective date of amendment) to continue construction pursuant to such building permit provided an application for the #development# pursuant to Section 62-70 (Special Review Provisions) has been filed with the Department of City Planning. Construction may proceed during the time period granted without regard to the provisions of this Chapter, except for those provisions for which the application is under review pursuant to Section 62-70. At the expiration of the one year period, the provisions of Section 11-30 shall apply.

62-13 Applicability of District Regulations

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.

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 South Street Seaport District#

#Special Manhattan Landing District#

The #Special Sheepshead Bay District# shall be applicable, except that Section 94-061 (Uses permitted by right) 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.

62-131 Applicability of Chapter 3 of Article VII

The following special permits by the Board of Standards and Appeals shall not be applicable within #waterfront blocks#:

Section 73-64 (Modification 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 or R2 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.

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 62-50 (Special Parking and Loading Regulations).

62-132 Applicability of Chapters 4, 8 & 9 of Article VII

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 and the special permit provisions of Section 62-735.

Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential or Large-Scale Community Facility Developments) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-511 and 62-521 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 74-79 (Transfer of Development Rights from Landmarks 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 (Bulk Computations on Waterfront Zoning Lots) 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 62-40 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 74-74 (General Large-Scale Developments)
 Section 78-00 (Large-Scale Residential Developments)
 Section 79-00 (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 physical and visual 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 62-351.

For the purposes of modifying the height and setback regulations of Section 62-351, 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.

(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 62-722. In lieu of making the findings in paragraphs (a) or (b), 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 62-40 and 62-60.

62-133 Applicability of the Quality Housing Program

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 #residential building# or any #residential# portion of a #mixed building developed# on a #zoning lot# within a #waterfront block# 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 paragraphs (a) through (d) of this Section.

In R6, R7, R8, R9, and R10 Districts and in any C1 or C2 District mapped within such Districts, and in #Commercial Districts# in

which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, any #residential building# or any #residential# portion of a #mixed building developed# 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 except as modified in paragraphs (a) through (d) of this Section.

- (a) The requirements of Section 28-13 (Ground Floor Glazing) shall also apply to at least 30 percent of the frontage length of any building wall facing and within 15 feet of an #upland connection#, #shore public walkway# or #pier# public access area.
- (b) #Developments# that provide a #shore public walkway# in accordance with the requirements of Section 62-60 shall be deemed to have met the preferred standards for outdoor recreation space specified in Section 28-30 (Recreation Space and Planting Areas).
- (c) For the purposes of paragraph (a) of Section 28-351 (Location of Required Planting), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.
- (d) The requirements of paragraph (b) of Section 28-351 (Location of required planting) shall apply only to #developments# that increase the existing #floor area# on the #zoning lot# by at least 20 percent.
- (e) The visibility requirements of Section 28-42 (Entrance to Buildings) shall be met when the new main entrance of any #development# is directly visible from a #street# or public access area. The main lobby of such #development# need not comply with these visibility requirements.

62-134 Applicability of Chapter 7 of Article VII

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 sections.

Section 77-24 (Lot Coverage) shall be applicable, except that the method set forth in such Section shall apply to both #community facility buildings# and #residential buildings# in accordance with the #lot coverage# provisions set forth in 62-32.

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 #developments# or #enlargements# built pursuant to the Quality Housing Program 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.

62-14 Requirements for Recordation

All required #visual corridors#, #shore public walkways#, #supplemental public access areas#, #pier# or #floating structure# public access areas and #upland connections#, once certified in accordance with the provisions of Section 62-711 (Waterfront public

access and visual corridors), 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, indexed against the property, binding the owners, successors and assigns to provide #visual corridors# and to construct and maintain the #shore public walkways#, #supplemental public access areas#, #pier# or #floating structure# public access areas and #upland connections# and provide public access thereto in accordance with the plans certified by the Chairman of the City Planning Commission. 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 public access elements shall be recorded on the certificate of occupancy by the Department of Buildings or Business Services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

62-15 Integration of Waterfront Access Plans

Waterfront Access Plans shall be set forth in Section 62-80 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.

62-16 Requirements for Applications

An application to the Department of Buildings, Department of City Planning or Department of Business Services involving a #development# subject to the provisions of this Chapter shall include a survey of the #zoning lot# showing the following elements, as applicable:

- (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 their #water coverage# and surface elevation or height, as applicable;
- (h) previously established and recorded #visual corridors#, #shore public walkways#, #upland connections#, #supplemental public access areas# or any other public access areas on the #zoning lot# or on adjoining #zoning lots#;
- (i) #visual corridors# or public access areas required on the #zoning lot# by a #Waterfront Access Plan# in Section 62-80; and
- (j) existing bulkheads and stabilized portions of natural shore showing their seaward and landward edges, as well as their top elevations.

62-20 SPECIAL USE REGULATIONS

62-21 Classification of Uses in the Waterfront Area

The following #uses# shall be classified in accordance with their relationship to the water; "WD" (water-dependent) or "WE" (waterfront-enhancing). 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 WD uses (Water-Dependent)

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 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 primarily occupied by
 persons with boats docked at the facility.

From Use Group 9:

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

From Use Group 10:

Docks for ferries with no restriction on passenger load

From Use Group 13:

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

From Use Group 14:

Boat fuel sales establishments, open or enclosed, restricted
 to location within ten 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

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

Docks for vessels not otherwise listed

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 WE uses (Waterfront-Enhancing)

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:

Churches
 Community Centers
 *Non-commercial clubs, with restrictions
 **#Public parks# or playgrounds or private parks
 Recreation centers, non-commercial
 *Philanthropic or non-profit institutions without sleeping accommodations
 Golf courses
 Tennis courts, outdoor

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

From Use Group 5:

#Transient Hotels#

From Use Group 6:

All #uses# in Use Group 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)
Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis

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 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.

62-22 Commercial Docking Facilities

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 62-53 and 62-562 of this Chapter.

62-23 Accessory Residential Docking Facilities

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

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 Community Boards 1 through 8 in Manhattan, an additional off-street parking space, in a location adjacent to the docking facility, or off-site in accordance with the provisions of Section 62-512 (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

#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

#Piers# and #platforms# shall be classified as either existing or new for the purposes of the #waterfront area# regulations. A #pier# or #platform# shall be classified as existing only if at least 75 percent of the surface of such pile-supported or solid-core structure is visible in the aerial photographs of New York City flown by Lockwood, Kessler and Bartlett in April 1988.

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

62-241 Uses on existing piers and platforms

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 any 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 (effective date of amendment); or
- (c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section 62-352 (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 62-734 (Developments on piers or platforms).

62-242 Uses on new piers and platforms

New #piers# and #platforms# shall be limited to WD #uses# or to the following WE #uses#: #public parks# or playgrounds or publicly accessible private parks. Conversions from these #uses# to any other WE #use# are permitted only by special permit pursuant to Section 62-734.

62-25 Uses on Floating Structures

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:

- (a) eating or drinking establishments as listed in Use Groups 6 or 12;
- (b) theaters as listed in Use Group 8; and
- (c) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.

Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-733.

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#.
- (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

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

In C8 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 62-735. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

62-30 SPECIAL BULK REGULATIONS

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. 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 (effective date of amendment) 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, 62-34 or 62-351 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections 62-736, 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 62-352 and 62-353.

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 62-32.

62-31 Bulk Computations on Waterfront Zoning Lots

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

- (a) Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# shall be deemed to be #lot area# for the purpose of determining allowable #floor area, dwelling units# or #rooming units# on such structures or to satisfy any other #bulk# regulations, unless expressly stated otherwise. #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 ten percent.

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) #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#.

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

62-321 Residential development In R3, R4, and R5 Districts

The maximum #floor area ratio# and #lot coverage# for #residential buildings# in R3, R4, and R5 Districts shall be in accordance with the applicable district regulations, except as provided in Section 62-323.

62-322 Residential development In R1, R2, R6, R7, R8, R9, and R10 Districts

For #residential buildings# in R1, R2, R6, R7, R8, R9, and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage, Maximum Quality Housing Lot Coverage and Maximum Floor Area Ratio) through Section 23-18 (Floor Area Bonus for Arcades) shall not apply, except as provided in Section 62-323. The maximum #floor area ratio# and #lot coverage# for any #building or other structure# on a #zoning lot# within a #waterfront block# shall be as specified in the following table:

**MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS**

<u>District</u>	<u>Maximum #Floor Area Ratio#</u>	<u>Maximum Lot Coverage# (in percent)</u>
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
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9, R9A	7.52	70
R9-1 R9X	9.00	70
R10 R10A	10.00*	70

* In R10 Districts, the #floor area ratio# for any #building# on a #zoning lot# within a #waterfront block# may be increased to a maximum of 12 pursuant to Section 23-90 (INCLUSIONARY HOUSING).

**62-323 Non-profit residences for the elderly in R3, R4, R5, R6,
and R7 Districts**

In the districts indicated, the maximum #floor area ratio# and #lot coverage# for #non-profit residences for the elderly# on a #zoning lot# within a #waterfront block# shall be as specified in the following table:

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR NON-PROFIT RESIDENCES FOR THE ELDERLY
IN R3, R4, R5, R6, AND R7 DISTRICTS

District	Maximum #Floor Area Ratio#	Maximum #Lot Coverage# (in percent)
R3	.95	55
R4	1.29	55
R5	1.95	60
R6B	2.00	60
R6 R6A R7B	3.90	65
R7 R7A R7X	5.01	70

62-324 Non-residential buildings in Residence Districts

In #Residence Districts#, for any #community facility building# or any #building# used partly for #community facility use# on a #zoning lot# within a #waterfront block#, 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.
- (b) The maximum percent of #lot coverage# specified in Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) shall not apply. In lieu thereof, the following #lot coverage# regulations shall apply:

MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITY BUILDINGS

District	Maximum Lot Coverage (in percent)
R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 R7X R8 R8A R8X R9A	75
R9 R9-1 R9X R10 R10A	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 preceding table.

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.

62-325 For buildings in Commercial Districts

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

- (a) no #floor area# bonuses shall be permitted; and
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0.

The maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through 62-323 shall apply to all #residential buildings# and #residential# portions of #mixed buildings#.

62-326 Buildings in Manufacturing Districts

In #Manufacturing Districts#, for any #building# on a #zoning lot# on a #waterfront block#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall be permitted.

62-33 Residential Density Regulations on Waterfront Blocks

The maximum number of #dwelling units# or #rooming units# on a #zoning lot# within a #waterfront block# shall be in accordance with the provisions of this Section.

R1 R2 R3 R4 R5 R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A

(a) In the districts indicated, the maximum number of #dwelling units# or #rooming units# shall be in accordance with the applicable district regulations.

R6 R7-1 R7-2 R7-3 R8 R9 R9-1 R10

(b) In the districts indicated, without a letter suffix, the regulations of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) pertaining to #lot area per room# shall not apply. In lieu thereof, the maximum number of #dwelling units# or #rooming units# shall be as specified in the following table:

REQUIRED AREA LOT AREA PER DWELLING OR ROOMING UNIT
(in square feet)

District	Required #Lot Area# per #Dwelling Unit#	Required #Lot Area# per #Rooming Unit#
R6	278	206
R6 #non-profit residences for the elderly#	183	146
R7-1 R7-2	198	138
R7-1, R7-2 #non-profit residences for the elderly#	143	114
R7-3	135	100
R8	123	88
R9	98	78
R9-1	88	66
R10	79	60

62-34 Special Yard Regulations on Waterfront Blocks

#Yard# regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section. However, the provisions of Sections 62-341 and 62-342 shall not apply to WD

#uses# or, in C8 or #Manufacturing Districts#, to #developments# comprised #predominantly# of #uses# in Use Groups 16, 17 or 18.

No #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements

62-341 Front yards and side yards

#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 62-342.

62-342 Rear yards and waterfront yards

#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, with a depth as set forth in the following table. The minimum depth 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, 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.

The level of a #waterfront yard# 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 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 (effective date of amendment) need not be altered in order to comply with this requirement.

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 be limited to those allowed for public access areas located within such #waterfront yards# or for #rear yards# as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except that the following #rear yard# obstructions shall not be permitted:

- *#Accessory# swimming pools
- *#Accessory# off-street parking spaces, open or enclosed
- *Open terraces or porches
 - Walls exceeding four feet in height
- *Unenclosed balconies
- *#Accessory# non-commercial greenhouses.

* Except when #accessory# to #single or two-family residences# in #detached, semi-detached# or #zero lot line buildings#. However, only open #accessory# off-street parking spaces shall be permitted.

WATERFRONT YARD DEPTH FOR ALL DISTRICTS

Column AColumn 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
above districts

C1 C2 mapped in
above districts

C3

C1-6 C1-7 C1-8 C1-9
C2-6 C2-7 C2-8
C4 C5 C6 C7 C8
M1 M2 M3

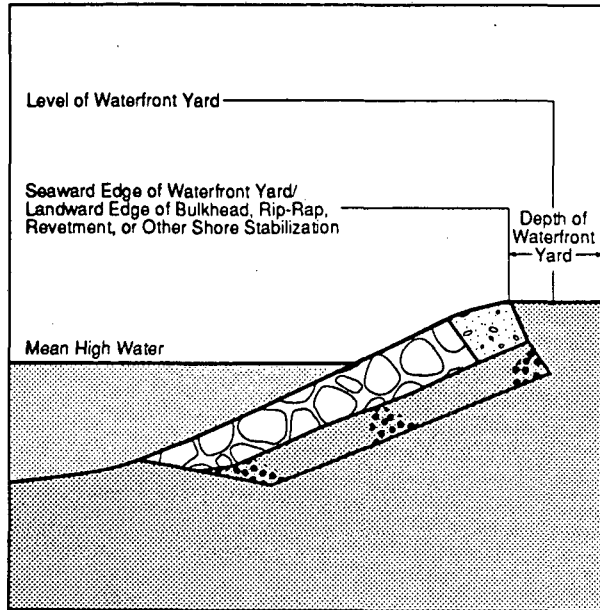
The minimum depth set forth in the preceding table may be reduced at the following locations provided no #waterfront yard# is reduced to less than ten feet:

- (a) 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 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.

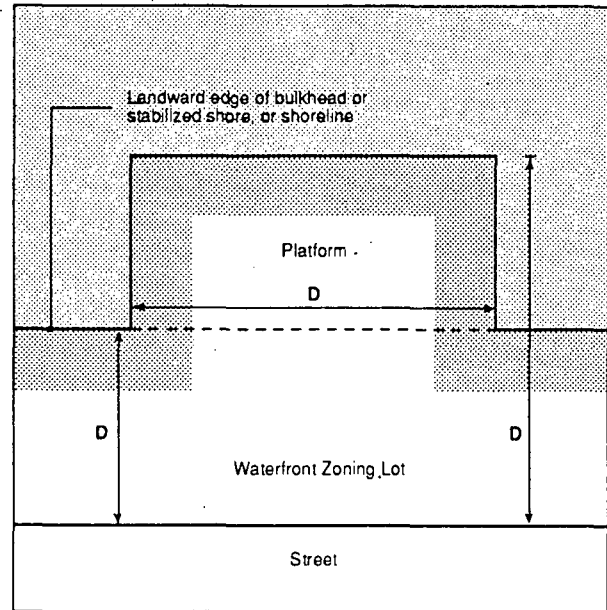
For such shallow portions of lots, the minimum depth may be reduced by one foot for each foot that the lot dimension measured from such edge is less than 70 or 80 feet, as applicable.

- (b) 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.

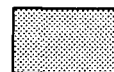
For such narrow portions of #platforms#, the minimum depth along each opposite edge may be reduced by one-half foot for each foot that the platform dimension is less than 100 or 120 feet, as applicable.



Waterfront Yard at Stabilized Natural Shoreline



Waterfront Yard



Waterfront Yard

D

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

62-35 Height and Setback Regulations On Waterfront Blocks

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.

62-351 Developments on land and platforms

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. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-352 and 62-353.

(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, 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 ten 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#.

(3) Measurement of Height

The height of all #buildings or other structures# on #waterfront blocks# 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, except for #buildings# subject to Section 23-631.

(4) Permitted Obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42, or 43-42 shall apply. In addition, the following obstructions shall be permitted:

- (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 Table C of this Section provided that on any #street# frontage the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of dormer)
- (ii) A penthouse portion of a #building or other structure# shall be permitted to exceed a maximum #building# height specified in Table A of this Section only if the gross area of any #story# within such portion located either partially or wholly above such height does not exceed 80 percent of the gross area of the #story# directly below. No such portion of a #building or other structure# shall exceed the maximum #building# height in Table A by more than 40 feet.

(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 applicable district height and setback regulations are applicable or modified as follows:

(1) #Residential buildings#

(i) In R1 and R2 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the height and setback regulations of Section 23-60, 24-50 and 33-40 shall not apply. In lieu thereof, no #residential# or #mixed building#, 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 height and setback regulations for #residential# and #mixed buildings#, except for #predominantly community facility buildings#, shall be in accordance with Section 23-60. However, the provisions of Section 35-61 relating to #mixed buildings# in C1 and C2 Districts mapped within R3 or R4 Districts, and C1 and C2 Districts mapped within R4, R4B or R4-1 Districts, shall also apply.

(2) #Predominantly community facility buildings#

The height and setback regulations of Section 24-50, 33-40, and 43-40 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) #Commercial buildings#

The height and setback regulations of Section 33-40 and 43-40, and Section 23-60 for #commercial uses# permitted in #Residence Districts# by special permit, 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 other structures shall be limited to a height of 35 feet.

(c) Medium and High Density Non-Contextual Districts

R6	R7	R8	R9	R10	C1-6	C2-6	C4-2	C5	C6	C7	C8-2	M1-2	M2	M3
					C1-7	C2-7	C4-3				C8-3	M1-3		
					C1-8	C2-8	C4-4				C8-4	M1-4		
					C1-9		C4-5					M1-5		
							C4-6					M1-6		
							C4-7							

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 height and setback regulations of Sections 23-60, 24-50, 33-40, and 43-40 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 of this Section.

(3) Floor area distribution

#Zoning lots# with #buildings# that exceed the maximum base height listed in Table A of this Section 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 full build-out.

(4) Maximum residential tower size

Each #residential story# of a #building# located entirely above the maximum base height specified in Table A of this Section 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) Additional setback provisions for high buildings

A setback is required for all #buildings# that exceed a height of 150 feet. Such setback may be provided in any manner provided any #story# of a #building# located entirely above a height of 150 feet does not exceed 85 percent of the gross area of the same #building# located entirely below a height of 150 feet. Such setback areas may be penetrated by dormers provided that the setback is at least six feet in depth and extends across the entire face of the #building#. On any building face, the aggregate length of all dormers at a height of 150 feet shall not exceed 60 percent of the length of the building face at such level. At any higher level, the length of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds 150 feet.

(6) Maximum length of walls facing shoreline

The maximum length of any #story# of a #building# that faces a #shoreline# and is entirely above the maximum base height specified in Table A of this Section shall not exceed 100 feet. Such length 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).

(7) Ground floor streetscape provisions

At least 50 percent of the frontage length of any #street wall# facing and within 50 feet of a #shore public walkway#, #upland connection#, #supplemental public access area#, or public #street# shall be occupied by #floor area# at the ground floor level. This provision shall not apply to any such #street wall# less than 50 feet in length. 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 Section 62-675.

Table A
 HEIGHT AND SETBACK FOR ALL BUILDINGS
 IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS*

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

* 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	R7-3
C4-2 C8-2 M1-2 C4-3	
R7-2 R8 / C1 or C2 mapped within R7-2 or R8	R9
C1-6 C2-6 C4-4 C6-1 C8-3 M1-3 C1-7 C4-5 C6-2 C8-4 M1-4 M1-5	
R9-1 / C1 or C2 mapped within R9-1	R9-1
R9-1 R10 / C1 or C2 mapped within R9 or R10	R10
C1-8 C2-7 C4-6 C5-1 C6-4 M1-6 C1-9 C2-8 C4-7 C5-2 C6-5 C5-3 C6-6 C5-4 C6-7 C5-5 C6-8 C6-9	

(d) Medium and High Density Contextual Districts

R6A	R7A	R8A	R9A	R10A	C1-6A	C2-6A	C4-2A	C5-1A	C6-2A
R6B	R7B	R8B	R9X		C1-7A	C2-7A	C4-3A		C6-3A
	R7X	R8X			C1-8A	C2-7X	C4-4A		C6-4A
					C1-8X	C2-8A	C4-5A		
					C1-9A		C4-5X		
							C4-6A		
							C4-7A		

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Sections 23-60, 24-50 and 33-40 shall not apply. In lieu thereof, the following regulations shall apply:

(1) Maximum building height

No #building or other structure# shall exceed the maximum building heights specified in Table C of this Section.

(2) Setback provisions

Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, setbacks are required for all portions of #buildings# that exceed the maximum base heights specified in Table C of this Section. Such setbacks shall be provided in accordance with the following provisions:

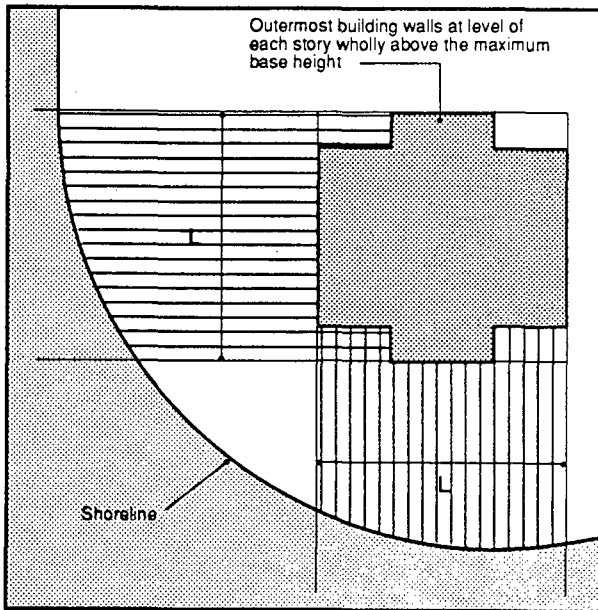
- (i) Building walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table C of this Section. Building walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table C.
- (ii) These setback provisions are optional for any building wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

TABLE C
 HEIGHT AND SETBACK FOR ALL BUILDINGS
 IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B / C1 or C2 mapped within R6B	30	40	50
R6A / C1 or C2 mapped within R6A	40	60	70
C4-2A C4-3A			
R7B / C1 or C2 mapped within R7B	40	60	75
R7A / C1 or C2 mapped within R7A	40	65	80
C1-6A C2-6A C4-4A C4-5A			
R7X / C1 or C2 mapped within R7X	60	85	125
C4-5X			
R8B / C1 or C2 mapped within R8B	55	60	75
R8A / C1 or C2 mapped within R8A	60	85	120
C1-7A C6-2A			
R8X / C1 or C2 mapped within R8X	60	85	150
R9A** / C1 or C2 mapped within R9A**	60	95	135
C1-8A** C2-7A** C6-3A**			
R9A* / C1 or C2 mapped within R9A*	60	102	145
C1-8A* C2-7A* C6-3A*			
R9X** / C1 or C2 mapped within R9X**	60	120	160
C1-8X** C2-7X**			
R9X* / C1 or C2 mapped within R9X*	105	120	170
C1-8X* C2-7X*			

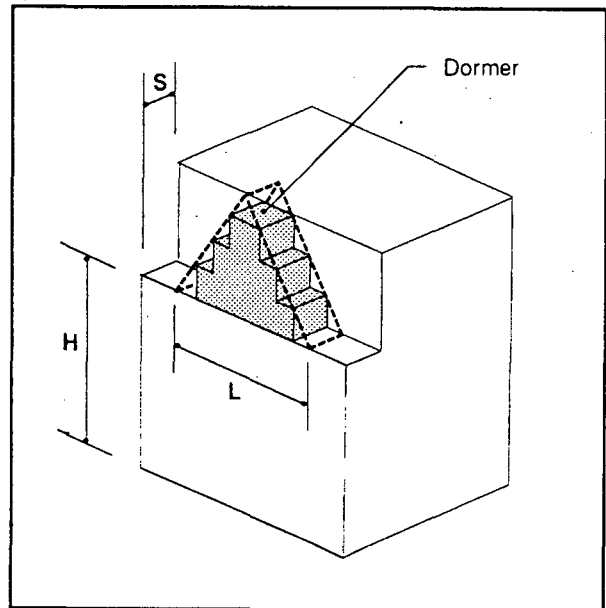
R10A** / C1 or C2 mapped within R10A**	60	125	185
C1-9A** C4-6A** C5-1A** C6-4A** C2-9A** C4-7A**			
R10A* / C1 or C2 mapped within R10A*	125	150	210
C1-9A* C4-6A* C5-1A* C6-4A* C2-8A* C4-7A*			

* denotes district mapped on #wide street#
 ** denotes district mapped on #narrow street#



Maximum Length of Building Wall Facing Shoreline

L = maximum length of building wall (100 feet)



Dormer

H = maximum base height

S = required setback or initial setback distance

L = maximum length of dormer at maximum base height
 (60% of streetwall length of highest story entirely below maximum base height)

62-352 Developments on piers

In all districts, the height and setback regulations of Sections 23-60, 24-50, 33-40 and 43-40 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 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 length of dormers on any given building wall does not exceed 50 percent of the length 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 ten feet in depth along any portion of the #building# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion.

(b) Building length and spacing regulations on piers

The maximum length or width of any #building or other structure# on a #pier# shall be 200 feet. The minimum distance between any two #buildings or other structures# on a #pier# 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 62-642, except that free-standing #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 length and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit of the City Planning Commission pursuant to Sections 62-734, 74-711 or 74-79.

62-353 Developments on floating structures

In all districts, the height and setback regulations of Sections 23-60, 24-50, 33-40 and 43-40 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, aerials 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 62-733 shall not exceed the height limits set forth in Column A of the following table except for navigational vessels being converted to #floating structures# in accordance with such special permit provisions. Converted vessels shall be subject to the height limits set forth in Column B of the following table.

HEIGHT LIMITS FOR FLOATING STRUCTURES

Residential District	Commercial District	Mfg. District	Column A	Column B
			Maximum Structure Height	Maximum Height of Converted 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 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5	M1-6	60 ft.	150 ft.

C6-3 C6-4
C6-5 C6-6
C6-7 C6-8
C6-9

62-36 Minimum Distance Between Buildings on Waterfront Blocks

The provisions of Section 23-70 (Minimum Required Distance Between Two or More Buildings on a Single Zoning Lot) shall be inapplicable on #waterfront blocks#. In lieu thereof, the provisions of this Section shall apply.

In all districts, the minimum distance between a #residential building# and any other #building# on the same #zoning lot# shall be as provided in this Section except that these provisions do not apply to:

- (a) space between a #single-family, two-family#, or three-family #residence# and a garage #accessory# thereto; or
- (b) #development# on #piers#.

The minimum distance between such two #buildings# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing walls. Such minimum distance shall be as indicated in the following table:

STANDARD MINIMUM DISTANCE BETWEEN BUILDINGS

Wall Condition*	<u>Maximum Building Height (in ft.)</u>				
	25 ft.	35 ft.	40 ft.	50 ft.	Over 50 ft.
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50
Window to Window	40	45	50	55	60

* Wall condition shall be defined as:

- (a) "wall to wall" is a condition where two walls of #buildings# face each other and neither wall contains a #legally required window#;
- (b) "wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#; or
- (c) "window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

In addition, the following rules shall apply:

- (a) The minimum distances set forth in the preceding table shall apply between any two #buildings# where, when viewed directly from above, lines drawn perpendicular to any wall of one #building# intersect any wall of the other #building#.
- (b) Any portion of a #building# which qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#.
- (c) Where two #buildings# of different heights face each other, the average height of such #buildings# shall determine the minimum distance required between them.

- (d) The minimum distance required between two #buildings# shall be provided at the closest point between such two #buildings#, except as provided in paragraph (g).
- (e) Where two or more portions of #buildings# rise above a common base, the minimum distance between such #building# portions shall be governed by this section, and the height of such #building# portions shall be measured from the roof of the common base.
- (f) Projections having a maximum height of 25 feet, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project may penetrate the minimum spacing requirements.
- (g) Portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.

62-40 Requirements for Waterfront Public Access and Visual Corridors

All #developments# on #zoning lots# within #waterfront blocks# shall be subject to the provisions of this Section and the review provisions of Section 62-71 (City Planning Certifications). For the purpose of determining requirements for public access pursuant to Section 62-41 or #visual corridors# pursuant to Section 62-42, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of #piers# and #platforms# within the #seaward lot#.

All public access areas and #visual corridors# shall comply with the provisions of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA), except:

- (a) as set forth otherwise in Section 62-415 paragraph (b) for public access areas in conjunction with #developments# that are:

- (1) comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels; #boatels#; or commercial beaches; or
 - (2) 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 Register of Historic Places; or
 - (3) changes of #use# or #extensions# within #buildings# existing on (effective date of amendment) and which involve, in aggregate, an amount of #floor area# less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater; or
- (b) for portions of public access areas located within New York State-designated wetlands or their adjacent regulated areas, where the design of such portions shall be in accordance with an approval from the New York State Department of Environmental Conservation; or`
- (c) as set forth otherwise in a Waterfront Access Plan in Section 62-80.

62-41 Requirements for Waterfront Public Access

Waterfront public access shall be provided for all #developments# on #waterfront zoning lots# in accordance with the provisions of this Section. However, the following shall be exempted:

airports, heliports, seaplane bases;

#developments# comprising #predominantly# WD #uses#, except for the following #uses# as provided for in Section 62-415 paragraph (b): docks for non-commercial pleasure

boats; ferries; sightseeing, excursion or sport fishing vessels; #boatels#; or commercial beaches;

#developments# in C8 or #Manufacturing Districts# comprising #predominantly uses# in Use Groups 16, 17 or 18, except for docks serving sightseeing, excursion or sport fishing vessels as provided for in Section 62-415 paragraph (b);

#developments# in R1 or R2 districts;

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

#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 Register of Historic Places, which shall be subject only to the provisions of Section 62-415 paragraph (b);

#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 (effective date of amendment) 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 (effective date of amendment) and not more than 20,000 square feet;

changes of #use#, provided that if such changes involve changes from exempt #uses#, as listed in this Section, to non-exempt #uses#, the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on (effective date of amendment) and not more than 20,000 square feet; and

changes of #use# or #extensions# that exceed the 50 percent or 20,000 square foot threshold above, but are within #buildings# existing on (effective date of amendment) and which involve, in aggregate, an amount of #floor area# less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or

#residential use#, whichever is greater. Such changes of #use# or #extensions# shall be subject only to the provisions of Section 62-415 paragraph (b).

62-411 Requirements for shore public walkways

- (a) Except for #developments# subject to the provisions of Section 62-415 paragraph (b), all #developments# on #waterfront zoning lots# meeting the criteria set forth in the following table or on #floating structures# or shall provide a #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from a portion of the #shoreline#. Such #shore public walkway# shall be:
- (1) located along the seaward edge of the #waterfront yard# as established in Section 62-342 with a minimum width measured from such edge as set forth in the following table, or for #floating structures# as set forth in Section 62-413, unless relocation or modification of width is permitted pursuant to this Section or Section 62-60; and
 - (2) permitted to be reduced in width on shallow portions of the #zoning lot# or narrow portions of #platforms# using the same method as set forth for #waterfront yards# in Section 62-342, except that a reduction shall be permitted below a 150 foot dimension in lieu of the dimensions set forth in paragraphs (a) and (b) of such section. The reduction factor, in all cases, shall be one foot for each two feet that the dimension is less than 150 feet, provided no #shore public walkway# is reduced to less than ten feet; and
 - (3) at a level not higher than the level of the #waterfront yard#.

SHORE PUBLIC WALKWAY WIDTH

Developments in the Following Districts	Zoning Lot Threshold	Required Shore Public Walkway Width
For #predominantly residential use##* in R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3 Districts	#Lot area# of 1.5 acres or #shoreline# length of 600 ft.	30 ft.
In above districts for any other #use# or mixed #use#	#Lot area# of 10,000 sq. ft. and #shoreline# length of 100 ft.	30 ft.
In all other Districts (except R1 and R2)	#Lot area# of 10,000 sq. ft. and #shoreline# length of 100 ft.	40 ft.

* Not more than two percent #commercial use# shall be permitted in #developments# classified predominantly residential. Such percentage shall be computed as the ratio of #floor area# of such #use# to total #floor area# on #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# on a #zoning lot# shall be accessible from a public sidewalk within a public #street#, #public park# or other public place in accordance with the provisions of Section 62-414 (Requirements for upland connections). Such walkways shall also connect with #shore public walkways# on adjoining #zoning lots#.
- (d) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to the preceding table and if:
- (1) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which a #shore public walkway# is required; and
 - (2) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold for which a #shore public walkway# is required for either district; then

a #shore public walkway# shall be provided as if the entire #zoning lot# were located in the district having the lowest threshold. Each portion of the #shore public walkway# shall be governed by the width requirement specified for the district in which it is located.

62-412 Requirements for public access on piers

All #developments# on #piers# shall provide public access in accordance with the provisions of this Section.

Public access areas on #piers# shall consist of the following:

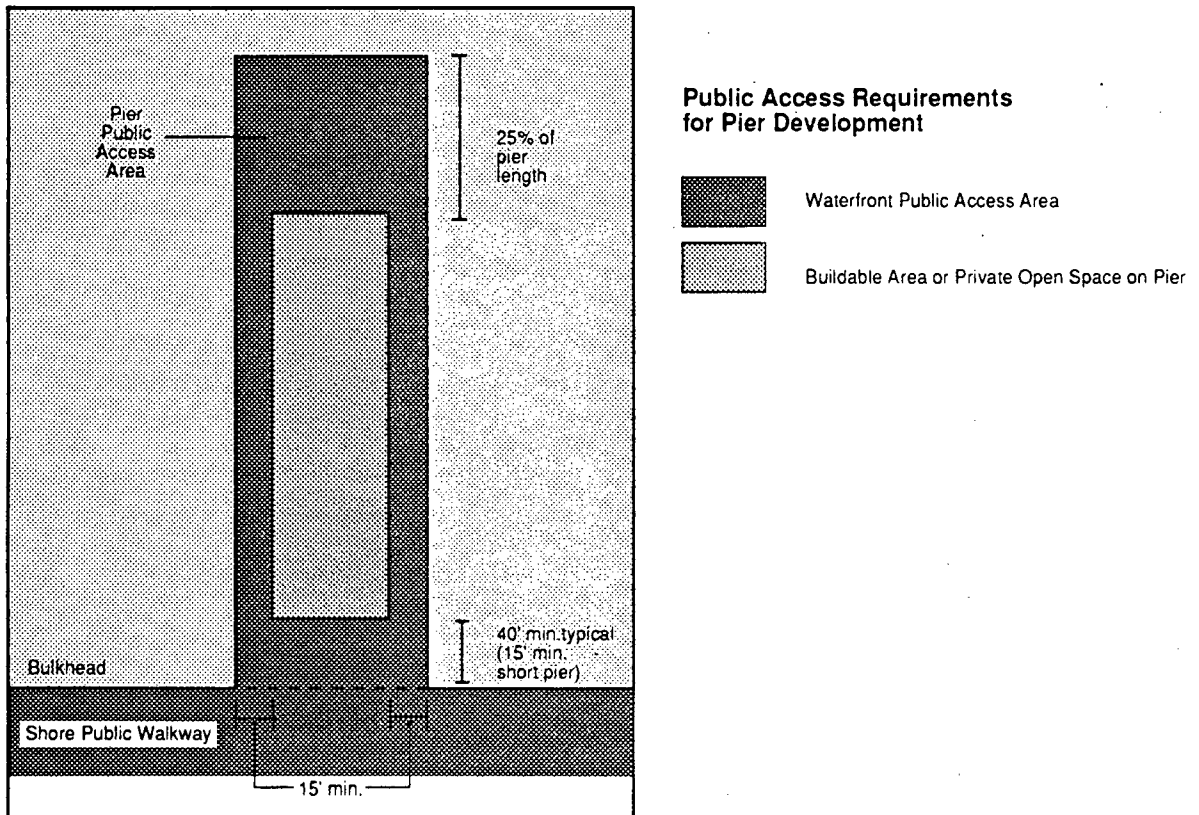
- (a) an area along the seaward edge of the #pier#, having a depth measured from such edge equal to 25 percent of the overall length of the #pier#. However, building projections into the required public access area are permitted provided that the aggregate width of all projections at the level of any #story#

does not exceed 50 percent of the aggregate width of the #building#. Any such projection shall not reduce the depth of the required area by more than 20 percent and shall not be included in the computation of public access area provided on the pier. In no event shall the depth of the public access area be less than 15 feet; and

- (b) 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. However, such area need not exceed 25 percent of the length of the #pier#. In no event shall the depth be reduced to less than 15 feet; and
- (c) 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 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 for both 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 ten foot depth along any edge.
- (d) Notwithstanding the preceding requirements, when a #pier# is #developed predominantly# with the following WE #uses#: a #public park# or playground or publicly accessible private park, the waterfront public access requirement on the #pier# pursuant to this Section and Section 62-60 shall be deemed to be satisfied by such #use#.

#Pier# public access areas shall be directly accessible from a #shore public walkway#, #upland connection#, public sidewalk within a #street#, #public park# or other public place, or other public access area. For those #pier# public access areas provided pursuant to paragraph (d) of this Section, the minimum width of such

connection shall be equal to at least 50 percent of the #pier# width where it projects from the bulkhead, stabilized or natural #shoreline#, or #platform# edge.



62-413 Public access requirements for floating structures

All #developments# on #floating structures# permitted as-of-right pursuant to Section 62-25 shall provide public access in accordance with the provisions of this Section. #Developments# subject to a special permit pursuant to Section 62-733 shall provide public access in accordance with a plan established pursuant to such 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 62-411. 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#.

62-414 Requirements for upland connections

- (a) All public access areas on #zoning lots# provided pursuant to Sections 62-411, 62-412 or 62-413 shall be accessible from a public #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600 feet by means of either of the following #upland connections#:
- (1) a direct connection between the public access area and an adjoining public sidewalk or other pedestrian area within a public #street#, #public park# or other public place;
or
 - (2) a publicly traversable way through the #zoning lot# or adjoining #zoning lots# directly connecting with a public sidewalk or other pedestrian area within a public #street#, #public park# or other public place.
- (b) #Upland connections# provided through a #zoning lot# shall meet the following requirements:

- (1) The required width of the connection shall be as set forth in Column A of the following table. Such width may be reduced on #zoning lots# having a #lot width# less than 150 feet by an amount equal to one foot for each two feet that the #lot width# is less than 150 feet. However, in no event shall the width be less than the minimum width specified in Column B of the table.

As an alternative, a private drive on the #zoning lot# may be used for all or a portion of an #upland connection#. For the purpose of computing the area of an #upland connection# within a private drive, the vehicular roadway shall be excluded.

- (2) Where there is an intervening #zoning lot# that would prevent compliance with paragraph (a) of this Section, the #upland connection# interval may be increased to a greater distance. Such increase shall be 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.
- (3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, in accordance with the following table, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.

WIDTH REQUIREMENTS FOR UPLAND CONNECTIONS THROUGH ZONING LOTS

Districts	<u>Column A</u> Basic Minimum	<u>Column B</u> Narrow Lot Reduction Minimum
R3 R4 R5	20 ft.	12 ft.
C1, C2 mapped in R1 thru R5 Districts; C3 Districts	20 ft.	12 ft.
All other districts (except R1 and R2)	30 ft.	16 ft.

62-415 Requirements for supplemental public access areas

- (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 following table, 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# with the following WE #uses#: a #public park# or playground or publicly accessible private park, the requirements of this Section shall be deemed to be satisfied by such #use#.

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.

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

Developments in the Following Districts	Zoning Lot Threshold	Total Waterfront Public Access Area Requirement
In R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3, C4-1 Districts	#Lot area# of 1.5 acres and #shoreline# length of 600 ft.	15% of #lot area#
In R6, R7-1, R7-2, R7A, R7B and R8B Districts and in #Commercial Districts# governed by the bulk regulations of such #Residence Districts#	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	15% of #lot area#
In all other #Commercial# or #Manufacturing# Districts with a permitted commercial FAR of 4.0 or less		
In other R7, R8, R9 and R10 Districts and in #Commercial Districts# governed by the bulk regulations of such #Residence Districts#	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	20% of #lot area#
In all other #Commercial# or #Manufacturing# Districts with a permitted commercial FAR above 4.0		

- (b) For #developments# listed in Section 62-40 paragraph (a) that involve certain WD #uses#, historic structures, or partial #developments#, the total waterfront public access area requirement determined from the table may be satisfied by providing waterfront public access areas on the #zoning lot# in any manner that will enable the public to reach a waterfront viewing area on the #zoning lot# from a public sidewalk within a public #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 public access area on the #zoning lot#. One linear foot of seating shall be provided for every 100 square feet of viewing area. Additionally, the public access area shall be accessible to the handicapped in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.

Public access areas improved in accordance with paragraph (b) shall not be required to comply with Section 62-60 (Design Standards for the Waterfront Area) except for Sections 62-624 (Maintenance and operation of waterfront public access areas), 62-627 (Vehicle and emergency access), 62-671 (Guardrails, gates and other protective barriers), 62-672 (Seating) and 62-674 (Signage).

- (c) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to the table, and if:
- (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 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; then

the waterfront public access area requirement shall be met for the entire #zoning lot#. Each portion of the #zoning lot# shall generate a total waterfront public access area requirement based on the percentage of public access area required in the table for the district in which it is located. All public access areas on the #zoning lot#, regardless of their location, may be used to satisfy the total requirement for the #zoning lot# and #supplemental public access areas# may be located anywhere on the #zoning lot# in accordance with the provisions of Section 62-60.

62-42 Requirements for Visual Corridors

#Visual corridors# shall be provided for #developments# on #zoning lots# 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# comprising #predominantly 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# comprising #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-

421 without encroaching on an adjacent lot, no #visual corridors# shall be required.

62-421 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 this paragraph (c) 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:

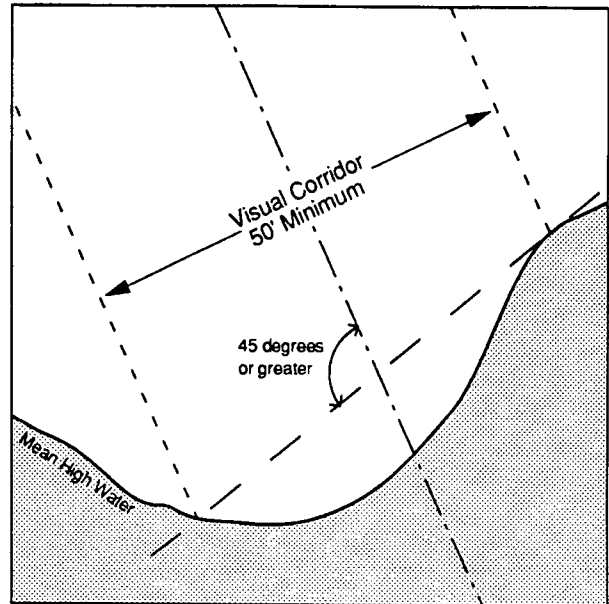
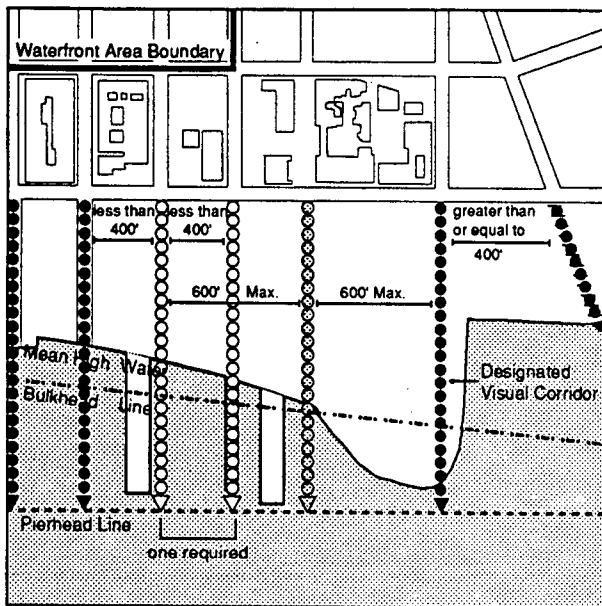
- (1) there is an existing mapped #street# extending to the water that intersects the #shoreline# at an angle of 45 degrees or more; or
- (2) there is a required #visual corridor# pursuant to paragraph (a); or
- (3) there is an existing designated #visual corridor# either previously recorded by another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


No existing #street#, or its prolongation, shall be considered presently blocked due to the presence of elevated roadways; elevated railways; or pedestrian or vehicular bridges existing on (effective date of amendment).


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#.




Visual Corridor Locations

- 


Mapped Street Seaward of the First Upland Street or Designated Visual Corridor (Mandatory Location for Visual Corridor)
- 


Mapped Street Terminating at First Upland Street (Alternative Location for Visual Corridors, Mandatory at Maximum Intervals of 400 Feet)
- 


Mapped Street Terminating at First Upland Street (Distance Greater than or Equal to 400 Feet: Mandatory Location)
- 

No Upland Street (Visual Corridor Mandatory at Maximum Intervals of 600 Feet)

Visual Corridor: Angle of Shoreline Intersection

- 

Street Line, Prolongation of Street Lines or Visual Corridor Boundaries
- 

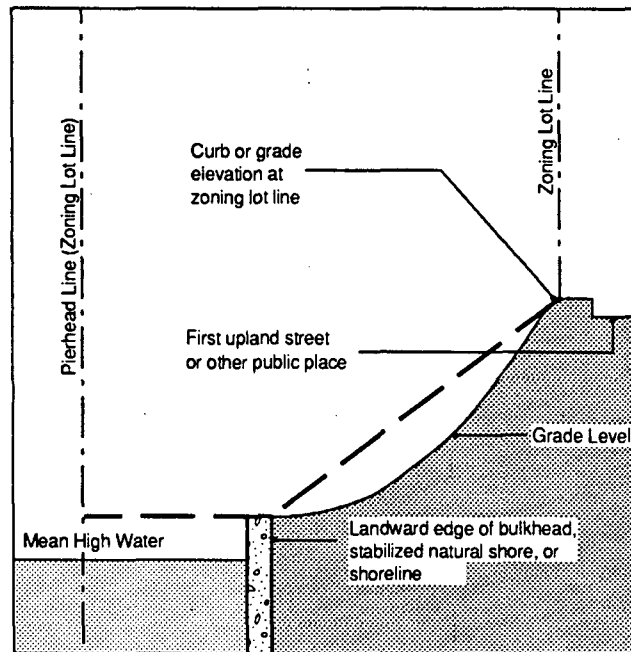
Center Line of Street or Visual Corridor
- 

Plane of Intersection

62-422 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 lowest 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 curb elevation with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead 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 the 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 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 Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).



Level of Visual Corridor

— — — — — Lowest Level of Visual Corridor

62-50 SPECIAL PARKING AND LOADING REGULATIONS

62-51 Special Regulations for Accessory Residential Parking

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 herein or in Section 62-55.

62-511 Accessory residential roof parking

On #waterfront blocks#, parking spaces #accessory# to #residential uses# may be located on the roof of a non-#residential building#, a non-#residential# portion of a #building# containing #residential use# or a portion of a #residential building# that does not contain #dwelling 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 62-675 (Planting and trees) at the same rate as required in Section 62-553 for parking areas at grade;
- (d) if on the roof of a portion of a #residential building# or a non-#residential# portion of a #building# containing #residential use#, the sill level of any #dwelling or rooming unit# windows opening onto such roof area is at least ten feet above the roof and no parking spaces or vehicular aisles are located within ten feet of a wall with #dwelling 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#;

62-512 Accessory residential off-site parking

For #developments# on #waterfront blocks#, the provisions of Section 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, R3A, R3X, R3-1, R4A, R4-1, 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 a district other than R3, R4 or R5, 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 #Residences 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 62-675.
- (f) in all districts, lighting shall be directed away from adjoining #residential buildings#. 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 62-675 at the same rate as required in Section 62-553 for on-site facilities within a #waterfront block#.

62-52 Special Regulations for Accessory Non-Residential Parking Facilities

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 62-55.

62-521 Accessory non-residential roof parking

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 paragraphs (a) through (e) in Section 62-511.

62-522 Accessory non-residential off-site parking

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#.

62-53 Parking Requirements for Commercial Docking Facilities

#Accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table below 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 62-562.

#Accessory# off-street parking or drop-off/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 62-721.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	Districts	Number of Required Parking Spaces
Non-commercial pleasure boats	C1 through C8 M1 M2 M3	1 per 2 berths or moorings
<hr/>		
Rental boats		
<hr/>		
Ferries	R3** thru R5** C1-1 C2-1 C3 C4-1	0.30 x p*
Sightseeing, excursion or sport fishing vessels	R6** R7-1** R7A** R7B** C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	0.20 x p*
<hr/>		
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C7 C8-2 M1-3	0.15 x p*
<hr/>		
	R8** R9** C1-4 C2-4 C4-4 C8-3	0.10 x p*
<hr/>		
	R10** 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	None Required
<hr/>		
Passenger ocean vessels	C6**	0.15 x p*

Passenger ocean vessels	M1-1 M2-1 M3-1	M1-2 M2-2	M1-3	1 per 2000 sq. ft. of #lot area# or 1 per 3 employees, whichever is less
Vessels not otherwise listed	M1-4 M2-3 M3-2	M1-5 M2-4	M1-6	None Required

- * p 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.

62-54 Parking and Loading Requirements for Floating Structures

#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#.

62-55 Supplementary Regulations for All Parking Facilities

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

62-551 Parking spaces on floating structures

No #accessory# parking spaces shall be located on a #floating structure# except in conjunction with a special permit pursuant to Section 62-733.

62-552 Off-site parking in public parking facilities

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.

62-553 Tree planting requirements on waterfront blocks

All open parking areas on #waterfront blocks# shall provide one shade tree, existing or newly planted, for each ten parking spaces. Such trees shall be located in planting areas pursuant to Section 62-675 either along the perimeter of or within the parking area. The tree planting 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#.

62-554 Screening requirements for parking facilities on waterfront blocks

- (a) All open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any public access area on the #zoning lot# pursuant to Section 62-675. Screening may be interrupted only by vehicular or pedestrian entrances.
- (b) All 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 Section 62-675.
- (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.

62-56 Supplementary Regulations for Loading Facilities

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.

62-561 Screening requirements for loading facilities on waterfront blocks

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 62-675. 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.

62-562 Passenger drop-off and pick-up areas for docking facilities

All #developments# involving 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 following table. 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 Commissioner of Buildings or Department of 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	Up to 100	None Required	None Required
	Over 100	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 500 passengers over 200; maximum requirement 2
Passenger ocean vessels		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.

62-60 DESIGN STANDARDS FOR THE WATERFRONT AREA

All public access areas and #visual corridors# required by Section 62-40 (Requirements for Waterfront Public Access and Visual Corridors) shall comply with this Section unless expressly stated otherwise. Modifications of the provisions of Section 62-40 or this Section are permitted only by:

- (a) authorization of the City Planning Commission pursuant to Section 62-722 (Modification of Waterfront Public Access and Visual Corridor Requirements), or
- (b) special permit of the City Planning Commission pursuant to Section 62-733 (Uses on Floating Structures), Section 62-734 (Developments on piers and platforms), Section 74-711 (Landmark preservation in all districts) or Section 74-79 (Transfer of Development Rights from Landmark Sites); or
- (c) establishment of a Waterfront Access Plan in Section 62-80. In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the plan shall control.

62-61 Design Options and Methodology

All required public access areas and #visual corridors# shall comply with the general requirements set forth in Section 62-62. In addition, each type of public access area and #visual corridor# shall comply with its specific requirements as set forth in the following paragraphs.

#Shore public walkways# and #supplemental public access areas# shall be improved in accordance with the design prototypes selected from the following table. The entire area required for a #shore public walkway# on any single #zoning lot# shall be improved in accordance with a single design prototype except where shallow portions of the #zoning lot# may be improved using an alternate design prototype pursuant to the shallow lot rule in the following table. Appropriate design prototypes for #shore public walkways#

and #supplemental public access areas# shall be selected as described herein. One #shore public walkway# and, when #supplemental public access areas# are required, at least one #supplemental public access area# prototype identified by an "X" for the applicable type of #development# shall be selected. The remaining required #supplemental public access area# may be #developed# as one or more of any of the #supplemental public access area# prototypes or as residual public access area. Residual public access areas shall adjoin a #shore public walkway# on its seaward side and be improved as set forth in Section 62-623. The total residual area shall not exceed 30 percent of the area required for #supplemental public access areas#. Each #shore public walkway# and #supplemental public access area# shall comply with the requirements for its prototype in Section 62-63.

#Upland connections#, #visual corridors#, public access areas on #piers# and public access areas in conjunction with #floating structures# shall comply with the requirements set forth in Sections 62-64 through 62-66. Design reference standards for all public access areas are contained in Section 62-67.

**DESIGN OPTIONS FOR SHORE PUBLIC WALKWAYS
AND SUPPLEMENTAL PUBLIC ACCESS AREAS**

DEVELOPMENT TYPE		PERMITTED PUBLIC ACCESS AREA DESIGN PROTOTYPES*						
		Shore Public Walkway				Supplemental Public Access Area**		
		I	II	III	IV	I	II	III
All # developments# for # predominantly residential use# *** in the following districts: R3, R4, R5; C1 or C2 in R1 thru R5; C3 C4-1	with less than 100 dwelling units	X	X	X		X	X	X
	with 100 dwelling units or more	X	X	X		X	X	
All other # developments# in above Districts		X	X			X	X	
All # developments# in C7, C8 or # Manufacturing Districts#		X	X			X	X	
All # developments# in R6, R7 or R8 Districts; or in # Commercial Districts# governed by the # bulk# regulations of such # Residence Districts#		X	X			X	X	
All # developments# in R9 or R10 Districts; or in # Commercial Districts# governed by the # bulk# regulations of such # Residence Districts#		X				X	X	
Publicly accessible private parks		X	X	X	X	No requirement		

- * Shore Public Walkway prototypes:(see shallow lot rule below)
 Prototype I: Esplanade (Section 62-631)
 Prototype II: Moderate-intensity walkway (Section 62-632)
 Prototype III: Low-intensity walkway (Section 62-633)
 Prototype IV: Open recreation walkway (Section 62-634)

Shallow lot rule: On shallow portions of #zoning lots#, where #shore public walkway# width is permitted to be reduced pursuant to Section 62-411, the following prototypes are permitted in all districts - Prototype II for widths less than 40 feet but greater than 25 feet; Prototype III for widths of 25 feet or less.

Supplemental Public Access Area prototypes:

- Prototype I: Waterview plaza (Section 62-635)
- Prototype II: Waterview park (Section 62-636)
- Prototype III: Waterview sitting area (Section 62-637)

- ** When the total requirement for #supplemental public access areas# is less than 2,500 square feet, such area may be provided as a waterview sitting area pursuant to Section 62-637.
- *** Not more than two percent #commercial use# shall be permitted in developments classified as #predominantly residential#. Such percentage shall be computed as the ratio of #floor area# of such #use# to total #floor area# on the #zoning lot#.

62-62 General Requirements for Public Access Areas

- (a) Waterfront public access areas shall be accessible to the handicapped in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.
- (b) All public access areas consist of one or more of the following three functional components:

(1) Pedestrian circulation zone

The pedestrian circulation zone is the portion of a waterfront public access area that contains one or more required circulation paths for pedestrian movement.

(2) Buffer zone

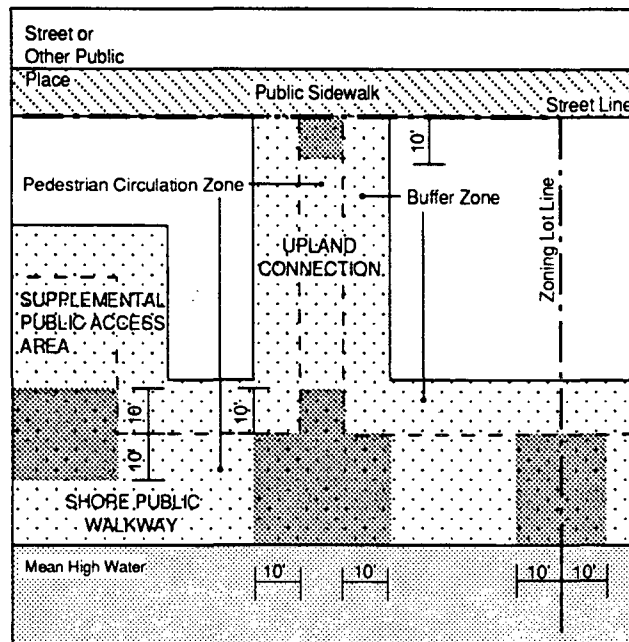
The buffer zone, when required, is a landscaped area within a waterfront public access area running along its boundary with the non-public portions of the #zoning lot# or a public #street#. The buffer zone shall be improved entirely as planting area except:

- (i) at locations occupied by permitted obstructions;
or
- (ii) at locations, other than at a waterview sitting area, where there is ground floor #commercial use# frontage on a public access area, in which



case that portion of the buffer zone may be paved.

(3) Transition zone

The transition zone is the portion of the pedestrian circulation zone of a waterfront public access area located within ten feet of its intersection with another portion of the public access network on the same or an adjoining #zoning lot#; or a public #street#, #public park# or other public place to which it connects. At the intersection of an #upland connection# and a #shore public walkway#, the transition zone shall include the entire area of the two intersecting pedestrian circulation zones within the boundary lines of the transition zone.



Transition Zone

-  Waterfront Public Access Area
-  Portion of Waterfront Public Access Area within Transition Zone

- (c) All waterfront public access areas shall be unobstructed from their lowest level to the sky, except as set forth in Section 62-626 (Permitted Obstructions). The lowest level of any portion of a waterfront public access system on a #zoning lot# shall be determined by the elevation of the adjoining portion of the system 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.

62-621 Shore public walkways

A #shore public walkway# shall consist either entirely of a single pedestrian circulation zone or a pedestrian circulation zone along its seaward edge with a buffer zone along its landward edge in accordance with the specific requirements set forth in this Section, 62-60. Where a #shore public walkway# consists entirely of a single pedestrian circulation zone, such pedestrian circulation zone shall constitute its entire width. When a buffer zone is required, the minimum width of the pedestrian circulation zone and buffer zone is set forth in the following table.

On shallow lots where the width of the #shore public walkway# is permitted to be reduced pursuant to Section 62-411, the reduction shall be divided equally between the pedestrian circulation and buffer zones until the minimum width of the buffer zone indicated in the table is reached. Any additional reduction shall be applied to the pedestrian circulation zone until its minimum is reached.

In the event a #shore public walkway# is provided that is wider than the minimum required by Section 62-411, the additional width may be used to increase the width of either its pedestrian circulation zone or its buffer zone. However, such widened zone shall continue to comply fully with its standards as set forth in Sections 62-63 through 62-67.

A #shore public walkway# may be located landward of the #waterfront yard# only if:

- (a) it is improved as a widened #shore public walkway#; or
- (b) the intervening area between the seaward edge of the #waterfront yard# and the relocated #shore public walkway# is improved as a residual #supplemental public access area# or one of the #supplemental public access area# prototypes, in which case it shall comply with Section 62-623 and the applicable provisions of Section 62-63; or
- (c) it is improved pursuant to Prototype IV (Open recreation walkway) on a #zoning lot developed# as a publicly accessible private park.

REQUIRED DIMENSIONS OF PEDESTRIAN CIRCULATION ZONES AND BUFFER ZONES IN SHORE PUBLIC WALKWAYS
(in feet)

Required Width of #Shore Public Walkway# Pursuant to Section 62-411	Required Width of Pedestrian Circulation Zone	Required Width of Buffer Zone
40	25*	15*
30	20	10
less than 30	not less than 6	not less than 4

* For Prototype I (Esplanade), the width of the pedestrian circulation zone shall be 30 feet; the width of the buffer zone shall be 10 feet.

When the dimensions of a #shore public walkway# are modified by the New York State Department of Environmental Conservation pursuant to Section 62-411, such modifications shall satisfy the requirements of this Section.

A required circulation path may be located anywhere between the seaward and landward edges of the pedestrian circulation zone provided it adjoins the #shoreline#, bulkhead, water edge of a #platform# or stabilized natural shore for a continuous distance of at least 40 feet at maximum intervals of 200 feet and connects to

the circulation paths of #shore public walkways# on adjoining #zoning lots#.

62-622 Upland connections

An #upland connection# traversing a #zoning lot# shall consist of a single pedestrian circulation zone bordered continuously along both sides by buffer zones. If any portion of an #upland connection# is provided along a #lot line#, the pedestrian circulation zone may be located adjacent to the #lot line# and one buffer zone may be located on the adjoining #zoning lot# abutting the #lot line#. In such case, the total width of the three zones shall be maintained across the two #zoning lots#. Where the owners of two adjoining #zoning lots# choose this option, the adjoining #zoning lot# shall be included in the site plan submitted for certification and recordation pursuant to Section 62-711.

The minimum width of the pedestrian circulation zone and buffer zones shall be as indicated in Table A:

TABLE A
REQUIRED DIMENSIONS OF PEDESTRIAN CIRCULATION AND BUFFER ZONES
IN UPLAND CONNECTIONS
 (in feet)

Required Width of Upland Connection (Pursuant to Section 62-414)	Minimum Width of Required Pedestrian Circulation Zone	Minimum Width of Each Buffer Zone
20	10	5
30	10*	10*

* In R9 or R10 Districts or in #Commercial Districts# governed by the bulk regulations of such #Residence Districts#, the minimum widths shall be: pedestrian circulation zone - 16 ft.; buffer zone - 7 feet.

On narrow lots where the width of the #upland connection# is permitted to be reduced pursuant to Section 62-414, the reduction shall be applied half to the pedestrian circulation and half to both buffer zones equally until the minimum width of either zone, indicated in Table B, is reached; any additional reduction in dimension shall be subtracted only from the other zone until its minimum dimension is reached.

TABLE B

REQUIRED DIMENSIONS OF PEDESTRIAN CIRCULATION AND BUFFER ZONES
IN UPLAND CONNECTIONS ON NARROW LOTS
(in feet)

Required Width of Upland Connection (Pursuant to Section 62-414)	Minimum Width of Required Pedestrian Circulation Zone on a Narrow Lot	Minimum Width of Required Buffer Zone on a Narrow Lot
20	6	3
30	10	3

Where an #upland connection# or a portion thereof is located within a private drive, no buffer zone is required. The minimum width of the pedestrian circulation zone shall be 12 feet on each side of the drive. The pedestrian circulation zone shall be improved in accordance with the provisions of Section 62-64.

62-623 Supplemental public access areas

A required #supplemental public access area# shall be directly connected to either a #pier# public access area, an #upland connection# or a #shore public walkway# on either its landward or seaward side and its pedestrian circulation zone shall be contiguous with the adjacent pedestrian circulation zone. A buffer zone shall only be required where the #supplemental public access area# adjoins a non-publicly accessible portion of a #zoning lot# or a public #street#, in which case its minimum width shall be 15 feet.

Any portion of a #supplemental public access area# provided as a residual public access area pursuant to Section 62-61 shall be designed as part of the pedestrian circulation zone of the #shore public walkway# it adjoins.

62-624 Maintenance and operation of waterfront public access areas

(a) Hours of operation and limitations on accessibility

All required pedestrian circulation zones shall be open to the public between the hours of dawn and dusk, except when hazardous conditions are present that would affect public safety.

(b) 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 public access improvements are completed except as otherwise provided in a phasing plan pursuant to Section 62-722.
- (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 one hundred twenty-five percent (125%) of the cost of maintaining the waterfront public access areas for a twelve (12) month period following the final completion of the waterfront public access areas. The security shall be replaced every five years with a new security in an amount sufficient to cover one hundred twenty five percent (125%) 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#.

62-625 Grading controls

Any area improved for public access shall meet the following regulations for site grading:

(a) Pedestrian circulation zone

- (1) Cross-sectional grading regulations for circulation paths (perpendicular to the general direction of pedestrian movement)

The minimum slope of a required circulation path shall be one and one-half (1.5) percent to allow for positive drainage and the maximum slope shall be three (3.0) percent. Steps, stairways and ramps accommodating a cross-sectional grade change are only permitted in a pedestrian circulation zone outside of the required circulation path(s) and in compliance with the regulations for handicapped accessibility.

- (2) Longitudinal grading controls for circulation paths (parallel to the general direction of pedestrian movement)

Longitudinal grade changes are permitted along the length of a required circulation path by means of steps or ramps in compliance with the requirements for handicapped accessibility.

- (3) Transition zones

No steps shall be permitted in a required pedestrian circulation path within the boundaries of a transition zone.

(b) Buffer zones

Within five feet of the boundary line of a pedestrian circulation zone, the grade level of the buffer zone shall not be more than 18 inches higher or lower than the adjoining level of the pedestrian circulation zone.

62-626 Permitted obstructions

(a) Waterfront public access areas shall be unobstructed from their lowest level to the sky except for the following permitted obstructions:

(1) In pedestrian circulation zones:

Trees and other plant materials, shrubs and flowers in planting areas; retaining walls; benches, seating and other outdoor furniture; fountains, reflecting pools, waterfalls, sculptures and other works of art; litter receptacles, drinking fountains and bicycle racks; exercise and other recreational equipment; open air cafes and kiosks in accordance with the provisions of paragraph (c) of this Section; lights and lighting stanchions and flag poles; public telephones and toilets; temporary exhibitions; open arbors, trellises or observation decks; awnings and canopies; bollards, guardrails, fences and gates; and subway station entrances, which may include escalators.

(2) In buffer zones:

(i) The following obstructions shall be permitted without restriction as to location: trees and other planting materials; arbors and trellises; paved entrances to #buildings# fronting on the buffer zone and awnings and canopies over such entrances; fences and gates; lights and lighting stanchions; planting areas and retaining walls.

- (ii) Within landscaped buffer zones, the following obstructions shall be permitted only within five feet of a pedestrian circulation zone or entranceway to a building: benches, seats; litter receptacles, drinking fountains, bike racks, public telephones.
- (iii) Service equipment necessary for maintenance of the public access areas or the functioning of adjacent structures such as watering equipment, sheds for tool storage, and electrical transformers, provided they cover no more than 100 square feet in any location and have a maximum height of ten feet. Such obstructions shall be screened in accordance with Section 62-675.
- (iv) Where a portion of a buffer zone is permitted to be paved pursuant to paragraph (b)(2) of Section 62-62, obstructions shall be permitted in accordance with paragraph (a)(1) of this Section.

(b) Permitted obstructions within required planting areas are also subject to Section 62-675.

(c) Kiosks and open-air cafes

Where a kiosk is provided, it shall not occupy an area in excess of 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 as permitted by applicable district #use# regulations, information booths or #uses# accessory to permitted WD #uses#.

Where an open air cafe is provided as permitted by applicable district #use# regulations, it shall be permanently unenclosed except that it 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.

- (d) Exhaust vents, electrical transformers or other mechanical or electrical service devices shall not be located within the pedestrian circulation zone of a waterfront public access area. Exhaust vents may be located on a building wall fronting on a waterfront public access area only if the bottom of such vent is a minimum of ten feet above the adjacent ground level. The vent shall project no more than four inches from the building wall.
- (e) No obstructions of any kind shall be permitted within a required clear path.

62-627 Vehicle and emergency access

Vehicular access is prohibited within waterfront public access areas except for emergency 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:

- (a) vehicular access to drop-offs and other required services #accessory# to docking facilities; or
- (b) vehicular access 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. Paving and bollards shall be installed in accordance with Section 62-671. There shall be a minimum four inch and maximum seven inch grade change between the driveway and any adjoining pedestrian circulation zone, satisfied by a curb or sloped paving surface. Curbs shall have a minimum width of six inches. When a sloped surface is provided, a minimum 12 inch paved border shall be installed within the driveway where the slope terminates. Curbs and paved borders shall have a color distinct from the paving of the adjoining pedestrian circulation zone.

Vehicular roadways are permitted as part of an #upland connection# in accordance with the regulations of Section 62-64.

Any vehicular way crossing a required waterfront public access area shall comply with the requirements for paving in Section 62-676.

Section 62-63 Specific Design Requirements for Public Access Prototypes

62-631 Shore public walkway - Prototype I: Esplanade

A #shore public walkway# improved as an esplanade shall comply with the requirements of this Section.

(a) Circulation and access

Two circulation paths are required. The minimum clear width of the path closest to the #shoreline# shall be 12 feet. The landward path shall have a minimum clear width of ten feet. Connecting paths having a minimum width of ten feet shall be provided between the two required circulation paths at intervals not to exceed 100 feet.

(b) Seating

One linear foot of seating shall be provided for every 50 square feet of required #shore public walkway#.

(c) Planting

(1) Pedestrian Circulation Zones

A continuous tree pit shall be required between the seaward and landward circulation paths. However, continuous tree pits shall not be required at the following locations:

- (i) within the portion of a #shore public walkway# on a #platform#;
- (ii) where existing sub-surface conditions make such tree pits infeasible;
- (iii) within a transition zone; or
- (iv) where permitted vehicular access ways cross the #shore public walkway#.

(2) Trees

- (i) One row of shade trees is required to be located within the required continuous tree pit in the pedestrian circulation zone. Where a continuous tree pit is not required, the tree row shall be planted in individual tree pits or in containers above grade or #platform# level.
- (ii) In addition to the row of trees required in paragraph (2)(i) of this Section, one additional shade, small or ornamental tree shall be provided in the buffer zone for every 750 square feet of required #shore public walkway#.

62-632 Shore public walkway - Prototype II: Moderate-intensity walkway

A #shore public walkway# improved as a moderate-intensity walkway shall comply with the requirements of this Section.

(a) Circulation and access

One circulation path with a minimum clear width of 12 feet is required within ten feet of the seaward edge of the #shore public walkway#.

(b) Seating

One linear foot of seating shall be provided for every 50 square feet of required #shore public walkway#. At least 60 percent of the required seating shall be landward of the required circulation path.

(c) Planting

(1) Pedestrian circulation zone

A minimum of 50 percent of the pedestrian circulation zone, excluding the required circulation path, shall be planting area.

(2) Trees

(i) One row of shade trees is required and may be located either in the pedestrian circulation zone landward of the required circulation path or the buffer zone.

(ii) In addition to the trees required in paragraph (2)(i), one small or ornamental tree shall be provided in the buffer zone for every 750 square feet of #shore public walkway#.

62-633 Shore public walkway - Prototype III: Low-intensity walkway

A #shore public walkway# improved as a low-intensity walkway shall comply with the requirements of this Section.

(a) Circulation and access

One pedestrian circulation path with a minimum clear width of ten feet is required anywhere within the pedestrian circulation zone. On shallow portions of #zoning lots#, where the pedestrian circulation zone is permitted to be reduced to ten feet or less, the circulation path shall comprise the entire width of the pedestrian circulation zone and may be reduced to the minimum six feet permitted by Section 62-621.

(b) Seating

At least one linear foot of seating is required for every 250 square feet of required #shore public walkway#.

(c) Planting

(1) Pedestrian circulation zone

A minimum of 70 percent of the pedestrian circulation zone, excluding the required circulation path, shall be planting area.

(2) Trees

One shade tree and one small ornamental tree is required for every 750 square feet of required #shore public walkway# and may be planted anywhere within the #shore public walkway#.

62-634 Shore public walkway - Prototype IV: Open recreation walkway

A #shore public walkway# improved as an open recreation walkway may be located anywhere within the #zoning lot# and shall be improved entirely as a pedestrian circulation zone. In addition, its design shall comply with the requirements of this Section.

(a) Circulation and access

One circulation path with a minimum clear width of 12 feet shall be required and shall be separated from any adjoining #street#, designated bike path or other vehicular way by a minimum eight foot wide planting area. The planting area shall not be required at the following locations:

- (1) within the portion of a #shore public walkway# on a #platform#;
- (2) where existing subsurface conditions make such planting infeasible;
- (3) within a transition zone; or
- (4) where permitted vehicular access ways cross the #shore public walkway#.

On shallow portions of #zoning lots# where the #shore public walkway# may be reduced in accordance with Section 62-411, the minimum clear width of path may be reduced when the #shore public walkway# width reaches 12 feet, such reduction shall be permitted down to the minimum ten foot walkway width.

However, where an eight foot planting area is required for vehicular/bikeway separation, the planting area may be reduced on shallow portions of lots where the #shore public walkway# width reaches less than 20 feet. Width reductions below 20 feet shall be applied entirely to the planting area until a four foot minimum planting area is reached. Any further reductions shall be applied to the pedestrian circulation path until a six foot minimum width is reached.

(b) Seating

One linear foot of seating shall be provided for every 100 square feet of #shore public walkway# and shall be distributed throughout the length of the #shore public walkway#.

(c) Planting

(1) General planting

In addition to any paved or planting areas required in paragraph (a) of this Section, 25 percent of the remaining area of the #shore public walkway# shall be planting area.

(2) Trees

One shade tree and one small ornamental tree is required for every 750 square feet of the #shore public walkway# and may be planted anywhere within the #shore public walkway#.

62-635 Supplemental public access area - Prototype I: Waterview plaza

A #supplemental public access area# improved as a waterview plaza shall comply with the requirements of this Section.

(a) Location

- (1) A waterview plaza shall adjoin a #shore public walkway# continuously along the longest side of its major portion. Additionally, where only one waterview plaza is provided on a #zoning lot#, that plaza shall also adjoin an #upland connection# or a #street# continuously along at least one side; if such #zoning lot# neither adjoins nor contains an #upland connection#, this provision shall not apply.

- (2) There shall be a minimum of 400 feet between any two waterview plazas, or a waterview plaza and a waterview park, on the same #zoning lot#.
- (3) On a #zoning lot# adjoining another #zoning lot# containing either an existing waterview plaza or waterview park (or a designated location for a waterview plaza or waterview park), a required waterview plaza shall be located adjoining such waterview plaza or waterview park (or designated location).

(b) Area and dimensions

- (1) A waterview plaza shall be a minimum of 2,500 square feet in area, at least 50 percent of which shall be pedestrian circulation zone.
- (2) At least 70 percent of the waterview plaza area, (the "major portion"), shall have a width to depth ratio of 1.0 to 1.0 and a maximum ratio of 2.0 to 1.0.
- (3) The minimum dimension of the major portion shall be 45 feet; the minimum dimension of any remaining portion of a waterview plaza shall be 30 feet.

c) Circulation and access

- (1) There shall be at least one circulation path that shall provide access throughout the major portion of the waterview plaza to any primary building entrance accessible from the plaza and any use that may be present on or adjacent to the plaza. It shall have a minimum clear width of ten feet; any other circulation path shall have a minimum clear width of six feet.

(2) Transition zone

The minimum aggregate width of clear path along any side of a waterview plaza within a transition zone shall be equal to 50 percent of the length of intersection between the two public access areas. Any single path providing access between waterfront public access areas shall be ten feet within the transition zone.

(d) Seating

At least one linear foot of seating is required for every 40 square feet of pedestrian circulation zone.

(e) Planting

(1) Pedestrian circulation zone

A minimum of 25 percent of the pedestrian circulation zone shall be planting area.

(2) Trees

For a waterview plaza of 2,500 square feet in total area, four trees shall be required, at least two of which are shade trees. For each additional 750 square feet above 2,500 square feet, one additional shade, ornamental or small tree shall be required. Small or ornamental trees located within the pedestrian circulation zone shall not be counted toward the minimum requirements.

62-636 Supplemental public access area - Prototype II: Waterview park

A #supplemental public access area# improved as a waterview park shall comply with the requirements of this Section. The requirements for a waterview park shall be the same as for a waterview plaza as described in Section 62-635 except:

(a) Location

A waterview park need not adjoin an #upland connection#.

(b) Circulation and access

The required circulation path shall have a minimum clear width of eight feet.

(c) Seating

At least one linear foot of seating is required for every 50 square feet of pedestrian circulation zone.

(d) Planting

(1) Pedestrian circulation zones

A minimum of 50 percent of the pedestrian circulation zone shall be planting area with no more than 50 percent of it in raised planting beds, except on #platforms#; and

(2) Lawns

At least 35 percent of the major portion of a waterview park shall be lawn area in compliance with the standards for lawns in Section 62-675.

**62-637 Supplemental public access area - Prototype III:
Waterview sitting area**

#Supplemental public access areas# improved as waterview sitting areas shall comply with the requirements of this Section. Building entrances may not front upon a waterview sitting area.

(a) Location

The pedestrian circulation zone shall be at least 50 percent of the waterview sitting area and a minimum of 300 square feet with a minimum width to depth ratio of 1.33 to 1.0 and a maximum ratio of 3.0 to 1.0. One side along the longer dimension shall abut the #shore public walkway#. The minimum average depth measured from the #shore public walkway# shall be 15 feet.

(b) Circulation and access

- (1) There shall be at least one circulation path within the pedestrian circulation zone with a minimum clear width of six feet.
- (2) The minimum aggregate width of clear path within the transition zone at a #shore public walkway# shall be 12 feet which may be divided into multiple paths with a minimum width of six feet.

(c) Permitted obstructions

The maximum height of permitted obstructions (other than planting materials) shall be 44 inches.

(d) Seating

At least one linear foot of seating is required for every 25 square feet of pedestrian circulation zone.

(e) Planting

(1) Pedestrian circulation zone

A minimum 15 percent of any pedestrian circulation zone greater than or equal to 600 square feet shall be planting area.

(2) Buffer zone

The buffer zone shall be improved entirely as a planting area except for permitted obstructions.

62-64 Design Requirements for Upland Connections and Visual Corridors

62-641 Design requirements for upland connections

(a) Circulation and access

(1) Where an #upland connection# is located within a private drive, a circulation path with a minimum clear width of six feet shall be provided in each pedestrian circulation zone. The remaining area shall be planted pursuant to the provisions of paragraph (c) of this Section.

(2) All other #upland connections# through #zoning lots# shall have a circulation path with a minimum clear width equal to the minimum required width of the pedestrian circulation zone.

(b) Seating

Seating is not required for #upland connections# through #zoning lots# less than 100 feet in length. For #upland connections# 100 feet in length or greater, a minimum of 24 linear feet of seating shall be provided.

(c) Planting

Where an #upland connection# is located within a private drive, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the standards of Section 62-675. Within all #upland connections#, any unpaved area shall be planted area.

62-642 Design requirements for visual corridors

The requirements of this Section shall apply to all #visual corridors#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section 62-641 shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-42, except as provided herein. Permitted obstructions within #visual corridors# in all districts shall be limited to those allowed for #waterfront yards# listed in Section 62-342 except as modified for the following cases:

The following obstructions shall be permitted:

- (a) boats, ships or other vessels, and #floating structures# permitted as-of-right by Section 62-25;
- (b) any moving or parked vehicles or street furniture, including but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;
- (c) guardrails and fences provided they comply with the design standards of Section 62-671, except that fences may be eight feet high;
- (d) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the centerline of the #visual corridor#; and
- (e) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

62-65 Design Requirements for Public Access on Piers

Public access areas on #piers# shall be improved in accordance with the provisions of this Section. The entire public access area on a #pier# shall be considered a pedestrian circulation zone.

(a) Circulation and access

At least one circulation path having a minimum clear width of ten feet shall be provided throughout the public access area required on the pier. Within a transition zone, the aggregate clear width of circulation path shall be equal to 50 percent of the length of the intersection between two public access areas.

(b) Permitted obstructions

In addition to the obstructions permitted within pedestrian circulation zones pursuant to Section 62-626, #pier# public access areas may include one free-standing open or enclosed public pavilion, provided such structure does not exceed one story, a maximum height of 30 feet, or a maximum area of 1600 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 lightly tinted transparent material or latticework. Such structures shall be exempt from building spacing requirements on #piers# provided they maintain a spacing of 15 feet from other #buildings# and from any water edge of the #pier#.

(c) Seating

At least one linear foot of seating is required for every 30 square feet of pier public access area.

62-66 Design Requirements for Floating Structure Public Access

The following design requirements shall apply to #shore public walkways# provided in conjunction with as-of-right #development# on #floating structures# pursuant to Section 62-413.

(a) Circulation and access

The entire #shore public walkway# required pursuant to Section 62-413 shall be considered a pedestrian circulation zone. Within such zone, a circulation path shall be provided with a minimum clear width of ten feet. On shallow portions of #zoning lots# where the width of the #shore public walkway# may be reduced in accordance with Section 62-411, the minimum clear width of path may be reduced to a minimum of six feet when the #shore public walkway# is less than 16 feet. The circulation path reduction shall be made to comply with the planting requirements of paragraph (c) of this Section.

(b) Planting and screening

A minimum of 50 percent of the pedestrian circulation zone, excluding the required clear path, shall be planting area. A single row of shade trees shall be provided landward of the circulation path within the planting area of any portion of a pedestrian circulation zone having a width equal to or greater than 12 feet.

Any service areas located within the pedestrian circulation zone shall be screened from the circulation path in accordance with the standards for screening in Section 62-675.

62-67 Public Access Design Reference Standards**62-671 Guardrails, gates and other protective barriers**

The requirements of this Section shall not supersede other applicable government regulations or safety codes.

(a) Guardrails

(1) Guardrails shall be located within waterfront public access areas as follows:

(i) continuously along any bulkhead, stabilized shore or the water edges of a #pier# or #platform# that is located within 50 feet of a circulation path; and

(ii) continuously along any grade level change of 30 inches or greater adjoining or within ten feet of a circulation path.

Guardrails shall not be required, however, at access points to WD #uses# and #development# on #floating structures#. The minimal protective barrier at such locations shall be a swing gate, bollard and chain or similar device.

(2) Required guardrails shall have a minimum height of 42 inches and a maximum height of 45 inches above the level of the adjoining grade. A guardrail may be a 100 percent opaque wall to a maximum height of 21 inches and shall be a minimum of 65 percent open above that height. The open portions of a guardrail shall be designed to prevent the passage of a six inch diameter sphere through any opening.

(b) Fencing and walls

(1) When provided, fences or walls within a waterfront public access area shall be limited to the following locations: anywhere within a buffer zone provided it does not obstruct access to required seating; along the boundary of a buffer zone and an adjoining private area; adjoining WD #uses#; within a #visual corridor#; and, elsewhere, to

define the seating or waiting area of an open air cafe or similar open #use#.

- (2) Fences or walls shall not exceed 48 inches in height. Each may be opaque up to a maximum height of 21 inches and shall be a minimum of 65 percent open above such height.

(c) Gates

For the purposes of this paragraph, the term "gates" shall include, but not be limited to, structures such as bollards with chain, swing arms and swing fencing, which, together with any fencing to which they are attached, span the width of a waterfront public access area at its entrance for the purpose of limiting physical access. Such gates may be closed pursuant to subsection 62-624 (Maintenance and Operation of Waterfront Public Access Areas).

- (1) Gates are permitted within a waterfront public access area at its entrance from an adjoining public #street#, park or other public way and along #lot lines#.
- (2) The maximum height of a gate shall be eight feet above the adjoining grade except that a bollard shall not exceed four feet above curb level; the maximum width of a bollard shall be 2 feet 6 inches. A gate shall be so located that when open the required circulation paths are clear of any obstruction of the gate. Gates shall be designed to be no more than 35 percent opaque with visibility distributed evenly across their width.

Chain link fence or barbed or razor wire shall not be permitted within a waterfront public access area.

62-672 Seating

All required seating shall comply with the following standards:

(a) Depth

Seating without backs shall have a minimum depth of 16 inches. Seating with backs shall comprise at least 50 percent of the required seating. Such seating shall have a minimum depth of 14 inches, a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth and accessible from both sides may be credited as double seating.

(b) 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 walking surface. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements.

(c) Clearance

Seating shall be set back a minimum of three feet from any circulation path or permitted obstruction along its accessible side.

(d) Alternative types of seating

Tops of walls that are flat and smooth with at least one inch radius rounded edges, including those bounding planting beds, fountains and pools shall qualify as seating, provided they comply with the standards of this Section. 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 seats. No steps, stairs, or seating in open air theaters or cafes shall qualify towards seating requirements.

62-673 Lighting

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

(a) Lighting fixtures

Light posts shall be spaced at a maximum distance of 40 feet. The light center of the fixture shall be mounted at a minimum height of 12 feet and a maximum height of 15 feet above the adjacent circulation path. Lighting shall be located within five feet of a circulation path.

(b) Light source and illumination level

Luminaires shall have type III photometric distribution as described in the Illuminating Engineering Society's (IES) Handbook. Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak footcandle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with color temperature range of 2000 K to 4000 K with a minimum color rendering index of 65. The performance standard for illumination shall be a minimum of 0.5 horizontal footcandles along both the paved portion of the walkway and seating areas. The average illumination to minimum footcandle uniformity ratio shall be no greater than 4.0 to 1.0 within such paved and seating areas. All lenses and globes shall be polycarbonate or equivalent.

62-674 Signage

The New York City Waterfront symbol plaque shall be used to direct the public to waterfront public access areas and to identify the entry points of these areas. The New York Waterfront Symbol Standards and Specifications (NYC DCP April, 1989, and as modified from time to time) are hereby incorporated by reference as the

locational and design requirements for this signage, except as modified below:

(a) An entry plaque as described in paragraph (b) shall be provided at the following locations:

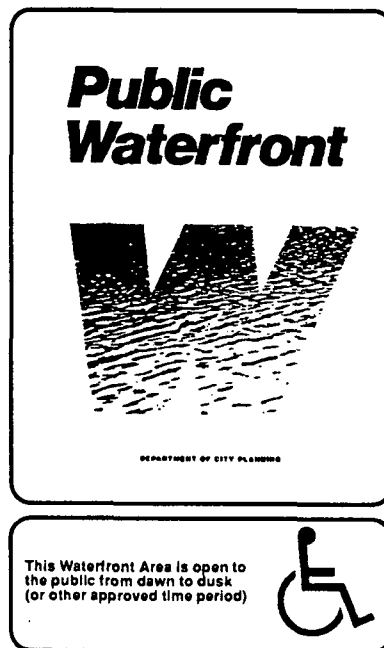
- (1) the entrance to a required waterfront public access area from a #street#, #public park#, or other public place;
- (2) the entrance to a public access area on a #pier# or a #floating structure#; and
- (3) at the transition zone between #shore public walkways# divided by #lot lines#.

(b) Entry plaque

The NYC Waterfront Symbol plaque shall be used as the entry plaque for all required locations. The entry plaque shall contain:

- (1) the NYC Waterfront Symbol and the words "Public Waterfront";
- (2) the statement "This Waterfront Area is open to the public from dawn to dusk (or other approved time period); and
- (3) the International Symbol of Access for the physically handicapped, at least three inches square.

The entire entry plaque shall be directly visible, without any obstruction, from the adjoining public area.



Entry Plaque With New York City Waterfront Symbol

(c) Information plaque

A separate information plaque, with a surface area of not less than 2 by 2 feet shall be constructed from permanent materials and located at a clearly visible point within the transition zone of any required #supplemental public access area# with clear lettering consisting of:

- (1) the prototype name of the #supplemental public access area# (such as "waterview plaza") and the hours during which it is open to the public;
- (2) the quantity of trees and amount of moveable seating;

- (3) the name of the current owner of the property and the name, address, and phone number of the person designated to maintain the #supplemental public access area#; between the hours of 9:00 a.m. and 5:00 p.m.;
- (4) the statement "Complaints regarding this #supplemental public access area# (insert the prototype name, such as "waterview plaza") may be addressed to the Department of City Planning or the Department of Buildings of the City of New York"; and
- (5) the statement "This #supplemental public access area# (insert the prototype name, such as "waterview plaza") is accessible to the physically handicapped."

Where no #supplemental public access area# is required, one information plaque containing the information in paragraphs (3) and (4) of this Section shall be provided with the entry plaque as set forth in paragraph (b) of this Section.

62-675 Planting and Trees

Within parking areas and waterfront public access areas where planting or screening is required, the design standards of this Section shall apply. All required shade trees and screening plants shall be selected from Section 62A (Appendix A - Waterfront Plant List). Additional plant materials listed in Appendix A are recommended, but not mandatory.

(a) General terms and requirements

- (1) 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."

- (2) A "root zone" refers to trees only and is defined as a minimum 6 foot x 6 foot area on center with the trunk of a tree.
- (3) Obstructions permitted within a required planting area in a pedestrian circulation zone shall be limited to the following: litter receptacles, drinking fountains and bicycle racks, lights and lighting stanchions, flag poles, public telephones, open arbors or trellises, bollards, guardrails, fences and gates, watering equipment and seating within a continuous tree pit.

(b) Plant materials and installation requirements

(1) Minimum planting standard

The minimum planting standard for required planting areas shall be turfgrass or groundcover where not specifically indicated otherwise. Required planting may be installed in containers, pursuant to paragraph (c)(6) of this Section, only where planting on undisturbed subsoil or clean fill is not feasible.

(2) Tree height and caliper

Large and medium shade trees shall be a minimum of three inches caliper and small trees shall be a minimum of two inches caliper at time of planting.

(3) Tree and shrub spacing

Large trees shall be spaced at least 25 feet apart; medium trees shall be spaced at least 20 feet apart; and small trees shall be spaced at least 15 feet apart. Small trees may be spaced 15 feet from a large or medium tree, and medium trees may be 20 feet from a large tree. No shrub shall be planted within six feet of the base of a tree trunk.

Trees in rows, where required, shall be planted at an average interval of 25 feet on center with a maximum spacing of 30 feet between trees and may be discontinued within, and seaward of, any transition zone or at building entrances or driveways.

(4) Root zone protection

One of the following measures shall be employed for tree planting areas 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, as amended for a minimum 6 foot x 6 foot root zone;
- (ii) A minimum 6 foot x 6 foot tree 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 as amended for grate size;
- (iii) The root zone of a tree shall be edged with a low rail or fence with a minimum height of 12 inches; or
- (iv) The root zone shall be surrounded with barrier hedge planting.

Trees planted behind a fence within a buffer zone shall be exempt from this requirement.

- (5) All planting areas except container planting shall be located on undisturbed subsoil or clean fill.

(c) Design requirements for planting areas

Planting areas required pursuant to Sections 62-50 and 62-60 shall comply with the following:

(1) Single tree pits

A single tree pit shall have minimum dimensions of 6 feet x 6 feet x 3 feet 6 inches deep.

(2) Continuous tree pit

A continuous tree pit is a planting area containing two or more trees. Retaining walls shall not exceed 60 percent of the perimeter or a maximum height of 18 inches. At least one long-dimension side or a continuous length equal to 40 percent of the planting area's perimeter shall have a grade level within six inches of the adjacent grade level.

(i) Continuous tree pits shall have a minimum width of 6 feet, a minimum depth of 3 feet 6 inches, and a length as required to meet minimum plant spacing standards.

(ii) Trees shall be located a minimum of three feet from any side of a continuous tree pit and five feet from any end.

(iii) Seating may be located within a continuous tree pit beyond the root zone of any tree. Such seating area shall be paved with unit pavers set without mortar in sand with no bituminous subgrade.

(3) Planting beds

Retaining walls are permitted along the perimeter of a planting bed in accordance with the regulations for continuous tree pit retaining walls.

Planting beds shall have minimum dimensions of 3 feet x 3 feet x 2 feet 6 inches deep for turfgrass or other groundcover, and 3 feet wide x 3 feet long per shrub with a 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 dimensions for the largest plant.

(4) Raised planting beds and berms

A "raised planting bed" is a planting area with retaining walls along more than 60 percent of its perimeter or a height along any portion greater than 18 inches. A "berm" is a planting area with sloped grade stabilized primarily by plant materials rather than retaining walls or other similar built structures.

A raised planting bed or berm shall comply with the dimensional standards for a planting bed except that the height from the adjacent paved walking surface to the top of the retaining walls of a raised planting bed shall be a maximum of 36 inches and, to the top of a berm, 60 inches.

(5) Lawn

A "lawn" is an area planted with turfgrass having a minimum soil depth of 2 feet 6 inches. Along at least 60 percent of its perimeter a lawn shall have a grade level within six inches of that of the adjacent pedestrian circulation zone providing unobstructed pedestrian access. A curb or retaining wall is required between a

lawn and any paved area. Lawns may be contiguous with other planting areas without such edging.

(6) Container planting

Planting areas not located on undisturbed subsoil or clean fill shall be considered "container planting" and subject to the following standards:

- (i) Soil volume and planting area dimensional requirements for container planting of shrubs and groundcovers shall comply with the requirements for raised planting beds. However, the soil depth shall be increased by six inches in all cases.
- (ii) Soil volume and dimensional requirements for container planting of trees shall comply with the requirements for a continuous tree pit. However, the soil depth shall be four feet.
- (iii) The bottom six inches of the container shall be designed to provide adequate drainage through the use of geotextile fabric, gravel and drainage pipe at bottom, and weep holes through retaining walls, or other materials according to best practice standards.

(7) Screening Areas

Screening required pursuant to Sections 62-50 and 62-60 shall comply with one of the following paragraphs, except that required screening of parking garages shall comply only with paragraph (c)(7)(i) of this Section.

- (i) A planting strip at least four feet wide shall be provided. Plants shall be selected from Appendix A - Waterfront Plant List, Group 3

(Screening Trees and Shrubs), and shall be at least four feet high at the time of planting.

- (ii) A solid wall or opaque fence with a minimum height of three feet six inches and a maximum height of four feet shall be provided. Above a height of four feet, such wall or fence shall be at least 65 percent open and planting shall be provided along its length in accordance with paragraph (c)(7)(i).

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

62-676 Paving

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

- (a) Paving shall consist of unit pavers or wood decking except as follows:
 - (1) Seating areas which are outside of the minimum clear path may also be paved with belgian block or poured concrete.
 - (2) In #shore public walkways# (Prototype III: Low-intensity walkway), crushed stone, woodchips or asphalt may be used in lieu of unit pavers or wood decking.
 - (3) Designated bike paths, when provided, shall be paved with asphalt or a similar smooth and elastic, monolithic surfacing material.

Unit pavers shall be made of pressed terazzo, concrete with visible aggregate content, asphalt, brick or stone having a smooth but slip-resistant surface. Unit pavers shall be bounded by poured or precast concrete or stone edging of a width not to exceed two feet, or a curb or retaining wall.

(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 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.

62-70 SPECIAL REVIEW PROVISIONS**62-71 City Planning Certifications**

The provisions of Sections 62-711 and 62-712 relating to certifications for public access, #visual corridors# and #zoning lot# subdivisions, shall not apply to:

airports, heliports and seaplane bases

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

#zoning lots# in R1 and R2 districts; and

#developments# involving #single-# or #two-family residences# within #detached, semi-detached# or #zero lot line buildings# on existing #zoning lots# of less than 10,000 square feet in any district, provided such #zoning lots# are not included within an area subject to a waterfront access plan pursuant to Section 62-80.

62-711 Waterfront public access and visual corridors

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 Chairman of the

City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that either:

- (a) there is no waterfront public access or #visual corridor# requirement on the #zoning lot#; or
- (b) that a site plan has been submitted showing compliance with the provisions of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) and, if applicable, Section 62-80, (WATERFRONT ACCESS PLANS).

Within 45 days of receipt of a complete application, the Chairman shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any non-compliances. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Office 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.

All public access areas and #visual corridors# established in conjunction with a #development# shall be subject to the provisions of Section 62-14 (Requirements for Recordation).

62-712 Zoning lot subdivisions

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.

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

- (a) there are no existing requirements in this Chapter for waterfront public access or #visual corridors# on the #zoning lot#; or
- (b) the proposed subdivision or re-configuration will not affect a minimum dimension or area which would mandate waterfront public access or #visual corridors#; or
- (c) in the event a subdivision or reconfiguration affects a minimum dimension or area as set forth in paragraph (b) of this Section, such waterfront public access or #visual corridors# will continue to be provided on any subdivided or reconfigured #zoning lots# that would result, as evidenced by the recording of a deed restriction against such property.

62-72 Authorizations by the City Planning Commission

62-721 Modification of requirements for ferries and sightseeing, excursion or sports fishing vessels

- (a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section 32-10 in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, 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 City Planning Commission may authorize a reduction or waiver of the parking requirements of Section 62-53 for docks serving ferries, or sightseeing, excursion or sports 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; or
- (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; or
- (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; or
- (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 62-562 (Passenger drop-off and pick-up areas for docking facilities), 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.

62-722 Modification of waterfront public access and visual corridor requirements

The City Planning Commission may:

- (a) authorize modification of the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-342 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required waterfront public access to be provided off-site on an adjoining public property.

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

- (1) the regulations would result in an unfeasible #development# due to the presence of existing #buildings or other structures# or unique #shoreline# conditions such as wetlands; or
- (2) strict adherence to the regulations would adversely affect existing topography, vegetation or views having environmental, historic, or aesthetic value to the public.

The Commission shall require that alternate waterfront public access areas and #visual corridors# on the #zoning lot#, or off-site 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 the Commission determines that 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.

- (b) authorize modifications of the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).

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

- (1) such modifications are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or
- (2) such modifications would result in a design of the public access areas that is functionally equivalent or superior

to the design prescribed by strict adherence to the provisions of Section 62-60.

- (c) authorize, in the case of #zoning lots# undergoing partial development, a phasing plan to implement public access improvements on a proportional basis as the lot is #developed#.

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 requirements for deed restrictions or performance bonds.

62-723 Modification of use regulations in C3 Districts

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.

62-73 Special Permits by the City Planning Commission

62-731 Docks for passenger ocean vessels in C6 Districts

In C6 Districts, the City Planning Commission may permit docks for passenger ocean 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 62-562 (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.

62-732 Docks for ferries or water taxis in Residence Districts

In all #Residence Districts# except R1 and R2 Districts, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group 6.

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 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 62-53 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.

62-733 Uses on floating structures

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 62-353.

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 62-42 (Requirements for Visual Corridors) provided it makes the following additional finding:

- (e) 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.

62-734 Developments on piers or platforms

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a new #pier# or #platform# from a WD #use# or the following WE #uses#: a #public park# 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(a) or the maximum #floor area ratio# for the applicable district, 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 modification of the provisions of Sections 62-342 (Rear yards and waterfront yards) and 62-352 (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 Sections 62-351 (Developments on land and platforms) and 62-36 (Minimum Distance Between Buildings);
 - (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 existing or new #piers#, the Commission may permit modification of the public access and #visual corridor# requirements of Sections 62-40 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 62-40 and 62-60; and
 - (2) alternate waterfront public access 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 the Commission determines that 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.

62-735 Public parking facilities on waterfront blocks

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.

62-736 Bulk Modifications on Waterfront Blocks

In all districts, the City Planning Commission may permit modification of the #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations set forth in Sections 62-32, 62-34, 62-35 and 62-36 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:

- (a) the #zoning lot# has unique natural features such as rock outcroppings, significant grade changes or wetlands; or has an irregular #shoreline# or shape; or contains existing #buildings or other structures#;
- (b) the site plan of the proposed #development# would result in better #bulk# placement and articulation of #buildings#, and a better arrangement of open spaces than would be possible by strict adherence to the #bulk# regulations;
- (c) the proposed #development# would provide physical or visual public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the #bulk# regulations; and
- (d) such modifications would significantly enhance the relationship between the proposed #development# and the surrounding area.

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

62-80 WATERFRONT ACCESS PLANS**62-81 General Provisions**

62-811 Establishment of Waterfront Access Plans

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 62-812, 62-813 and this Section in order to adjust the waterfront public access and #visual corridor# requirements of Sections 62-40 and 62-60 or 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#.

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#.

62-812 Elements of a Waterfront Access Plan

A Waterfront Access Plan may:

- (a) on #zoning lots# where public access or #visual corridors# are required pursuant to the provisions of Sections 62-40 and 62-60, 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 public access or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-40 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#.

- (b) on #zoning lots# where public access or #visual corridors# are not required pursuant to the provisions of Sections 62-40 and 62-60, establish requirements for waterfront public access 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 developed 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 public access areas or #visual corridors# listed in Section 62-40 consistent with the standards of Sections 62-40 and 62-60. 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 62-40 or 62-60.
- (c) modify or waive specific requirements for public access 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.

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 sectional 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.

62-813 Conditions for adoption of a Waterfront Access Plan

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) 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 62-40 and 62-60; or
- (c) is necessary to accommodate unique shore conditions, including the existence of bridges, viaducts or railways that would not be adequately addressed by the provisions of Sections 62-40 and 62-60; or

- (d) 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 62-40 and 62-60; or
- (e) is necessary to create a better physical or visual relationship of the waterfront to significant upland streets or to preserve significant views of the water or historic structures from such streets, which would not necessarily be achieved by the provisions of Sections 62-40 and 62-60; or
- (f) 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; or
- (g) is necessary to maintain #visual corridors# that would be extinguished by a street de-mapping after (effective date of amendment) or to maintain #visual corridors# from certain upland streets that would be exempted from such requirements as the result of an intervening street mapping after (effective date of amendment); or
- (h) 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 (effective date of amendment).

62-82	Borough of The Bronx
62-83	Borough of Brooklyn
62-84	Borough of Manhattan
62-85	Borough of Queens
62-86	Borough of Staten Island
62-87	Multi-Borough Plans

62A Appendix A - Waterfront Plant List

The Waterfront Plant List sets forth the plants required in waterfront public access areas, pursuant to Section 62-50 (Special Parking and Loading Regulations) and Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA). Required trees and screening shall be selected from this list. Additional trees, shrubs and groundcovers are recommended, but not mandatory.

Unique site conditions such as salt spray, wind, wet, dry sandy or clay soils, acid or alkaline pH and amount of sun or shade should be considered to match the varying cultural requirements of the plants to be selected.

1. Shade Trees, Large

Acer pseudoplatanus/Sycamore Maple
 Acer rubrum/Red Maple (**)
 Acer saccharum/Sugar Maple (**)
 Fagus grandifolia/American Beech (**)
 Gingko biloba/Gingko (***)
 Quercus palustris/Pin Oak (**)(***)
 Quercus phellos/Willow Oak (**)(***)
 Quercus robur 'Fastigiata'/English Oak (***)
 Quercus rubra, or Quercus borealis/Red Oak (**)(***)
 Tilia cordata/Little Leaf Linden (***)
 Tilia tomentosa/Littleleaf Linden
 Ulmus parvifolia/Chinese Elm
 Zelkova serrata/Japanese Zelkova (***)

Shade trees, Medium

Celtis occidentalis/Hackberry (**)
 Gleditsia triacanthos inermis/Thornless Honey Locust (***)
 Nyssa sylvatica/Tupelo (**)(***)
 Sophora japonica/Scholar Tree *(***)

2. Small Trees, (Ornamental)

Amelanchier canadensis/Shadblow or Serviceberry (*)(**)
 Betula nigra/River Birch
 Cercis canadensis/Redbud (*)
 Cladastris lutea/Yellowwood (*)(**)
 Cornus kousa/Korean Dogwood (*)
 Cornus mas/Carnelian Cherry
 Crataegus phaenopyrum/Washington Hawthorn (spreading)
 Franklinia alatamaha/Franklin Tree (**)
 Hamamelis virginiana/Witch Hazel (multi-stemmed) (**)
 Hibiscus syriacus/Rose of Sharon (*)
 Koelreuteria paniculata/Golden Rain Tree (spreading) (*)
 Magnolia sp./Hybrid Magnolia
 Prunus x cistena/Purple Leaf Sand Cherry (spreading) (*)

Pyrus calleryana/Callery Pear (Bradford prohibited)
Sorbus americana/American Mountain Ash (spreading) (*)

3. Screening Trees and Shrubs

Chaemecyparis thyoides 'Andelyensis'/Atlantic white cedar (**)
Ilex x 'Nellie Stevens'/Nellie Stevens Holly
Ilex x *attenuata* 'Fosteri'/Foster No. 2 Holly
Ilex cornuta 'Burfordii'/Chinese Holly
Ilex glabra/Inkberry (**)
Juniperus chinensis 'Columnaris'/Chinese Juniper
Juniperus chinensis 'Keteleeri'/Chinese Juniper
Juniperus communis 'Hibernica'/Common Juniper
Juniperus virginiana/Red Cedar (**)
Mahonia aquifolium/Oregon Grape
Myrica pennsylvanica/Bayberry (**)
Taxus x *media* 'Hicksii'/Hicks yew (columnar screen) - female
 berries poisonous, use male plants only
Thuja occidentalis 'Techny'/Eastern Arborvitae (**)

4. Turfgrass

Fescue
 Kentucky bluegrass
 Rye

5. Low Shrubs and Groundcovers

Low Shrubs

Cytissus scoparius/Scotch Broom
Cotoneaster bivaricatus/Spreading Cotoneaster
Erica spp./Heath
Hypericum calycinum/Aaronsbeard St. Johnswort
Juniperus communis/Common Juniper
Pinus mugo/Mugo Pine
Rosa rugosa/Rugosa Rose
Vaccinium sp./Blueberry (**)

Groundcovers

Ajuga reptans/Bugleweed
Arctostaphylos uva-ursi/Bearberry (**)
Cornus canadensis/Bunch Berry (**)
Cotoneaster divaricatus/Spreading Cotoneaster
Cotoneaster horizontalis/Spreading Cotoneaster
Cytissus decumbens/Prostrate Broom
Euonymus fortunei/Wintercreeper
Hedera helix/English Ivy
Juniperus conferta/Shore juniper
Pachysandra terminalis/Pachysandra
Vaccinium angustifolia/Lowbush Blueberry
Vinca minor/Periwinkle

The following are recommended only and are listed for informational purposes only.

6. Evergreen Trees - see also Screening
 Chaemecyparis thyoides 'Andelyensis'/Atlantic white cedar (**)
 Ilex opaca/American Holly
 Juniperus virginiana/Red Cedar (**)
 Picea mariana 'Doumetii'/Doumet Black Spruce (**)
 Pinus rigida/Pitch Pine (**)
 Pinus strobus/Eastern White Pine (**)
 Pinus thunbergii/Japanese Black Pine
7. Massing and Hedge Shrubs
 Aeschulus parviflora/Bottlebrush Buckeye
 Baccharis kalmifolia/Groundsel Tree
 Berberis sp./Barberry (****)
 Chaenomeles sp./Flowering Quince
 Clethra alnifolia/Summersweet
 Deutzia sp./Deutzia
 Eleagnus angustifolia/Russian Olive
 Euonymus alata/Winged Euonymus (****)
 Forsythia x intermedia/Forsythia
 Hydrangea sp./Flowering Hydrangea
 Ilex glabra/Inkberry (**)(****)
 Leucothoe fontanesiana/Drooping Leucothoe
 Myrica pennsylvanica/Bayberry (****)
 Pieris japonica/Japanese Andromeda
 Prunus maritima/Beach Plum
 Pyracantha coccinea/Firethorn (****)
 Rhododendron sp./Azaleas (**)
 Rhus aromatica/Fragrant Sumac (**)
 Spirea sp./Spirea
 Taxus baccata 'Repandens'/Weeping English Yew
 Taxus media/Spreading Yew
 Viburnum sp./Viburnum (**)
 Weigelia florida/Flowering Weigelia
8. Perennial Native Grasses (not for lawns)
 Andropogon virginicus/Broomsedge (**)
 Andropogon gerardii/Big Bluestem Grass
 Ammophila breviligulata/Beachgrass (for beaches and dunes only)
 Bromus spp./Bromegrass (**)
 Dantonia spicata/Poverty Oat Grass (**)
 Deschampaia flexuosa/Wavyhair Grass (**)
 Elymus glaucus/Wild Rye Grass (best for beaches and dunes)
 Festuca ovina var. glauca/Blue Fescue
 Imperata cylindrica rubra/Japanese Blood Grass
 Miscanthus sinensis/Eulalia Grass
 Pennisetum alopecuroides/Fountain Grass
 Spartina sp. (**)
 Uniola latifolia/Northern Sea Oats a.k.a. Chasmanthium latifolium

(*) flowering tree; (**) native to region; (***) street tree; (****) hedge

ARTICLE VII - Administration

* * *

Chapter 3 Special Permit Uses and Modifications

73-01 General Provisions

* * *

In the #waterfront area#, the powers of the Board to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-131 (Applicability of Chapter 3 of Article VII).

* * *

Chapter 4 Special Permits by the City Planning Commission

74-00 POWERS OF THE CITY PLANNING COMMISSION

74-01 General Provisions

* * *

In the #Special Midtown District#...(Applicability of Chapter 4, of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of Chapters 4, 8 and 9 of Article VII).

* * *

74-74 General Large-Scale Development

* * *

74-744 Modification of use regulations**(a) Waterfront and related #commercial uses#.**

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

* * *

Chapter 8 Special Regulations Applying to Large-Scale Residential Developments**78-00 GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS**

* * *

78-03 Applicability of this Chapter

* * *

Any #large-scale residential development# having a total of at least 500 dwelling units...with Large-Scale Residential Developments.

#Large-scale residential developments# within the #Waterfront Area# shall be subject to the provisions of Section 62-132 (Applicability of Chapters 4, 8 and 9 of Article VII.

* * *

78-241 Waterfront and related commercial uses

For any #large-scale residential development#, in a C4 District, the City Planning Commission may, by special permit ~~after public notice and hearing and subject to Board of Estimate Action~~, authorize modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided that:

* * *

78-311 Authorizations by the City Planning Commission

When a #large-scale residential development# includes or will include after subdivision two or more #zoning lots#, the City Planning Commission may upon application:

- (a) Authorize the total #floor area#, #lot coverage#, #dwelling units#, #rooms# or #rooming units# permitted...to be distributed without regard for #zoning lot lines#.

* * *

78-312 ~~Special permits authorizations by the City Planning Commission~~

For any #large-scale residential development#, the City Planning Commission may, ~~by special permit: after public notice and hearing and subject to Board of Estimate action,~~

- (a) ~~Authorize~~ the total #floor area#, #lot coverage#, #dwelling units#, #rooms#, ~~or~~ #rooming units# permitted...to be distributed without regard for #zoning lot lines#.

* * *

- (b) ~~Authorize~~ the total #open space#...to serve such lots.
- (c) ~~Authorize~~ minor variations... natural features.
- (d) ~~Authorize~~ in R1, R2, R6, R7, R8, R9 or R10 District minor variations in the front height and setback regulations...light and air.
- (e) ~~Authorize~~ variations...#Residence District# boundary.
- (f) ~~Authorize~~ modifications...(authorizations by the Planning Commission).

~~(g)~~ [Entire sub-section (g) deleted]

78-313 Findings

As a condition precedent to the granting of authorizations under the provisions of Section 78-311 (Authorizations by the Planning Commission) or a special permit under the provisions of Section 78-312 (Special permits ~~authorizations by the Planning Commission~~), the Commission shall make the following findings:

- (a) That such ~~authorizations~~ modifications will aid...(General Purposes).
- (b) That ~~authorized such~~ distribution of #floor area#...the City as a whole.

* * *

78-32 Bonus for Good Site Plan

In R1-2, R2, or R3-1 Districts, ~~including #Commercial Districts# mapped within such #Residence Districts#~~, for any #large-scale residential development#, the Commission, by special permit ~~after public notice and hearing and subject to Board of Estimate action~~, may authorize the #open space ratio#...to be reduced...the permitted# ~~residential~~ floor area ratio# to be increased...with the applicable district regulations.

78-33 Bonus for Common Open Space

In R3-1 Districts, ~~including #Commercial Districts# mapped within such #Residence Districts#~~, for any #large-scale residential development#, the Commission, by special permit ~~after public notice and hearing and subject to Board of Estimate action~~, may authorize the #open space ratio#....to be reduced...the permitted #~~residential~~ floor area ratio# to be increased...provided that:

* * *

78-34 Special Permit Provisions for Certain Large-scale Developments

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations, of such #Residence Districts#, for any #large-scale residential development#, the Commission, by special permit ~~after public notice and hearing and subject to Board of Estimate action~~, may make modifications in the #open space ratio#, #residential floor area ratio#, and #lot area per room# requirement...if the Commission finds:

* * *

78-35 Special Bonus Provisions

78-351 Common open space and good site plan

* * *

In R3-2 or R4 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#...the permitted #residential floor area ratio#, required #open space ratio# and required #lot area per room#...may be modified as set forth in this Section.

* * *

In R5 Districts or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, at least 25 percent of the total required #open space# is to be provided in common areas that meet the requirements of Section 78-52 (Common Open Space).

* * *

78-352 Bonus for community facility space

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such

#Residence Districts#, for any **#large-scale residential development#**...the permitted **#residential floor area ratio#**, required **#open space ratio#**, and required **#lot area per room#**... may be modified...provided floor space for **#community facility use#** ...is provided as required in paragraph (b) of this Section.

* * *

78-353 Bonus for enclosed parking

In R4 or R5 Districts, or in **#Commercial Districts#** in which **#residential buildings#** are governed by the **#bulk#** regulations of such **#Residence Districts#**, for any **#large-scale residential development#**...the permitted **#residential floor area ratio#** may be increased...and the required **#open space ratio#**...decreased... provided that at least two-thirds of the required off-street parking is enclosed.

* * *

78-354 Bonus for increased room size

In R3-2, R4 or R5 Districts or in **#Commercial Districts#** in which **#residential buildings#** are governed by the **#bulk#** regulations of such **#Residence Districts#**, for any **#large-scale residential development#**...the permitted **#residential floor area ratio#** may be increased...and the required **#open space ratio#**... decreased...provided that the **#floor area per room#** requirement is increased in accordance with the provisions of this Section.

* * *

78-43 Modification for Open Space Requirements in Large-Scale Developments

For all **#large-scale residential developments#** in R5, R6, R7, R8 or R9-~~R10~~ Districts, or in **#Commercial Districts#** in which **#residential buildings#** are governed by the **#bulk#** regulations of such **#Residence Districts#**, the Commission may modify the requirement for **#open space#**...provided that the following findings are made:

* * *

Chapter 9 Special Regulations Applying to Large-Scale Community Facility Developments

* * *

79-10 GENERAL PROVISIONS

79-11 Applicability of this Chapter

* * *

#Large-scale community developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Chapters 4, 8 & 9 of Article VII).

* * *

ARTICLE IX - Special Purpose Districts (continued)

* * *

Chapter 4 Special Sheepshead Bay District

* * *

94-02 General Provisions

* * *

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

* * *

Chapter 19 Special Hillside Preservation District

* * *

119-212 Height and setback regulations

* * *

For any #development# or #enlargement#, no portion of a #building or other structure#...the #base plane#...in accordance with the provisions of Section ~~23-61 (Definition Base Plane)~~ 12-10 DEFINITIONS) for #buildings or other structures# in R1, R2, and R6 Districts.

* * *

(On April 28, 1993, Cal. No. 18, the Commission scheduled May 12, 1993 for a public hearing on application N 930327 ZRY. On May 12, 1993, Cal. No. 30, the hearing was continued. On May 26, 1993, Cal. No. 17, the hearing was continued. On June 7, 1993, Cal. Nos. 1, 2, 3, the application was modified and the Commission scheduled June 23, 1993 for a public hearing on modifications (A), (B) and (C). On June 23, 1993, Cal. No. 26, the hearing on the original application was continued and the hearing was opened on the modified versions, Cal. Nos. 27, 28, 29; all hearings were continued. On July 7, 1993, Cal. Nos. 25, 26, 27 and 28, the hearings were closed.)

For consideration
