Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

62-10 - GENERAL PROVISIONS

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62-10 - GENERAL PROVISIONS

LAST AMENDED
10/25/1993

62-11 - Definitions

LAST AMENDED
12/6/2023

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

Development

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

(a) an #enlargement#;

(b) any alteration that increases the height or coverage of an existing #building or other structure#;

(c) an #extension#; or

(d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section 62-21 (Classification of Uses in the Waterfront Area) to another such #use#.

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

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

Floating structure

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

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

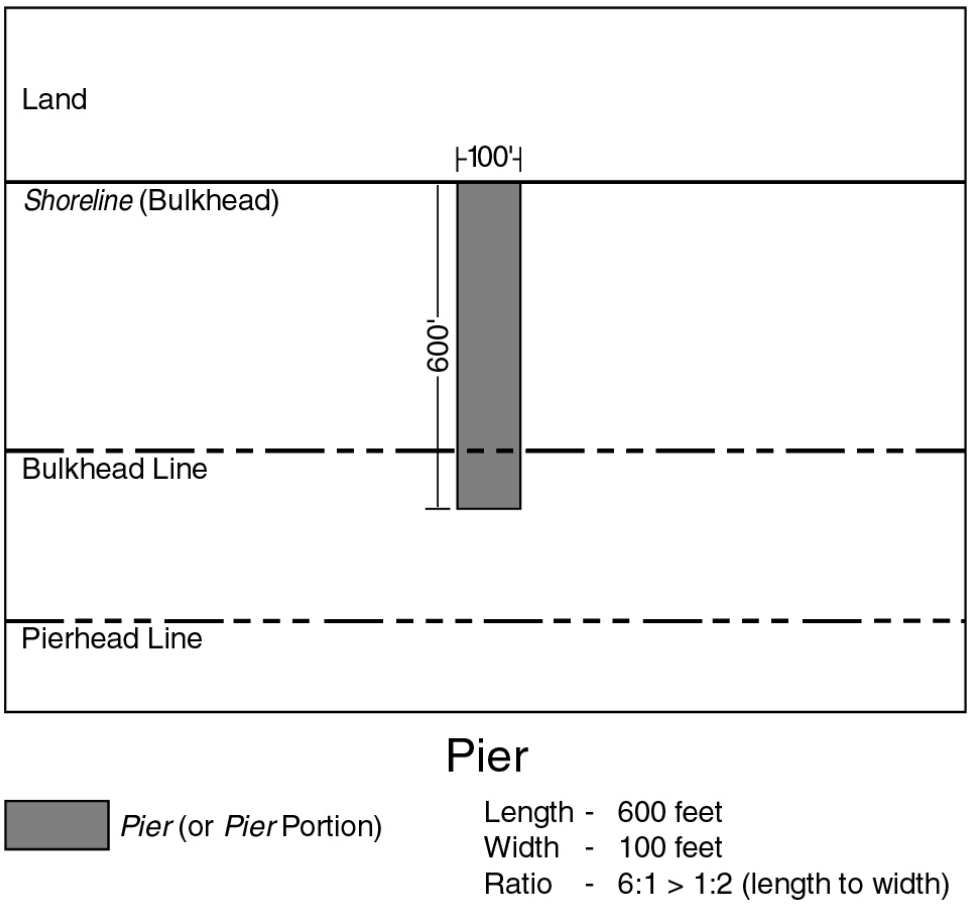
Pier

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

(a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or

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

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



(62 - 11.1)

Pier, existing

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

Pier, new

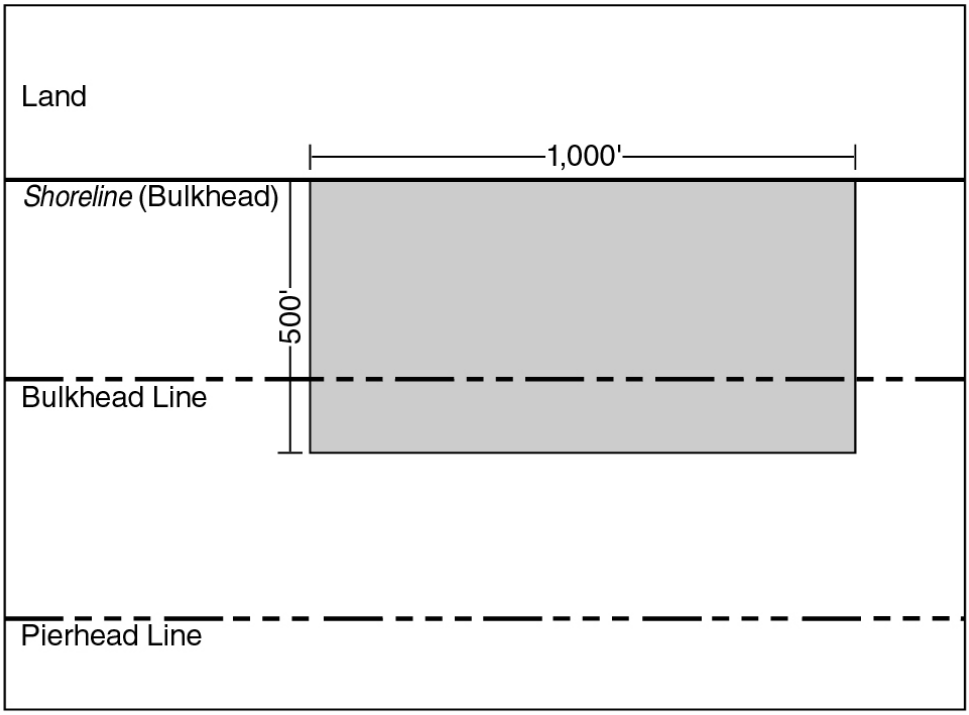
A “new pier” is any #pier# other than an #existing pier#.

Platform

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

(a) is permanently connected to the land; and

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

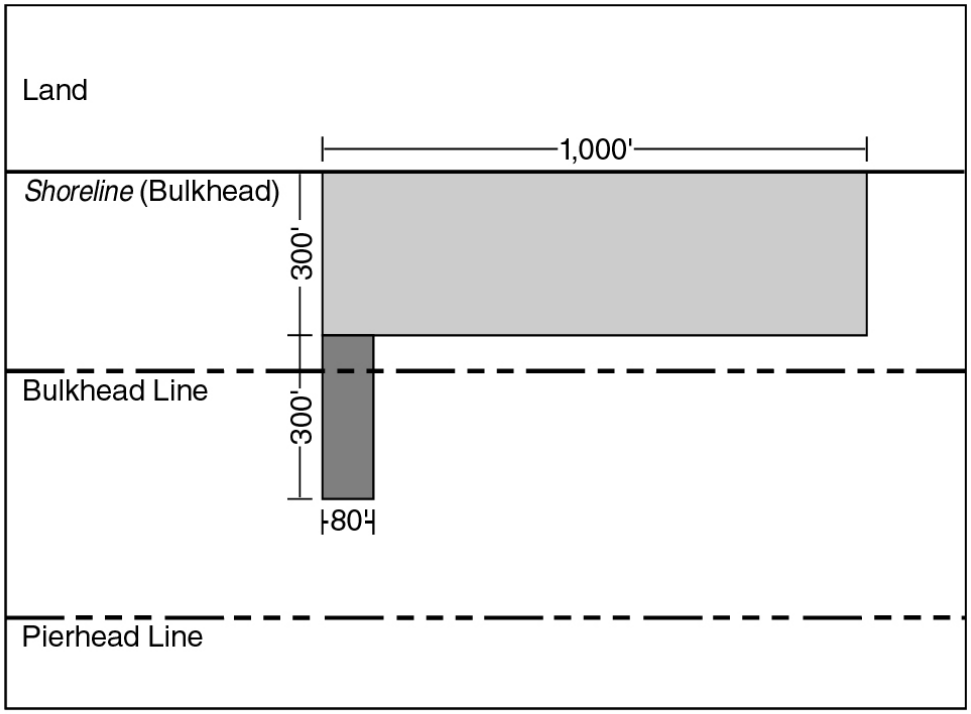


Platform

Platform

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

(62 - 11.2)



Platform with Pier Portion

Pier (or *Pier* Portion)

Platform

Platform: Length - 300 feet
Width - 1,000 feet
Ratio - 0.3:1 < 1:2 (length to width)

Pier: Length - 300 feet
Width - 80 feet
Ratio - 3.75:1 > 1:2 (length to width)

(62 - 11.3)

Platform, existing

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

Platform, new

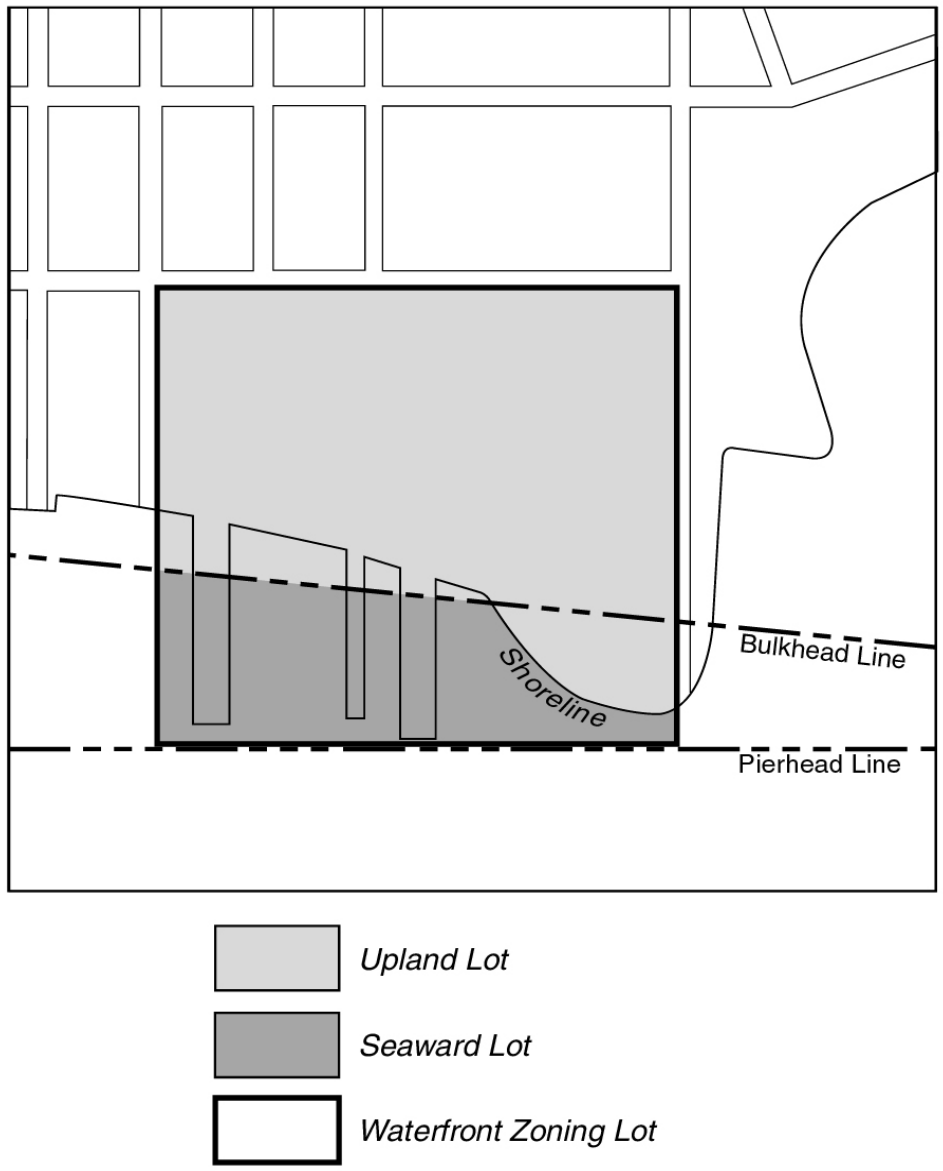
A “new platform” is any #platform# other than an #existing platform#.

Predominant or predominantly

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

Seaward lot

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



SEAWARD/UPLAND LOTS

(62 - 11.4)

Shore public walkway

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

Supplemental public access area

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

Tidal wetland area

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

Upland connection

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

Upland lot

An “upland lot” is the portion of a #waterfront zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of the bulkhead line, such land above water shall be included as part of the #upland lot# (see illustration of Seaward/Upland Lots).

Visual corridor

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

Water coverage

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

Waterfront block or waterfront zoning lot

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

(a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;

(b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and

(c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a #waterfront block# or #waterfront zoning lot#, respectively.

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

Waterfront public access area

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

Waterfront yard

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

62-12 - Applicability to Developments in the Waterfront Area

LAST AMENDED
2/2/2011

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

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

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

(1) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section 62-30 (SPECIAL BULK REGULATIONS);

(2) extend the location of the exterior walls of any #building# within a #waterfront block# above the maximum base height for the district as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks);

(3) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to October 25, 1993;

(4) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;

(5) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform# approved prior to October 25, 1993; or

(6) involve a change that would create a requirement for public access or #visual corridors# without providing such public access or #visual corridors# in accordance with the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS).

(b) #Developments# for which an application for certification pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

(c) Design changes to a previously certified application, including applications certified pursuant to paragraph (b) of this Section, may be made only upon further certification by the Chairperson of the Commission that such changes would not increase the degree of non-compliance or would result in a greater level of compliance with this Chapter.

(d) #Developments# for which an application for authorization or special permit pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

(e) #Developments# for which an application for an authorization or special permit, other than an authorization or special permit pursuant to this Chapter, was filed prior to April 22, 2009, may be continued pursuant to the terms of such authorization or special permit and, to the extent not modified under the terms of such authorization or special permit, shall be subject to the regulations of this Resolution that were in effect at the time such authorization or special permit was granted.

62-13 - Applicability of District Regulations

LAST AMENDED
11/12/2025

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

#Special Sheepshead Bay District#

#Special Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

The regulations of this Chapter shall apply in the following Special Purpose Districts, except as specifically modified within the Special Purpose District provisions:

#Special Flushing Waterfront District#

#Special Gowanus Mixed Use District#

#Special Inwood District#

#Special Long Island City Mixed Use District#

#Special St. George District#.

62-131 - Applicability of Article VII, Chapter 3

LAST AMENDED
12/5/2024

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

Section 73-64 (Modifications for Community Facility Uses)

Section 73-68 (Height and Setback and Yard Modifications).

The following special permits by the Board of Standards and Appeals shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 73-13 (Community Facilities) shall be applicable, except that:

(a) all references to #floor area ratio# shall be modified in accordance with the provisions of Sections 62-32 and 62-333 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 62-333; and

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

Section 73-47 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section 62-40 (SPECIAL PARKING AND LOADING REGULATIONS).

62-132 - Applicability of Article VII, Chapters 4, 5, 8 and 9

LAST AMENDED
12/5/2024

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 74-81 (Through Block Arcades)

Section 74-83 (Developments with Existing Buildings)

Section 74-85 (Covered Pedestrian Space).

The following special permits and authorizations by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 74-195 (Public parking garages or public parking lots in high density central areas) shall be applicable, subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section 62-836 (Public parking facilities on waterfront blocks); and

Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-411 (Accessory residential roof parking) and 62-421 (Accessory non-residential roof parking) shall apply;

Section 74-711 (Landmark preservation in all districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted;

Section 74-74 (Large-scale General Development);

Sections 74-79 (Transfer of Development Rights From Landmark Sites) and 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum #floor area ratio# for the applicable district set forth in Section 62-32 (Floor Area Regulations on Waterfront Blocks). Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-50 and 62-60;

Section 78-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE RESIDENTIAL DEVELOPMENTS); and

Section 79-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE COMMUNITY FACILITY DEVELOPMENTS).

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks).

For the purposes of modifying the height and setback regulations of Section 62-34, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open

Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32, inclusive. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-372 (Distance between legally required windows and lot lines).

62-133 - Applicability of Residential Design Elements

LAST AMENDED
12/5/2024

#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS),

shall be deemed to have met the requirements for recreation space specified in Section 23-63 (Required Recreation Space in Multiple Dwelling Residences). In addition, for the purposes of Section 23-613 (Front yard planting requirements), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

62-134 - Applicability of Article VII, Chapter 7

LAST AMENDED
2/2/2011

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), shall be applicable on #waterfront blocks#, as modified in the following Section:

Section 77-28 (Height and Setback Regulations) shall be applicable, except that all references to #street# frontage shall be inapplicable. In lieu thereof, the percentage of the #zoning lot# in each district shall be used to determine the quantitative requirements. 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 - Integration of Waterfront Access Plans

LAST AMENDED
4/22/2009

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