Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

62-82 - Authorizations by the City Planning Commission

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62-82 - Authorizations by the City Planning Commission

LAST AMENDED
4/22/2009

62-821 - Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels

LAST AMENDED
3/26/2014

(a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section 32-10 (USES PERMITTED AS-OF-RIGHT) in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, or in Community District 1 in the Borough of Brooklyn, a vessel capacity larger than 399 passengers, 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 Commission may authorize a reduction or waiver of the parking requirements of Section 62-43 for docks serving ferries, or sightseeing, excursion or sport 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;

(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;

(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;

(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 62-462, 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.

62-822 - Modification of waterfront public access area and visual corridor requirements

LAST AMENDED
12/5/2024

(a) Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access areas# and #visual corridors#

The City Planning Commission may modify the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided off-site on an adjoining public property.

The Commission shall file any such authorization, pursuant to this paragraph (a), with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve such authorization in whole or in part, with additional or modified restrictions or conditions, or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have

approved such authorization.

(1) In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:

(i) comply with the required minimum dimensions and equal the required total area, in aggregate; and

(ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or

(2) In the event the Commission determines that there is no feasible way to provide equal alternative #waterfront public access areas# either on the #zoning lot# or off-site on an adjoining public property or to provide equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive such requirements, provided that:

(i) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and

(ii) that the reduction or waiver of requirements is the minimum necessary.

(b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public

access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependent Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

In order to grant such authorization, the Commission shall find that such modifications:

(1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or

(2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.

(c) Authorization for phased #development# of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured, pursuant to Section 62-812.

In order to grant such authorization, the Commission shall find that:

(1) the amount of #waterfront public access area# #developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or

(2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time each phase is #developed#.

(d) Authorization to modify minimum hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed 10 years, modifications of the requirements for hours of operation set forth in Section 62-71, paragraph (a), or the installation of gates in #predominantly# #residential# #developments# in accordance with the provisions of Section 62-651, paragraph (c)(2).

The Commission shall find that any modification of the hours of operation and the installation of gates in #predominantly# #residential# #developments# are warranted due to the remote location of the #waterfront public access areas#, and that such modified hours of operation or gates will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply with the design requirements set forth in Section 62-651.

Public access to the #waterfront public access areas# shall be assured by appropriate legal instruments. Signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph (d).

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, but are not limited to, deed restrictions, easements or performance bonds.

62-823 - Modification of use regulations in C3 Districts

LAST AMENDED
6/6/2024

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 under Use Groups V, VI, VII or VIII;

(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.

62-824 - Modifications to passenger queuing shelters for ferry or water taxi docking facilities

LAST AMENDED
3/26/2014

In Community District 1 in the Borough of Brooklyn, the City Planning Commission may authorize a ferry passenger queueing shelter exceeding the dimensions set forth in paragraph (c)(1) of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas), provided that the Commission finds that:

(a) the public benefit derived from the proposed shelter merits the larger dimensions authorized;

(b) the proposed shelter utilizes the design standards set forth in paragraph (c)(1) of Section 62-813 regarding permitted support structures, materials, signage and roof construction to the greatest extent feasible;

(c) any modification to such provisions of Section 62-813 will not unduly limit views from the #waterfront public access area#; and

(d) the design of the proposed shelter will result in a quality structure that complements the #waterfront public access area# or the publicly accessible area of a #waterfront zoning lot# accommodating the ferry or water taxi docking facility.

62-825 - Modifications for wind energy systems

LAST AMENDED
12/6/2023

In any district, the City Planning Commission may authorize modifications to the applicable #bulk# or #waterfront public access area# regulations in order to accommodate wind energy systems, whether #accessory# or as part of #energy infrastructure equipment#, provided the Commission finds that:

(a) there would be a practical difficulty in complying with regulations set forth for wind energy systems as set forth in the underlying district regulations, and as modified by this Chapter, without such modifications;

(b) such modifications are the minimum necessary to allow for an appropriate wind energy system; and

(c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located.

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