Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

144-22 - Yard and Shoreline Setback

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LAST AMENDED12/15/2021

The underlying #yards# regulations of Section 43-20 (YARD REGULATIONS), inclusive, and Section 43-31 (Other Special Provisions for Rear Yards) shall not apply. In lieu thereof, the provisions of this Section shall apply.

In all districts, no #building# shall be located closer to the #shoreline# than 30 feet, except for #buildings# used for water dependent #uses#, as set forth in Section 62-21 (Classification of Uses in the Waterfront Area), or #buildings# containing not more than 5,000 square feet of #floor area#.

The #shoreline# setback requirement shall be reduced in dimension, or eliminated, where the Chair of the City Planning Commission certifies to the Commissioner of the Department of Buildings or the Commissioner of the Department of Small Business Services, as applicable, that either:

(a) a #building# proposed to be located within such 30-foot setback area incorporates flood protection measures for the immediate area of the #building# that protect the #building# to a level that is 58 inches above the mean high water line existing on December 15, 2021; or

(b) a district-wide resiliency plan for the #Special Brooklyn Navy Yard District# has been adopted and the measures to be incorporated in connection with the #development# or already in place are in furtherance of the district-wide plan.

Measures shall be deemed protective if they alone or together with other measures in place at the time of construction protect the #building# from flooding to the elevation set forth in paragraph (a) of this Section or if they would support protection of the entire #Special Brooklyn Navy Yard District# to such elevation without further improvement of the portion of area directly seaward of the proposed #building#.

The Chairperson shall certify the application within 45 days of receipt of a complete application. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small 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.