

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article VI - Special Regulations Applicable to Certain Areas

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

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62-13 Applicability of District Regulations

* * *

62-133

Applicability of the Quality Housing Program

* * *

#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 ~~28-20~~ ~~28-30~~ (RECREATION SPACE AND PLANTING AREAS). Also, for the purposes of Section ~~28-23~~ ~~28-33~~ (Planting Areas), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

* * *

62-135

Applicability of bulk regulations to long-term care facilities

For #buildings# containing #long-term care facilities#, the applicable provisions of 24-013, 33-012 and 35-012 shall apply, except as modified by the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS), inclusive. For the purposes of applying #floor area ratio# and #lot coverage#, the regulations applicable to #affordable independent residences for seniors# set forth in Section 62-323 (Affordable independent residences for seniors) shall apply.

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62-30

SPECIAL BULK REGULATIONS

* * *

62-32

Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

62-321

Residential uses in R3, R4 and R5 Districts

The maximum #floor area ratio# and #lot coverage# for #residential buildings# or #residential# portions of #buildings# in R3, R4 and R5 Districts shall be in accordance with the applicable district regulations, except as provided in Section 62-323 (~~Non-profit residences for the elderly~~ Affordable independent residences for seniors in R3, R4, R5, R6 and R7 Districts).

62-322

Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the applicable regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio Open Space and Floor Area Regulations in R1 through R5 Districts) through or Section 23-15 (Maximum Floor Area Ratio in R10 Districts Open Space and Floor Area Regulations in R6 through R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections ~~23-154~~ 23-952 (Floor area compensation in Inclusionary Housing designated areas Inclusionary Housing), 62-323 (~~Non-profit residences for the elderly~~ Affordable independent residences for seniors in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

* * *

- ¹ In #Inclusionary Housing designated areas#, the #floor area ratio# has been modified, pursuant to Section ~~23-952~~ 23-154 (Floor area compensation in Inclusionary Housing designated areas Inclusionary Housing) or Section 62-35 (Special Bulk Regulations in Certain Areas within Community District 1, Brooklyn), inclusive
- ² In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section ~~23-951~~ 23-154 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)

62-323

Non-profit residences for the elderly Affordable independent residences for seniors in R3, R4, R5, R6 and R7 Districts

In the districts indicated in the following table, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in Sections 23-144 and 23-155, as applicable, and the maximum #lot coverage# for #non-profit residences for the elderly# on a #zoning lot# shall be as specified in the following Table:

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

	Maximum #Lot Coverage#
Maximum	

District	Floor Area Ratio	(in percent)
R3	.95	55
R4	1.29	55
R5	1.95	60
R5D R6B	2.00	60
R6 R6A R7B	3.90	65
R7 R7A R7D R7X	5.01	70
<u>R8 R9 R10</u>		<u>70</u>

Where different maximum percentages of lot coverage apply to residential and community facility uses, the higher lot coverage shall be applied to any level containing both such uses. Furthermore, the maximum percent of lot coverage for community facility uses located below the level of residential uses need not be lower than the maximum percent of lot coverage permitted for such residential uses.

* * *

**62-34
Height and Setback Regulations On Waterfront Blocks**

* * *

**62-341
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. However, when the seaward view from all points along the shoreline of a zoning lot is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the shoreline, developments shall be exempt from the requirements of this Section. Height and setback regulations for developments on piers and floating structures are set forth in Sections 62-342 and 62-343.

- (a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

* * *

(3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. 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 (~~Height and setback Requirements in R1, R2, R3, R4 or through R5 Districts~~ General provisions).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432 shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

- (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 ~~paragraph (d) Table C~~ of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-621. ~~on any #street# frontage the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the width 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)~~

* * *

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A

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 35-24 shall not apply. ~~In lieu thereof, the height and setback regulations set forth in this Section shall apply:~~ of Section 23-662 shall apply. For #Commercial Districts#, the applicable #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used in applying such provisions. In addition, in all applicable districts, for #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90,

inclusive, or for #developments# or #enlargements# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#, the height and setback provisions of Section 23-664 shall apply. Separate maximum #building# heights are set forth within the Tables of Sections 23-662 and 23-664 for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662.

(1) — ~~Maximum #building# height~~

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

~~A setback is required for all portions of #buildings or other structures# that exceed the specified maximum base height for the applicable district, and shall be provided in accordance with paragraph (d)(2) 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 or other structures# 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 AND OTHER STRUCTURES
 IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6B C1 or C2 mapped within R6B	30	40	50
R6A C1 or C2 mapped within R6A C4-2A-C4-3A	40	60	70
R7B C1 or C2 mapped within R7B	40	60	75
R7A C1 or C2 mapped within R7A C1-6A-C2-6A-C4-4A-C4-4L C4-5A	40	65	80
R7D C1 or C2 mapped within R7D C4-5D	60	85	100
R7X C1 or C2 mapped within R7X C4-5X	60	85	125
R8B C1 or C2 mapped within R8B	55	60	75
R8A C1 or C2 mapped within R8A C1-7A-C4-4D-C6-2A	60	85	120
R8X C1 or C2 mapped within R8X	60	85	150

R9A*	60	95	135
C1 or C2 mapped within R9A*			
C1 8A* C2 7A* C6 3A*			
R9A**	60	102	145
C1 or C2 mapped within R9A**			
C1 8A** C2 7A** C6 3A**			
R9X*	60	120	160
C1 or C2 mapped within R9X*			
C1 8X* C2 7X*			
R9X**	105	120	170
C1 or C2 mapped within R9X**			
C1 8X** C2 7X**			
R10A*	60	125	185
C1 or C2 mapped within R10A*			
C1 9A* C2 9A* C4 6A* C4 7A* C5 1A*			
C5 2A* C6 4A*			
R10A**	125	150	210
C1 or C2 mapped within R10A**			
C1 9A** C2 8A** C4 6A** C4 7A** C5 1A** C5 2A** C6 4A**			

*—— Denotes district mapped on #narrow street#

**—— Denotes district mapped on #wide street#

* * *

62-60

DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

#Waterfront public access areas# required pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall comply with the provisions of this Section, inclusive.

* * *

62-62

Design Requirements for Shore Public Walkways and Supplemental Public Access Areas

The design requirements of this Section shall apply to #shore public walkways# and #supplemental public access areas#, except as modified by Section 62-57 (Requirements for Supplemental Public Access Areas).

* * *

(c) Planting

* * *

(2) Screening buffer

* * *

(iii) No screening buffer shall be required:

- (a) adjacent to a private drive, a #street# or at the entrances to #buildings#; or
- (b) for a #commercial# or #community facility use# ~~where at least 70 percent of the area of the #building# facade, within a height of 10 feet, located~~ within a distance of 15 feet from the sidewalk or #waterfront public access area#, that is glazed with windows, transoms or glazed portions of doors in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements). ~~Not less than 50 percent of the entire area of such #commercial# or #community facility use# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

* * *

END