

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Carl Weisbrod, Chairman

### Article XI: Special Purpose Districts Chapter 6: Special Stapleton Waterfront District

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(10/25/06)

**Article XI - Special Purpose Districts**

**Chapter 6**

**Special Stapleton Waterfront District**

(2/2/11)

**116-00**

**GENERAL PURPOSES**

The "Special Stapleton Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

- (a) encourage design of development that is in character with the neighborhood and surrounding community;
- (b) maintain and reestablish physical and visual public access to and along the waterfront;
- (c) strengthen the traditional town center of Stapleton by allowing the development of residential and commercial uses;
- (d) encourage the creation of a lively and attractive environment that will provide daily amenities and services for the use and enjoyment of the working population and the new residents;
- (e) take maximum advantage of the beauty of the New York Harbor waterfront, thereby best serving the business community, the residential population and providing regional recreation; and
- (f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect City tax revenues.

(10/25/06)

## **116-01**

### **Definitions**

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) or in this Section.

#### Esplanade

The "Esplanade" is a park extending along all waterfront edges of the #Special Stapleton Waterfront District#. The #Esplanade# is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in the Appendix to this Chapter.

#### Mandatory front building wall

A "mandatory front building wall" is the front wall of a #building# that generally coincides with a #mandatory front building wall line#, as provided in Section 116-232 (Street wall location).

#### Mandatory front building wall line

"Mandatory front building wall lines" are imaginary lines extending through Subarea B of the #Special Stapleton Waterfront District# which are shown on Map 3 (Mandatory Front Building Wall Lines) in the Appendix to this Chapter, and with which #building# walls must generally coincide, as provided in Section 116-232.

#### Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the #Special Stapleton Waterfront District# as shown in the District Plan, Map 1, in the Appendix to this Chapter.

#### Upland connection

An "upland connection" is a pedestrian way that provides a public access route from the #Esplanade# to a public sidewalk within a public #street#. Required #upland connections# are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in the Appendix to this Chapter.

#### 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#. Required #visual corridors# are shown in the District Plan, Map 5, in the Appendix to this Chapter.

(10/9/13)

**116-02**  
**General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded 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 #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying C4-2A District shall apply, as modified in this Chapter.

(10/25/06)

**116-03**  
**District Plan and Maps**

The District Plan for the #Special Stapleton Waterfront District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Stapleton Waterfront District#.

These areas shall include the #Esplanade#, Subareas A, B1, B2, B3, B4, B5, C, and two designated public open spaces: #Pier Place# and the #Cove#.

The District Plan includes the following maps in the Appendix to this Chapter.

Map 1 Special Stapleton Waterfront District, Subareas and Public Spaces

Map 2 Ground Floor Use and Frontage Requirements

Map 3 Mandatory Front Building Wall Lines

Map 4 Restricted Curb Cut and Off-Street Loading Locations

Map 5 Upland Connections and Visual Corridors

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

(10/25/06)

#### **116-04 Subareas**

In order to carry out the purposes and provisions of this Chapter, the following subareas are established within the #Special Stapleton Waterfront District#: Subarea A, Subarea B, comprised of Subareas B1, B2, B3, B4 and B5, Subarea C, the #Esplanade#, #Pier Place# and the #Cove#. In each of these subareas, special regulations apply that may not apply in other subareas.

(10/25/06)

#### **116-05 Applicability**

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the

#Special Stapleton Waterfront District#, except where specifically stated otherwise in this Chapter.

#Lower density growth management area# regulations shall not apply in the #Special Stapleton Waterfront District#.

(10/25/06)

**116-10**  
**SPECIAL USE REGULATIONS**

Within the #Special Stapleton Waterfront District#, the following special #use# regulations shall apply. The #use# regulations of the underlying C4-2A District shall be modified by Sections 116-101 through 116-13, inclusive.

(10/25/06)

**116-101**  
**Use Groups 12 and 14**

The #uses# listed in Section 32-21 (Use Group 12) shall not be permitted in Subarea C.

The #uses# listed in Section 32-23 (Use Group 14) shall be permitted in the #Special Stapleton Waterfront District#; boat storage, repair or painting, however, shall be allowed without restriction relating to boat length.

(10/25/06)

**116-102**  
**Special permit uses**

#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.

(10/25/06)

### **116-103**

#### **Supplementary use regulations**

The provisions of Section 32-41 (Enclosure within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#.

(10/25/06)

### **116-11**

#### **Special Sign Regulations**

The #sign# regulations of the underlying C4-2 District in Section 32-60 (Sign Regulations) shall be modified as follows: #flashing signs# shall not be permitted in the #Special Stapleton Waterfront District#.

(3/22/16)

### **116-12**

#### **Mandatory Ground Floor Use and Frontage Requirements**

The provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply in the #Special Stapleton Waterfront District#. However, on designated #streets# and #mandatory front building wall lines# in Subareas B3 and C, as shown on Map 2 in the Appendix to this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building developed# or #enlarged# after October 25, 2006.

#Uses# located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk shall be exclusively limited to the permitted non-#residential uses# as modified by the special #use# provisions of this Chapter. Such ground floor #uses# shall extend along the entire width of the

#building#, except for lobbies or entrances to #accessory# parking spaces and shall have a depth provided in accordance with Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

In no event shall lobbies and entrances to #accessory# parking spaces occupy more than 50 percent of the #building's# total frontage along such #street# or #mandatory front building wall line#, or 35 feet, whichever is less. However, the total length of such frontage occupied by such lobbies and entrances need not be less than 25 feet.

(3/22/16)

**116-13  
Transparency Requirements**

Within the #Special Stapleton Waterfront District#, the transparency requirements of Section 37-34 (Minimum Transparency Requirements) shall apply to any #development# or an #enlargement# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line# and where non-#residential uses# are located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk.

(10/25/06)

**116-20  
SPECIAL BULK REGULATIONS**

The special #bulk# regulations of this Section shall apply within the #Special Stapleton Waterfront District#.

(10/25/06)

**116-21  
Residential Bulk Regulations in C4-2A Districts**

The provisions of Sections 34-112 and 35-23 (Residential Bulk Regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) are modified as follows:

The applicable #bulk# regulations for #residential uses# in C4-2A Districts shall be those for R6B Districts.

(10/25/06)

#### **116-22**

##### **Maximum Floor Area Ratio**

The maximum #floor area ratio# for all #uses# shall be 2.0.

(10/9/13)

#### **116-221**

##### **Special floor area regulations for mixed buildings**

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses#.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

(10/25/06)

**116-23**

**Special Height and Setback Regulations**

The special height and setback regulations set forth in this Section shall apply.

(4/30/12)

**116-231**

**Special rooftop regulations**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in the #Special Stapleton Waterfront District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) (1) of Section 23-621 (Permitted obstructions in certain districts).

(2/2/11)

**116-232**

**Street wall location**

In Subarea A, the underlying #street wall# location regulations shall apply.

In Subareas B and C, the underlying #street wall# location regulations of a C4-2A District or an R6B District, as applicable, shall be modified as set forth in this Section. Map 3 (Mandatory Front Building Wall Lines) in the Appendix to this Chapter, specifies locations in Subareas B and C where #mandatory front building wall# requirements apply as follows:

- (a) Type 1: Front #building# walls shall be coincident with and extend along the entire length of the #mandatory front building wall line#, except, to allow articulation at the intersection of two such lines, the front #building# wall may be located anywhere within 15 feet of their point of intersection.
- (b) Type 2: Front #building# walls shall be located within eight feet of and extend along at least 70 percent

of the length of the #mandatory front building wall line#. For phased #development#, this requirement may be satisfied by more than one #building#, provided that upon completion 70 percent of the length of the #mandatory front building wall line# is occupied by such front #building# walls.

- (c) Wherever Map 3 does not indicate a #mandatory front building wall line#, the underlying #street wall# location rules shall apply.

If more than one #building# is #developed# in Subareas B1, B2, B3 or B4, the first #building# shall be located along a Type 1 #mandatory front building wall line#. Subsequent #buildings# shall locate along a Type 2 #mandatory front building wall line# until 70 percent of the length of the #mandatory front building wall line# is occupied.

All #mandatory front building walls# shall rise without setback to a maximum height of 40 feet or the height of the #building#, whichever is less. A #building# may exceed a height of 40 feet, up to the maximum #building# height specified in Section 116-233, if a setback is provided at a minimum height of 35 feet. Such setback shall have a minimum depth of 10 feet and shall be measured from the front #building# wall. Recesses shall be permitted on the ground floor where required to provide access to the #building#. Above the ground floor, up to 30 percent of the aggregate width of the front #building# wall may be recessed.

However, in Subarea B2, the #mandatory front building wall# may rise without setback to the permitted maximum height of the #building#.

(3/22/16)

### **116-233**

#### **Maximum building height**

Within the #Special Stapleton Waterfront District#, the maximum height of a #building or other structure# outside of Subarea B2 shall not exceed 50 feet. However, where the ground floor level of a #building# provides a #qualifying ground floor# in accordance with the supplemental provisions set forth in

paragraph (b) of Section 35-652, the maximum height of a #building or other structure# may be increased to 55 feet.

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.

(10/25/06)

### **116-30**

#### **SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS**

Within the #Special Stapleton Waterfront District#, the parking and loading regulations of the underlying C4-2A District shall apply, except as modified in this Section.

(4/22/09)

### **116-31**

#### **Modification of Required Accessory Off-Street Parking Space Regulations for Certain Commercial Uses**

The following #uses# listed in Section 32-23 (Use Group 14) shall be subject to the parking requirements applicable to a C4-2 District pursuant to Section 62-43 (Parking Requirements for Commercial Docking Facilities):

Boat rentals, open or enclosed [PRC-H]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour [PRC-H]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#

Docks or mooring facilities for non-#commercial# pleasure boats [PRC-H].

(10/25/06)

### **116-32**

### **Modification of Waiver of Requirements**

The provisions of Section 36-362 (For new development or enlargements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply.

All other waivers of parking requirements shall only apply to #zoning lots# existing both on October 25, 2006, and on the date of application for a building permit.

(10/25/06)

### **116-33**

#### **Modification of Location of Parking Spaces**

For all #zoning lots# with frontage on Front Street, no #accessory# off-street parking spaces shall be located in any open area that is between the #street wall# of the #building# and the Front Street #street line#, except that such spaces may be located between the #street wall# of the #building# and the Front Street #street line# in Subarea B5.

(10/25/06)

### **116-34**

#### **Location and Width of Curb Cuts**

Curb cuts are prohibited in the locations shown on Map 4 (Restricted Curb Cut and Off-Street Loading Locations) in the Appendix to this Chapter.

In Subarea C, for #zoning lots# with access only to Front Street, only one curb cut shall be permitted along Front Street.

Within the #Special Stapleton Waterfront District#, the maximum width of curb cuts shall not exceed 25 feet, including splays.

(4/22/09)

### **116-35**

## **Screening and Tree Planting Requirements for Parking Facilities**

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

### (a) Screening

Such off-street parking facilities shall be screened, in accordance with the provisions of this Section, from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any designated open space accessible to the public situated on the same #zoning lot#, including the #Esplanade#.

Such screening shall consist of a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least four feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet.

In addition, a wall or barrier or uniformly-painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade may be provided. Such wall, barrier or fence must be 100 percent opaque up to a height of four feet above the finished grade of the parking facility and not more than 35 percent opaque above four feet. No chain link fences shall be permitted. All permitted fences shall be located behind landscaped areas when viewed from the #street#.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-60, inclusive, or 62-654.

### (b) Tree planting requirements

Trees, pre-existing or newly-planted, shall be provided at the rate of one tree for every eight open parking spaces within the off-street parking facility and may be located on the perimeter of the parking facility or in planting islands within the parking area. For parking facilities with more than 25 open parking spaces, at least 30 percent of trees provided to meet this requirement shall be located in planting islands within the parking area. Trees shall be planted in accordance with the requirements of the Department of Parks and Recreation.

(10/25/06)

**116-40**

**UPLAND CONNECTIONS AND VISUAL CORRIDORS**

(2/2/11)

**116-41**

**Upland Connections**

In the locations shown on Map 5 (Upland Connections and Visual Corridors) in the Appendix to this Chapter, #upland connections# shall be provided. An #upland connection# traversing a #zoning lot# shall consist of a single circulation path bordered continuously along both sides by buffer zones.

(a) Required dimensions

The minimum width of the #upland connection# shall be 30 feet. When an #upland connection#, or a portion thereof, abuts a private driveway, no buffer zone is required.

(b) Buffer zone

The buffer zone is a landscaped area running along the edge of the #upland connection# that bounds the boundary of the non-public portions of the #zoning lot#; each buffer zone shall have a minimum width of seven feet. The buffer zone shall be improved entirely as planting area, except at locations:

- (1) occupied by permitted obstructions; or

(2) where there is ground floor #commercial use# frontage on the #upland connection#, in which case that portion of the buffer zone may be paved.

(c) Permitted obstructions

The provisions of Section 62-611 (Permitted obstructions) shall apply to #upland connections# within the #Special Stapleton Waterfront District#. The permitted obstructions listed in paragraph (b)(2) of Section 62-611 are further subject to the tree and planting requirements of Section 62-655. Water-Dependent (WD) #uses# referenced in paragraph (a)(6) of Section 62-611 shall be as listed in Section 62-211.

(2/2/11)

**116-42**  
**Visual Corridors**

#Visual corridors# shall be provided in the locations shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be subject to the requirements of Section 116-512 (Design requirements for visual corridors).

(10/25/06)

**116-50**  
**SPECIAL URBAN DESIGN REQUIREMENTS**

The special urban design requirements of this Section, inclusive, shall apply to all #developments# and #enlargements# within the #Special Stapleton Waterfront District#.

(4/30/08)

**116-51**  
**Design Requirements for Upland Connections and Visual Corridors**

(4/22/09)

### **116-511**

#### **Design requirements for upland connections**

(a) Circulation and access

- (1) Where an #upland connection# abuts a private driveway, a circulation path with a minimum clear width of six feet shall be provided along both sides of the driveway. 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 of 16 feet.

(b) Seating

A minimum of 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#.

(c) Planting

Where an #upland connection# abuts a private driveway, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the standards of Section 62-655 (Planting and trees). Within all #upland connections#, any unpaved area shall be planting area.

(4/22/09)

### **116-512**

#### **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 116-511 (Design requirements for upland connections) shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor#, except as provided in this

Section. #Visual corridors# shall be the width 1f the #street# but shall not be less than 50 feet wide.

Permitted obstructions within #visual corridors# shall be limited to:

- (a) boats, ships or other vessels, and #floating structures# permitted as-of-right by paragraph (a) of Section 62-25 (Uses on Floating Structures);
- (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 62-651 (Guardrails, gates and other protective barriers), except that fences may be eight feet high;
- (d) sculpture;
- (e) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the center line of the #visual corridor#; and
- (f) those obstructions permitted in #rear yards# as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except walls exceeding four feet in height shall not be permitted.

(4/22/09)

### **116-53**

#### **Waterfront Public Access Signage**

The New York City Waterfront Symbol Plaque shall be used to direct the public to waterfront public access areas including the #Esplanade# and #upland connections# and to identify the entry points of these areas. Such signage shall be provided in accordance with requirements of Section 62-654.

(2/2/11)

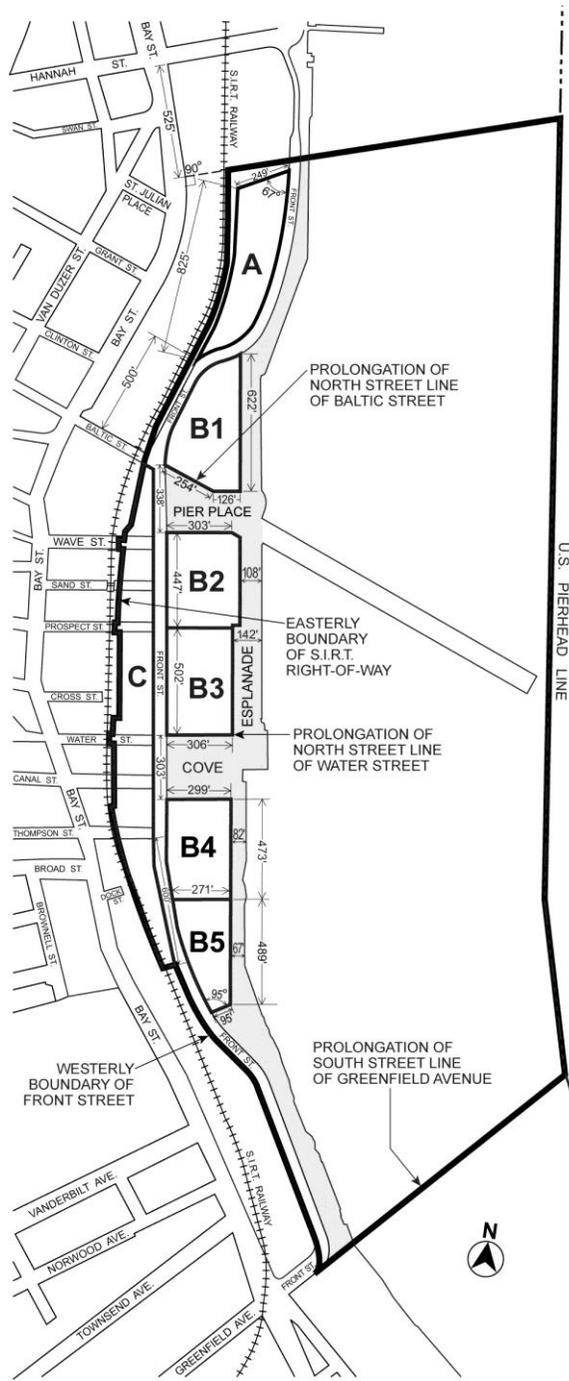
**116-54**  
**Refuse Storage Areas**

Refuse shall be stored within a #completely enclosed building#.

(10/25/06)

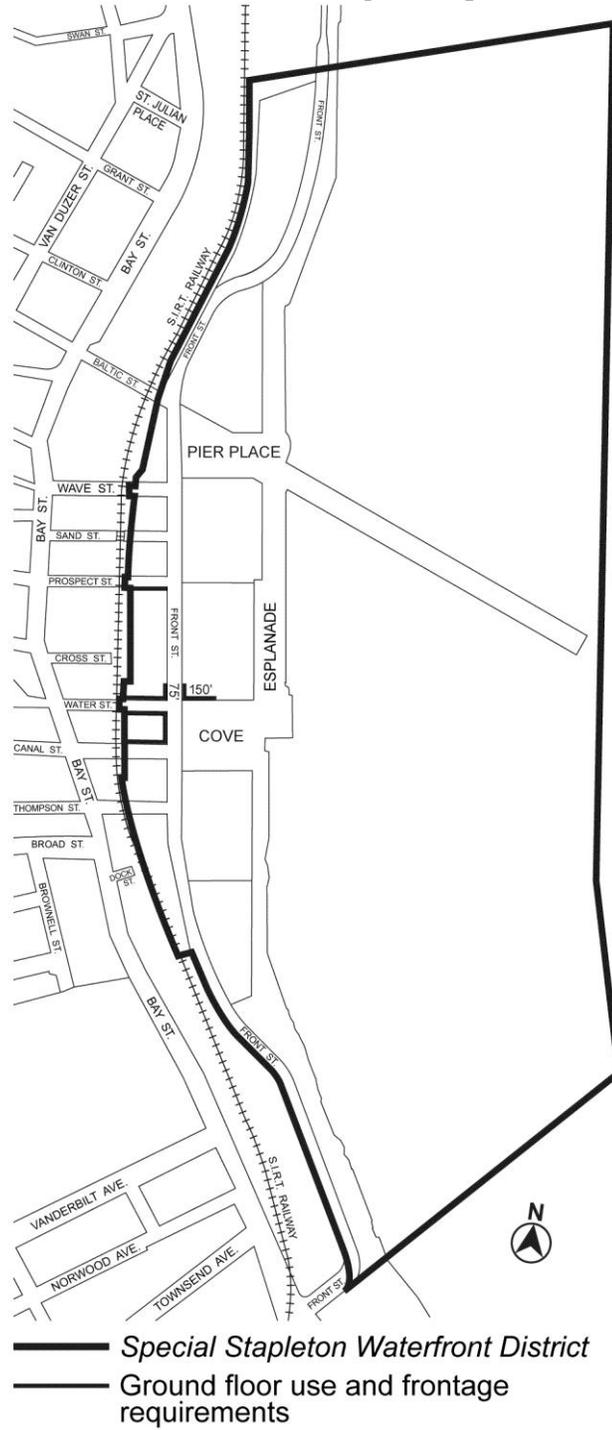
**Appendix A**  
**Stapleton Waterfront District Plan**

Map 1. Special Stapleton Waterfront District, Subareas and Public Spaces



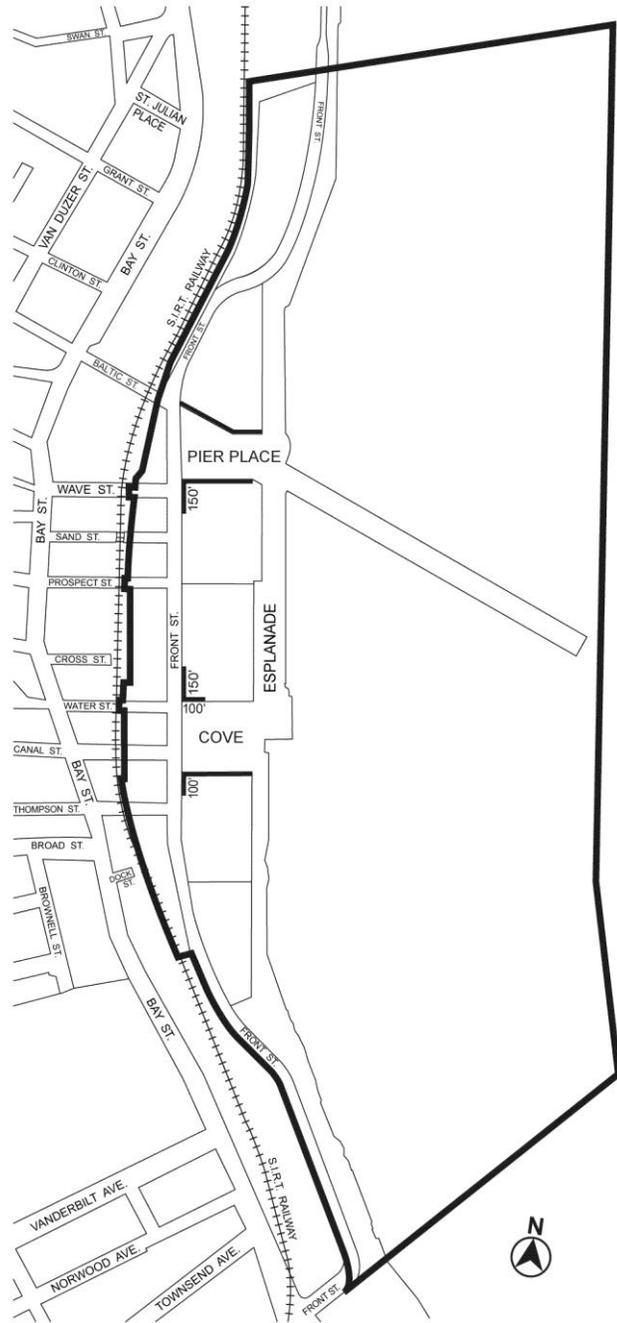
- Special Stapleton Waterfront District
- District Subareas
- Public Open Space

Map 2. Ground Floor Use and Frontage Requirements



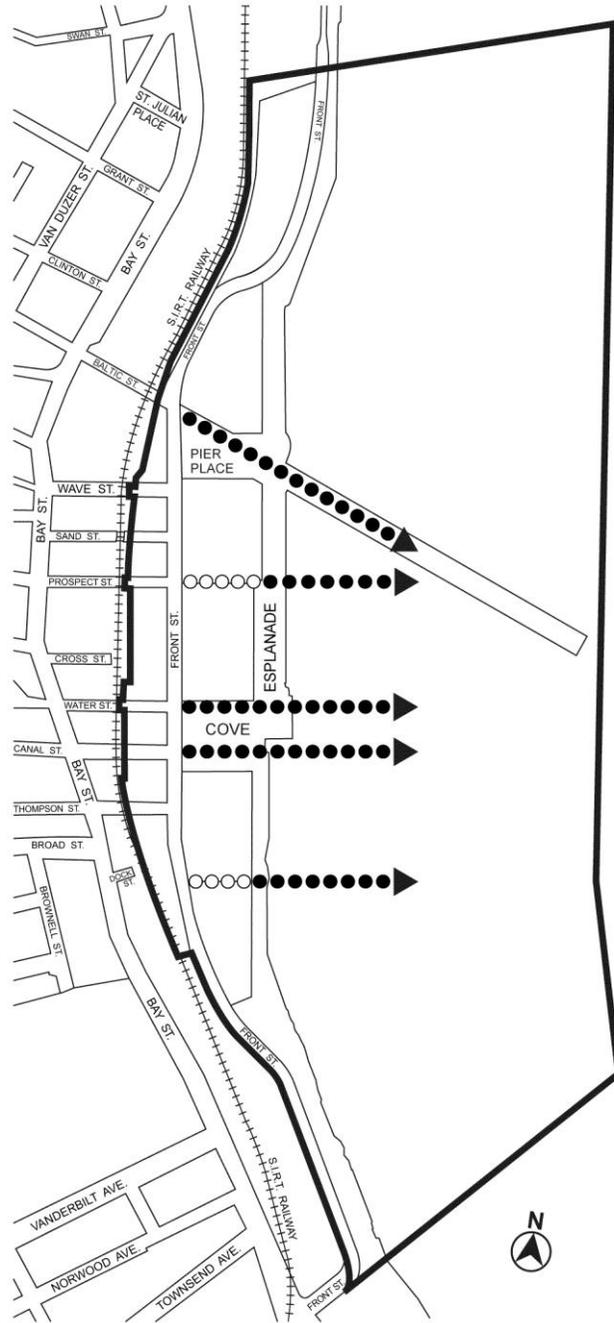


Map 4. Restricted Curb Cut and Off-Street Loading Locations



- Special Stapleton Waterfront District
- Restricted Curb Cuts and Off-Street Loading Locations

Map 5. Upland Connections and Visual Corridors



- Special Stapleton Waterfront District
- ○ ○ ○ ○ Upland Connection and Visual Corridor
- ● ● ● ► Visual Corridor