



## Best Practice: Waterfront Area Zoning

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**CITY: NEW YORK CITY**

**POLICY AREA: CITY PLANNING**

### BEST PRACTICE

The New York City Department of City Planning (DCP) **Waterfront Zoning**, in effect since 1993 and revised in 2009, fine-tunes land use policies and mandates special bulk and other zoning regulations. In conjunction with new waterfront development, Waterfront Zoning requires public access and open space featuring high quality design elements promoting the greening of the waterfront.

### ISSUE

When New York City's 1961 Zoning Resolution went into effect, shipping and other industrial uses occupied one-third of New York's more than 500 miles of waterfront. Much of the rest was parkland or was developed with low-density housing. However, with the decline of port-related and other manufacturing uses in subsequent decades, some waterfront areas became vacant and derelict, or underused. As both public and private interest in reusing waterfront site increased, the need became apparent for appropriate standards for development that would protect emerging public purposes inherent to a waterfront location, such as public access to the shoreline and visual corridors to water views.

### GOALS AND OBJECTIVES

In addition to being a tool to implement these broad planning and regulatory objectives, Waterfront Zoning seeks to:

- Maintain and re-establish physical public access to and along the waterfront.
- Promote a greater mix of uses in waterfront developments in order to attract the public and enliven the waterfront.
- Encourage water-dependent uses along the City's waterfront.
- Create a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities.
- Preserve historic resources along the City's waterfront.
- Protect natural resources in environmentally sensitive areas.

### IMPLEMENTATION

The Waterfront Zoning regulations are triggered by development, including certain enlargements and use changes. All new developments in waterfront blocks, or properties located between the shoreline and the first upland street are subject to special bulk regulations – floor area, height and setback – and visual corridor requirements. Developments on waterfront zoning lots, piers and platforms are also required to provide waterfront public access areas.

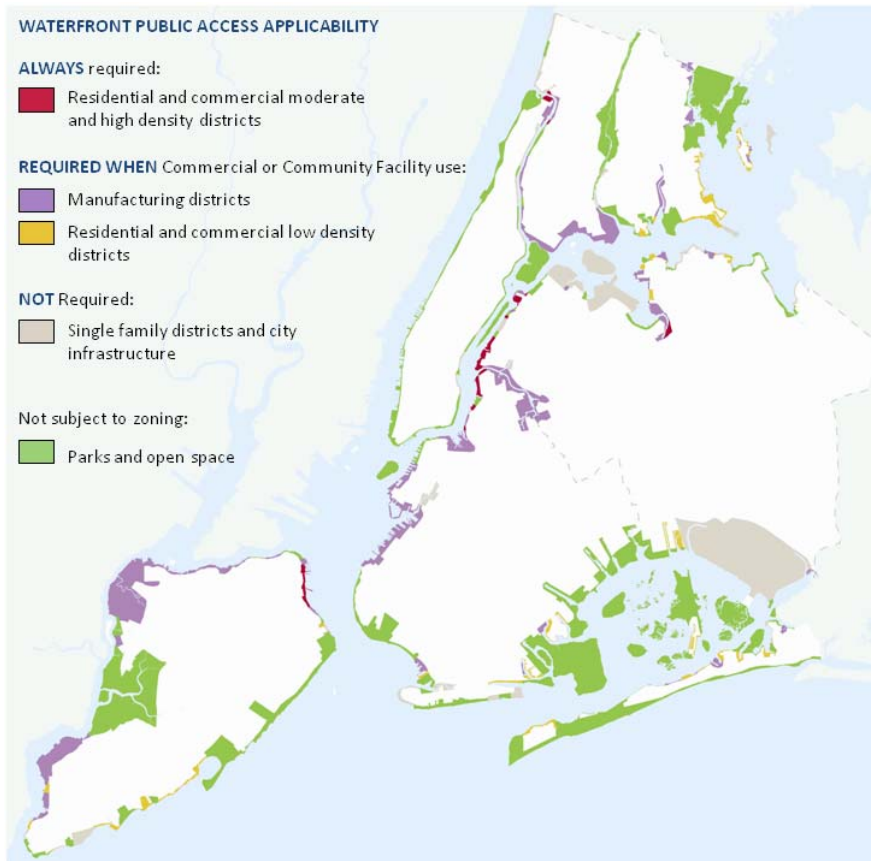
The special zoning regulations for waterfront areas are an outgrowth of the City's Comprehensive Waterfront Plan released by the Department of City Planning in 1992 and updated in 2011. The updated plan, Vision 2020, is a strategic framework for the waterfront and waterways for the next ten years. The plan's citywide policies and site-specific recommendations promote the balanced and sustainable use of the waterfront for maritime industries, public access, housing and commercial development, and ecological restoration. The plan also promotes the use of the waterways themselves for transportation, recreation, education, and cultural opportunities, and addresses means of making the city more resilient to climate changes.

Another source guiding the Waterfront Zoning was the existing Waterfront Revitalization Program (WRP), which had been revised in 1999. The WRP is a regulatory program comprised of 10 policies that affect waterfront land use and development. The City Planning Commission, acting as the City Coastal Commission, is the decision-making body for the local WRP.

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Waterfront public access areas are required for waterfront zoning lots with a lot area of at least 10,000 square feet and have at least 100 feet of shoreline, when they consist of areas in:

- Manufacturing districts, developments containing commercial, community facility and light manufacturing uses;
- Low density residential and commercial districts, developments containing commercial or community facility uses;
- Medium and high density residential and commercial districts, any land use.



The Waterfront Zoning text stipulates 3 types of review procedures:

- Certifications by the Chair of the City Planning Commission.  
These are ministerial reviews to:
  - demonstrate compliance with visual corridors and waterfront public access area requirements;
  - modify the configuration of an existing zoning lot, in order to ensure adequate amount of public access in proportion to the original zoning lot.
- Authorizations by the City Planning Commission, and in some cases by the City Council.  
These are discretionary reviews to:
  - modify requirements for ferries, and sightseeing, excursion or sport fishing vessels;
  - modify requirements of a waterfront public access area or visual corridor;
  - modify use regulations in Waterfront Recreation Commercial Districts (C3)
- Special Permits by the City Planning Commission.  
These are discretionary reviews to:
  - allow for passenger ocean vessels in General Central Commercial Districts (C6);
  - allow for ferries and water taxis in Residence Districts;



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- allow for uses on floating structures;
- allow for certain developments on piers and platforms;
- allow for public parking facilities on waterfront blocks;
- allow for the modification of bulk requirements;
- allow for docks for gambling vessels in certain commercial districts.

### COST

Property owners are responsible for all costs associated with the construction and maintenance of waterfront public access areas. In addition, they must enter into an agreement with the City regarding the maintenance and operation of such public access areas, and post a maintenance bond, letter of credit or any other security acceptable to the NYC Department of Parks and Recreation (DPR) in an amount of 125% of the cost of maintaining the waterfront public access area for a period of 12 months.

### RESULTS AND EVALUATION

Since the incorporation of the Waterfront Zoning Regulations into the Zoning Resolution in 1993, more than 1,100 acres of waterfront land has been zoned for redevelopment with new and affordable housing, as well as new publicly accessible open space connecting neighborhoods back to the water.

### TIMELINE

October 1993	Waterfront Zoning was enacted by the New York City Council
September 1998	Rezoning and incorporation of the Downtown Flushing Waterfront Access Plan, Queens
July 2001	Rezoning and incorporation of the Northern Hunters Point Waterfront Access Plan, Queens
May 2005	Rezoning and incorporation of the Greenpoint-Williamsburg Waterfront Access Plan, Brooklyn
November 2008	Rezoning and incorporation of the Hunters Point South Waterfront Access Plan, Queens
April 2009	Zoning text amendment to enhance the original design requirements for waterfront public access areas, city-wide
June 2009	Rezoning and incorporation of the Special Harlem River Waterfront District, Bronx
July 2009	Rezoning and Incorporation of the Coney Island Comprehensive Revitalization Plan
March 2011	<i>Vision 2020</i> , the City's updated Comprehensive Waterfront Plan, is released

### LEGISLATION

Article VI, Chapter 2 of the New York City Zoning Resolution.

### LESSONS LEARNED

The Waterfront Zoning text, like most of the Zoning Resolution, consists of a set of rules to be applied across the city in a wide variety of local geographies. The biggest challenge was to develop regulations that would facilitate sensible development as-of-right in most localities. Properties along the waterfront area vary widely in shape and size as a result of the historical use and ownership of those lands and the irregularity of the shoreline. As a result, a number of areas that have been rezoned



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to permit commercial and residential development have also included specific bulk modifications in response to the local character. In addition, Waterfront Access Plans (WAP's) are created to customize the requirements for public access areas in order to maximize their benefit to the adjacent communities, as well as the user of the redevelopment sites. In addition, the 2009 waterfront zoning text amendments updated public access area design regulations to create more vibrant and attractive destinations by allowing for a wider variety and quality of plantings, seating and other waterfront amenities, as well as improved connections to the water's edge.

### TRANSFERABILITY

The Waterfront Zoning regulations were created in order to maximize public accessibility and enjoyment of the city's waterfront resources while enabling the redevelopment to accommodate the city growing population and economy. Other cities can also implement similar Waterfront Zoning regulations to determine the form, size and location of new development, as well as the amount and quality of public access areas. NYC's Waterfront Zoning can also serve as a model for other large cities struggling to reclaim their waterfront in tandem with economic development opportunities leveraged by private interests.

### CONTACTS

Amanda M. Burden, FAICP  
Chair, City Planning Commission

Claudia Herasme, Associate Urban Designer

New York City Department of City Planning  
22 Reade Street, 4E  
New York, NY 10007  
Tel: 212-720-3300

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