Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

62-20 - SPECIAL USE REGULATIONS

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62-20 - SPECIAL USE REGULATIONS

LAST AMENDED
10/25/1993

62-21 - Classification of Uses in the Waterfront Area

LAST AMENDED
6/6/2024

The following #uses# shall be classified in accordance with their relationship to the water: Water-Dependent (WD) or Waterfront-Enhancing (WE). Such #uses# are listed in this Section only in the lowest numbered Use Group in which they appear. Where a WD or WE #use# appears in more than one Use Group, its additional listing is noted by a cross-reference.

#Uses# listed shall only be permitted in accordance with applicable district #use# regulations, including additional restrictions and conditions for certain #uses# set forth in Article II, Chapter 2, Article III, Chapter 2, and Article IV, Chapter 2, unless expressly stated otherwise in this Chapter.

62-211 - Water-Dependent (WD) uses

LAST AMENDED
6/6/2024

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

From Use Group III

Non-commercial clubs, restricted to non-profit private beach clubs and private boat clubs

From Use Group IV

Airports

Boat launching facilities for non-commercial pleasure boats

Docks

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Heliports

Public transit yards, including accessory motor fuel pumps, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Seaplane bases

Sewage disposal plants

Terminal facilities at river crossings for access to electric, gas or steam lines

All other #uses# listed under Use Group IV(B) that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group VI

Boat dealers

Boat fuel sales

Recreational boat repair

Recreational goods rental

From Use Group VIII

Water-oriented outdoor #amusement and recreation facilities#

From Use Group IX

Boat storage

Trucking terminals or motor freight stations, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Warehouses, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

All other #uses# listed under Use Group IX that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group X

Transportation equipment manufacturing, limited to boat and ship building

All other #uses# listed under Use Group X that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#.

62-212 - Waterfront-Enhancing (WE) uses

LAST AMENDED
6/6/2024

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group I

All #uses# listed under Use Group I, subject to the #use# regulations for C7 Districts

From Use Group III

All #uses# listed under Use Group III(B), subject to the #use# regulations for C7 Districts

From Use Group IV

All #uses# listed under Use Groups IV(A) and IV(C), subject to the #use# regulations for C7 Districts

From Use Group V

All #uses# listed under Use Group V, subject to the #use# regulations for C7 Districts

From Use Group VI

All #uses# listed under Use Group VI, subject to the #use# regulations for C7 Districts

From Use Group VII

All #uses# listed under Use Group VII, subject to the #use# regulations for C7 Districts and provided that such #uses# are limited to 5,000 square feet per establishment

From Use Group VIII

All #uses# listed under Use Group VIII, subject to the #use# regulations for C7 Districts

From Use Group IX

All #uses# listed under Use Group IX, subject to the #use# regulations for C7 Districts

From Use Group X

All #uses# listed under Use Group X, subject to the #use# regulations for C7 Districts.

62-22 - Commercial Docking Facilities

LAST AMENDED
6/6/2024

Commercial docking facilities are listed in Use Group IV(B) in Sections 32-14 and 42-14. Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections 62-43 and 62-462 of this Chapter.

62-23 - Accessory Residential Docking Facilities

LAST AMENDED
10/25/1993

The definition of #accessory# #use# in Section 12-10 (DEFINITIONS) is modified in accordance with the provisions of this Section.

62-231 - Rental of accessory berths to non-residents

LAST AMENDED
4/22/2009

Berths or moorings for non-commercial pleasure boats provided as an #accessory# #use# to a #residential use# may be rented to persons who are not occupants of the #residences# to which such berths or moorings are #accessory#, for the accommodation of the non-commercial pleasure boats used by such non-residents, provided that:

(a) not more than 40 percent of such berths or moorings are so occupied by non-residents;

(b) except in Manhattan Community Boards 1 through 8, an additional off-street parking space, in a location adjacent to the docking facility, or off-site in accordance with the provisions of Section 62-412 (Accessory residential off-site parking), is provided for each berth or mooring so occupied;

(c) such off-street parking spaces comply with all other provisions of this Resolution for the district in which they are located; and

(d) the total number of #accessory# berths or moorings does not exceed the total number of #dwelling units# to which they are #accessory#.

62-232 - Off-site accessory residential berths

LAST AMENDED
10/25/1993

#Accessory# berths or moorings may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such berths or moorings are #accessory#, provided that:

(a) both #zoning lots# are contiguous or would be contiguous except for their separation by a #street# or #street# intersection; and

(b) both #zoning lots# are in common ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10).

62-24 - Uses on Piers and Platforms

LAST AMENDED
4/22/2009

#Uses# on #existing piers# or #existing platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new piers# or #new platforms# shall be subject to the provisions of Section 62-242.

62-241 - Uses on existing piers and platforms

LAST AMENDED
6/6/2024

The #use# of an #existing platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use#

within a #building or other structure# on the #pier# meets one of the following requirements:

(a) such #use# is a WD #use#; or

(b) the #building or other structure# within which such #use# is located existed on October 25, 1993; or

(c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section 62-344 (Developments on piers).

In addition, the following #use# regulations shall apply on #piers#:

(d) #uses# listed under Use Group VI, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment; and

(e) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (d) of this Section.

Any #use# on an #existing pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms).

62-242 - Uses on new piers and platforms

LAST AMENDED
2/2/2011

#New piers# and #new platforms# shall be limited to WD #uses# or to the following WE #uses#: playgrounds or publicly accessible private parks. Changes of #use# to any other WE #use# are permitted only by special permit, pursuant to Section 62-835 (Developments on piers or platforms).

62-25 - Uses on Floating Structures

LAST AMENDED
6/6/2024

(a) WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a #floating structure#, in accordance with the applicable district regulations, only if the #water coverage# of the #floating structure# does not exceed 5,000 square feet:

(1) eating or drinking establishments as listed under Use Groups VI;

(2) theaters listed under Use Group VIII; and

(3) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.

(b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-834.

The applicable district #sign# regulations are modified as follows:

(1) no #advertising signs# shall be permitted in any district;

(2) no #flashing signs# shall be permitted in any district;

(3) the regulations pertaining to roof #signs# shall be inapplicable;

(4) the maximum height of a #sign# shall be measured from water level in lieu of #curb level#;

(5) the maximum dimension of the #floating structure# on each side shall be used in lieu of #street# frontage of the #zoning lot# to determine the permitted area of #signs#; and

(6) each side of the #floating structure# shall be deemed to be a #street# frontage for the purposes of maximum size of #sign# computations and the maximum area of #signs# for each side shall be as set forth for each #street# frontage of a #corner lot#.

62-26 - Special Use Regulations for Public Parking Facilities

LAST AMENDED
4/22/2009

#Public parking lots# and #public parking garages# shall be permitted within #waterfront blocks# only as provided in this Section.

In C8 Districts and #Manufacturing Districts#, public parking facilities shall be permitted in accordance with the applicable district regulations. In other districts, public parking facilities shall be permitted within #waterfront blocks# only by special permit pursuant to Section 62-836. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

62-27 - Special Use Regulations for Playgrounds or Private Parks

LAST AMENDED

4/22/2009

Playgrounds and private parks shall be a permitted #use# in M2 and M3 Districts within the #waterfront area# in Community Districts 1, 2 and 4 in the Borough of Manhattan.

62-28 - Special Sign Regulations

LAST AMENDED
2/27/2001

Within a #waterfront block#, no #flashing sign# permitted in accordance with the applicable district regulations shall exceed 50 square feet in #surface area# and no more than one such #sign# shall be permitted for each establishment located on a #zoning lot#, except that no #flashing sign# shall be permitted on any #pier# or #platform#.

62-29 - Special Use Regulations for Medium- and High-density Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, any #uses# listed under Use Groups VI or VIII, as set forth in Section 62-212 (Waterfront-enhancing (WE) uses), shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

(a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;

(b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;

(c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and

(d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in Section 62-611 (Permitted obstructions).

62-291 - Special Provisions in Waterfront Access Plan BK-1

LAST AMENDED
6/6/2024

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed under Use Group IV(B) in Section 32-14 or 42-14, shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.