



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

32-10 - USE ALLOWANCES

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32-10 - USE ALLOWANCES

LAST AMENDED

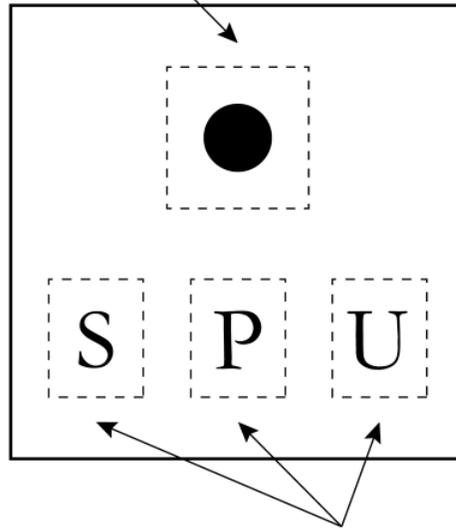
6/6/2024

The provisions of Sections [32-11](#) (Use Group I – Agriculture and Open Uses) through [32-20](#) (Use Group X – Production Uses), inclusive, establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group, followed by Use Group tables showing #use# allowances by zoning district. For each #use# and zoning district, the tables contain up to two levels of symbology in a particular cell:

- (a) The top level will always contain a symbol and denotes where #uses# are:
 - (1) permitted as-of-right (“●”);
 - (2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“◆”);
 - (3) allowed by special permit (“○”) of the Board of Standards and Appeals or the City Planning Commission; or
 - (4) not permitted in the district (“-”).
- (b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:
 - (1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities;
 - (2) additional conditions (“P”), including environmental standards or other measures other than size restrictions or open #use# regulations; or
 - (3) open #use# allowances (“U”), including exemptions from enclosure rules and additional open #use# regulations. Such allowances may be supplemented or superseded by the provisions of Section [32-40](#) (SUPPLEMENTARY USE REGULATIONS), inclusive.

Such notations are illustrated in the following diagram:

For a given zoning district, #use# allowances are denoted as permitted as-of-right (“●”), with limited applicability (“◆”), by special permit (“○”) or not permitted in such district (“-”)



Additional conditions and requirements are grouped below #use# allowances. Such provisions include size restrictions (“S”), additional conditions (“P”) or open #use# allowances (“U”)

Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions or open #use# allowances. However, all #uses#, where applicable, are subject to the provisions of Section [32-40](#), inclusive.

Use Group tables, except in Section [32-12](#) (Use Group II – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# to determine required accessory off-street parking spaces as set forth in the table in Section [36-21](#) (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as “N/A”, no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions, additional conditions, or permission for unenclosed #uses#. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

ILLUSTRATIVE EXAMPLE

	In C1 and C2 Districts, this use is permitted as-of-right, subject to size restrictions and additional conditions			In C4, C5, C6 and C7 Districts, this use is permitted as-of-right, provided it is within a #completely enclosed building#					Parking Requirement Category
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Category									
Sample Use	• s P	• s P	–	•	•	•	•	○	A1
			In C3 Districts, this use is not permitted					In C8 Districts, this use is permitted by special permit by the City Planning Commission or the Board of Standards and Appeals	

32-11 - Use Group I – Agriculture and Open Uses

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group I consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- Section [32-111](#) (Use Group I – general use allowances) which includes the compilation of #uses# in the Use Group table;
- Section [32-112](#) (Use Group I – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- Section [32-113](#) (Use Group I – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- Section [32-114](#) (Use Group I – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- Section [32-115](#) (Use Group I – uses permitted by special permit) for #uses# only permitted by special permit by the Board of Standards and Appeals, as denoted with “○” in the Use Group table; and
- Section [32-116](#) (Use Group I – additional provisions for parking requirement category) for #uses# with more than one

parking requirement category or other applicable parking provisions, as denoted with “*” in the Use Group table.

32-111 - Use Group I – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group I and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10 \(USE ALLOWANCES\)](#). Where permitted as-of-right in a #Commercial District#, all #uses# listed as “Open Uses” in the table shall be unenclosed, except for ancillary #buildings or other structures#.

USE GROUP I – AGRICULTURE AND OPEN USES									
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Agriculture									
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	● S P U	● S P U	● P U	G					
Open Uses									
Cemeteries	●	●	●	●	●	●	●	●	N/A
Golf courses	●	●	●	●	●	●	●	●	*
Outdoor racket courts	● P	● P	● P	● P	● P	● P	● P	● P	G
Outdoor skating rinks	● P	● P	● P	● P	● P	● P	●	●	G

#Public parks# or playgrounds or private parks	•	•	•	•	•	•	•	•	N/A
Sand, gravel, or clay pits	○	○	○	○	○	○	○	○	N/A

32-112 - Use Group I – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section [32-111](#) (Use Group I – general use allowances), the following provisions shall apply:

Agricultural #uses# located in #buildings# other than greenhouses shall be limited to 3,000 square feet of #floor area# per establishment in C1 Districts that are #select commercial overlays# and 10,000 square feet of #floor area# per establishment in C2 Districts that are #select commercial overlays#.

32-113 - Use Group I – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section [32-111](#) (Use Group I – general use allowances), the following limitations shall apply:

- (a) Agricultural #uses#, including greenhouses, nurseries, or truck gardens, are permitted in all #Commercial Districts# provided that:
 - (1) no offensive odors or dust are created, and that there is no sale of products which are not produced on the same #zoning lot#; and
 - (2) in C1 or C2 Districts, enclosed agricultural #uses# not located in greenhouses shall be limited to those that do not require a New York State Adult-Use Cultivator or Adult-Use Conditional Cultivator license, or their successors, as applicable.
- (b) Outdoor racket courts or skating rinks are permitted in all #Commercial Districts# provided that all lighting shall be directed away from nearby #residences#.

32-114 - Use Group I – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a “U” in Section [32-111](#) (Use Group I – general use allowances), a #use# may be open or enclosed without restriction.

32-115 - Use Group I – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “○” in Section [32-111](#) (Use Group I – general use allowances), the provisions of this Section shall apply. Sand, gravel or clay pits may only be permitted in all #Commercial Districts#, by special permit of the Board of Standards and Appeals, in accordance with Section [73-112](#) (Sand, gravel or clay pits).

32-116 - Use Group I – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section [32-111](#) (Use Group I – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

32-12 - Use Group II – Residences

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group II consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-121](#) (Use Group II – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-122](#) (Use Group II – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “◆” in the Use Group table; and
- (c) Section [32-123](#) (Use Group II – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

32-121 - Use Group II – general use allowances



LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group II and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

USE GROUP II – RESIDENTIAL USES
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● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses		C1	C2	C3	C4	C5	C6	C7	C8
Residential Uses									
#Single-family residence#	#Detached#	●	●	●	● P	●	●	–	–
	Other types	●	●	♦	● P	●	●	–	–
#Two-family residence#	#Detached#	●	●	●	● P	●	●	–	–
	Other types	●	●	♦	● P	●	●	–	–
All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#		●	●	♦	● P	●	●	–	–

32-122 - Use Group II – uses permitted with limited applicability

LAST AMENDED
6/6/2024

For #uses# denoted with “♦” in Section [32-121](#) (Use Group II – general use allowances), the provisions of this Section shall apply. In C3A Districts, only #single-# or #two-family detached# or #zero lot line residences# shall be permitted.

32-123 - Use Group II – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a “P” in Section [32-121](#) (Use Group II – general use allowances), the provisions of this Section shall apply. In C4 Districts, all #residential uses# shall be permitted except that in #lower density growth management areas# within the Borough of Staten Island, no #residences# shall be allowed on the following #zoning lots# in C4-1 Districts where such zoning district occupies at least four acres within a #block#, except by special permit of the City Planning Commission in accordance with Section [74-121](#) (Residential use in C4-1 Districts in Staten Island).

32-13 - Use Group III – Community Facilities

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-131](#) (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [32-132](#) (Use Group III – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with a “S” in the Use Group tables;
- (c) Section [32-133](#) (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section [32-134](#) (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “O” in the Use Group tables; and
- (e) Section [32-135](#) (Use Group III – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “*” in the Use Group tables.

32-131 - Use Group III – general use allowances



LAST AMENDED

12/5/2024

The following tables include #uses# classified as Use Group III and set forth their allowances by #Commercial District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section [32-10](#) (USE ALLOWANCES).

A. Community Facilities with Sleeping Accommodations

USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances

Philanthropic or non-profit institutions with sleeping accommodations	● S	–	E3							
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B. Community Facilities without Sleeping Accommodations

USE GROUP III(B) – COMMUNITY FACILITIES WITHOUT SLEEPING ACCOMMODATIONS									
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Educational Institutions									
Colleges or universities, including professional schools but excluding business colleges or trade schools	●	●	●	●	●	●	●	–	*
#Schools#	●	●	●	●	●	●	●	○	G
Faith-based Institutions and Facilities									
Houses of worship	●	●	●	●	●	●	●	●	N/A
Parish houses without sleeping accommodations	●	●	●	●	●	●	●	●	N/A
Seminaries without sleeping accommodations	●	●	●	●	●	●	●	●	*
Health Institutions and Facilities									

Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities	● S	B3							
Welfare centers	●	●	●	●	●	●	●	●	B3

32-132 - Use Group III – uses subject to size limitations



LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section [32-131](#) (Use Group III – general use allowances), the provisions of this Section shall apply. For any philanthropic or non-profit institutions, with or without sleeping accommodations, in all #Commercial Districts#, the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, except that in #Commercial Districts# mapped within, or with a #residential equivalent# of R8 through R12 Districts, 25,000 square feet, whichever is greater.

32-133 - Use Group III – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a “P” in Section [32-131](#) (Use Group III – general use allowances), the following provisions shall apply:

- (a) Monasteries, convents or novitiates in C8 Districts, used only for living purposes, are permitted provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face.
- (b) #Long-term care facilities# in C1 through C7 Districts are permitted except that in the #high-risk flood zone#, as defined in Section [64-11](#) (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.
- (c) #Non-profit hospital staff dwellings# in all #Commercial Districts# shall be located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto.

However, in C1 through C7 Districts, such separate #zoning lot# may also include those that would be contiguous but for its separation by a #street# or a #street# intersection. Such conditions may be further modified by special permit of the City Planning Commission, in accordance with Section [74-132](#) (Non-profit hospital staff dwelling).

- (d) Ambulatory diagnostic or treatment health care facilities in all #Commercial Districts# shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing.
- (e) Non-commercial clubs as classified in this Use Group, in all #Commercial Districts#, shall not include:
 - (1) clubs, the chief activity of which is a service predominantly carried on as a business;
 - (2) non-commercial outdoor swimming pool clubs; or
 - (3) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#.

32-134 - Use Group III – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “○” in Section [32-131](#) (Use Group III – general use allowances), the provisions of this Section shall apply. #Schools# may be permitted in C8 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-133](#) (Schools).

32-135 - Use Group III – additional provisions for parking requirement category

LAST AMENDED
12/5/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section [32-131](#) (Use Group III – general use allowances), the following provisions shall apply:

- (a) #Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section [36-027](#) (Applicability of regulations to non-profit hospital staff dwellings).
- (b) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

32-14 - Use Group IV – Public Service Facilities and Infrastructure

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group IV consists of #uses# that provide public services, including public safety buildings, and infrastructure. The

provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-141](#) (Use Group IV – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [32-142](#) (Use Group IV – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section [32-143](#) (Use Group IV – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section [32-144](#) (Use Group IV – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables; and
- (e) Section [32-145](#) (Use Group IV – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “O” in the Use Group tables.

32-141 - Use Group IV – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group IV and set forth their allowances by #Commercial District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of this Section. Notations found in the tables are further described in Section [32-10](#) (USE ALLOWANCES).

A. Public Service Facilities

USE GROUP IV(A) – PUBLIC SERVICE FACILITIES									
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Public Service Buildings									
Court houses	●	●	–	●	●	●	●	●	A4
Fire or police stations	●	●	–	●	●	●	●	●	A4

Other Facilities

Prisons	-	-	-	•	•	•	•	•	G
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B. Infrastructure

USE GROUP IV(B) –INFRASTRUCTURE

● = Permitted ♦ = Permitted with limitations ○ = Special permit required
 – = Not permitted
 S = Size restriction P = Additional conditions U = Open use allowances

Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Communication Infrastructure									
Radio or television towers, non-#accessory#	○	○	○	○	○	○	○	○	N/A
Telephone exchanges or other communications equipment structures	● P	● P	–	● P	● P	● P	● P	● P	N/A
Electric and Gas Infrastructure									
Electric power or steam generating plants	–	–	–	–	–	–	–	–	D2
Electric utility substations	● S U	● S U	○	● S U	N/A				
Gas utility substations	● S U	● S U	–	● S U	N/A				

Public utility stations for oil or gas metering or regulating	●	●	–	●	●	●	●	●	N/A
Terminal facilities at river crossings for access to electric, gas, or steam lines	●	●	–	●	●	●	●	●	N/A
Sewage, Storm Water and Waste Infrastructure									
Composting	–	–	–	–	–	–	–	–	D2
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	–	–	–	–	–	–	–	–	D2
Incineration or reduction of garbage, offal or dead animals	–	–	–	–	–	–	–	–	D1
Radioactive waste disposal services involving the handling or storage of radioactive waste	–	–	–	–	–	–	–	–	D1
Sewage disposal plants	○	○	○	○	○	○	○	○	D1
Water or sewage pumping stations	●	●	–	●	●	●	●	●	N/A
Transportation Infrastructure									

#Railroad right-of-way#	● U	N/A							
Railroad passenger stations	○	○	○	○	○	○	○	○	N/A
Seaplane bases	○	○	○	○	○	○	○	○	N/A
Truck weighing stations	–	–	–	–	–	–	–	–	D2

C. Renewable Energy and Green Infrastructure

USE GROUP IV(C) – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE									
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Renewable Energy and Green Infrastructure									
#Energy infrastructure equipment#	● P U	● U	N/A						
Public bicycle and micromobility parking	● U	N/A							
Recycling, or organic material, receiving	● S	N/A							

32-142 - Use Group IV – uses subject to size limitations

LAST AMENDED
12/5/2024

For #uses# denoted with an “S” in Section [32-141](#) (Use Group IV – general use allowances), the following provisions shall apply:

- (a) Electric or gas utility substations in C1 or C2 Districts, or C4 through C8 Districts, are limited to a site of not more than 10,000 square feet. However, electric utility substations on a site in excess of 10,000 square feet may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section [73-143](#) (Electric or gas utility substations) or by special permit of the City Planning Commission, in accordance with Section [74-142](#) (Electric utility substations).
- (b) The following capacity limitations shall apply to docks:
- (1) In C1 through C3 Districts, docks for ferries shall be limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour except that such limitation on operational passenger load may be modified by authorization by the City Planning Commission in accordance with Section [62-821](#) (Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels). In C4 through C8 Districts, docks for ferries shall be permitted without restriction on passenger load.
 - (2) Docks for water taxis shall be limited to a vessel capacity up to 99 passengers.
 - (3) Docks for sightseeing, excursion or sport fishing vessels shall be limited to the following aggregate dock capacities per #zoning lot#, whereby “dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock and “aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot#:
 - (i) 200 in C1, C2 and C3 Districts;
 - (ii) 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2 and C8-3 Districts; and
 - (iii) 2,500 in C4-4A, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6, C7 and C8-4 Districts.
- (c) In all #Commercial Districts#, recycling, or organic material, receiving, shall be limited to 5,000 square feet per establishment.

32-143 - Use Group IV – uses subject to additional conditions

LAST AMENDED

6/6/2024

For #uses# denoted with a “P” in Section [32-141](#) (Use Group IV – general use allowances), the following provisions shall apply:

- (a) For telephone exchanges or other communications equipment structures in C1 or C2 Districts, or C4 through C8 Districts, and not existing on December 15, 1961, the height above #curb level# shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.
- (b) Docks in all #Commercial Districts# shall be limited to ferries, water taxis, sightseeing, excursion or sport fishing vessels, and non-commercial pleasure boats, except that:
- (1) In C6 Districts, docks for passenger ocean vessels may be permitted by special permit by the City Planning Commission, in accordance with Section [62-833](#) (Docks for passenger ocean vessels in C6 Districts).
 - (2) In all #Commercial Districts#, docks for #gambling vessels# may be permitted by special permit by the City

Planning Commission, in accordance with Section [62-838](#) (Docks for gambling vessels).

- (3) In Community District 1 in the Borough of Brooklyn, docks for ferries and water taxis shall be allowed provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas).
- (c) Public transit yards in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.
- (d) #Energy infrastructure equipment# in all #Commercial Districts#, except in C8 Districts, are subject to the screening and enclosure provisions of Section [37-20](#) (SCREENING AND ENCLOSURE PROVISIONS).

32-144 - Use Group IV – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a “U” in Section [32-141](#) (Use Group IV – general use allowances), a #use# may be open or enclosed without restriction.

32-145 - Use Group IV – uses only permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “O” in Section [32-141](#) (Use Group IV – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:
 - (1) Radio or television towers may be permitted in all #Commercial Districts#, in accordance with Section [73-141](#) (Radio or television towers).
 - (2) Electric utility substations on a site no greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section [73-143](#) (Electric or gas utility substations).
 - (3) Public transit or railroad electric substations on a site no greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section [73-146](#) (Public transit or railroad electric substations).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:
 - (1) Electric utility substations on a site greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section [74-142](#) (Electric utility substations).
 - (2) Sewage disposal plants may be permitted in all #Commercial Districts#, in accordance with Section [74-143](#) (Sewage pumping stations and sewage disposal plants).
 - (3) Bus stations may be permitted in C1 or C2 Districts, or C4 through C8 Districts, in accordance with Section [74-145](#) (Bus stations).

- (4) Heliports may be permitted in C3 through C8 Districts, in accordance with Section [74-146](#) (Heliports).
- (5) Public transit or railroad electric substations on a site greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section [74-147](#) (Public transit or railroad electric substations).
- (6) Railroad passenger stations may be permitted in all #Commercial Districts#, in accordance with Section [74-148](#) (Railroad passenger stations).
- (7) Seaplane bases may be permitted in all #Commercial Districts#, in accordance with Section [74-149](#) (Seaplane bases).

32-15 - Use Group V – Transient Accommodations

LAST AMENDED

6/6/2024

Use Group V consists of #uses# for transient occupancy of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-151](#) (Use Group V – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-152](#) (Use Group V – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with a “◆” in the Use Group table;
- (c) Section [32-153](#) (Use Group V – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section [32-154](#) (Use Group V – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section [32-155](#) (Use Group V – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with a “O” in the Use Group table; and
- (f) Section [32-156](#) (Use Group V – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with an “*” in the Use Group table.

32-151 - Use Group V – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group V and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

USE GROUP V – TRANSIENT ACCOMMODATIONS

● = Permitted ◆ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Transient Accommodations									
#Motels#	◆ P	◆ P	–	● P	● P	● P	● P	● P	F1
Overnight camps	○	○	○	○	○	○	○	● U	G
#Tourist cabins#	◆ P	◆ P	–	● P	● P	● P	● P	● P	F1
#Transient hotels#	◆ P	◆ P	–	● P	● P	● P	● P	● P	*

32-152 - Use Group V – uses permitted with limited applicability

LAST AMENDED
6/6/2024

For #uses# denoted with a “◆” in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. In C1 or C2 Districts that are #select commercial overlays#, #motels#, #tourist cabins# or #transient hotels#, as permitted pursuant to the provisions of Section [32-153](#) (Use Group V – uses subject to additional conditions), shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#.

32-153 - Use Group V – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. For the purposes of this Section, #transient hotels# shall also include #motels#, and #tourist cabins#.

In all #Commercial Districts#, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section [74-152](#) (In Commercial Districts) shall be applicable to:

- (1) the #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 9, 2021, did not contain such #use#; or
- (3) an #enlargement# or #extension# of a #transient hotel# that existed prior to December 9, 2021, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

Notwithstanding the above, the provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;
- (2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before December 9, 2021 and such application has been approved after January 1, 2018, provided that:
 - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and
 - (ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section [11-332](#) (Extension of period to complete construction); or
- (3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before December 9, 2021, and has been approved by the Commission after January 1, 2018, provided that:
 - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and
 - (ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section [11-332](#). For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.

(c) Existing hotels

- (1) Any #transient hotel# existing on December 9, 2021, shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section [74-152](#) or other applicable section of this Resolution.
- (2) The provisions of paragraph (c)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021, to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.
- (3) In the event a casualty damages or destroys a #transient hotel# that was in such #use# as of December 9, 2021, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section [54-40](#) (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(d) Vesting regulations

The provisions of Section [11-30](#) (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, the following provisions shall apply.

- (1) If, on or before May 12, 2021, an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on or before December 9, 2022, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued.
- (2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018, and has not received a permit contingent on zoning approval on or before December 9, 2022, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before December 9, 2022 a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.
- (3) In the case of an application filed after December 9, 2021, for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of December 9, 2021, has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before December 9, 2023, the Department of Buildings has approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For the purposes of this paragraph, “substantially vacant” shall mean that at least 90 percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20

percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until December 9, 2031. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section [11-332](#).

32-154 - Use Group V – uses subject to open use allowances

LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-151](#) (Use Group V – general use allowances), a #use# may be open or enclosed without restriction.

32-155 - Use Group V – uses permitted by special permit

LAST AMENDED

6/6/2024

For #uses# denoted with a “O” in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. In C1 through C7 Districts, overnight camps may only be permitted by special permit of the Board of Standards and Appeals, in accordance with Section [73-151](#) (Overnight camps).

32-156 - Use Group V – additional provisions for parking requirement category

LAST AMENDED

6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. For #transient hotels#, #floor area# used for sleeping accommodations shall be classified as PRC F2. #Floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls or radio or television studios shall be classified as PRC B1.

32-16 - Use Group VI – Retail and Services

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VI consists of #uses# where goods or services are conveyed directly to consumers. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-161](#) (Use Group VI – general use allowances) which includes the compilation of #uses# in the Use Group tables;

- (b) Section [32-162](#) (Use Group VI – uses subject to size limitations) for size limitations that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section [32-163](#) (Use Group VI – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section [32-164](#) (Use Group VI – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables;
- (e) Section [32-165](#) (Use Group VI – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with “O” in the Use Group tables; and
- (f) Section [32-166](#) (Use Group VI – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with an “*” in the Use Group tables.

The provisions of Sections [32-162](#), [32-163](#) and [32-164](#), except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-161](#) (Retail and service uses), or by special permit of the City Planning Commission, in accordance with Section [74-161](#) (Retail and service uses).

32-161 - Use Group VI – general use allowances

LAST AMENDED
6/6/2024

The following tables include #uses# classified as Use Group VI and sets forth their allowances by #Commercial District#. Notations found in the tables are further described in Section [32-10](#) (USE ALLOWANCES).

The following tables are organized by retail trade establishments and general service establishments. Included in the retail trade establishment table, for reference purposes only, are the three-digit subsector categories from the retail trade sector (sectors [44-45](#)) of the 2022 North American Industry Classification System (NAICS). Included in the general service establishments table, for reference purposes only, are the three-digit subsector categories from the relevant transportation and warehousing sector ([48-49](#)), information sector (51), finance and insurance sector (52), real estate and rental and leasing sector (53), professional, scientific, and technical services (54), management of companies and enterprises (55), administrative and support and waste management and remediation services sector (56), educational services (61), accommodation and food services sector (72) and other services sector (81) of the 2022 NAICS.

For each #use# under the three-digit subsector categories in retail and general service establishments, the four-digit industry groups, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

USE GROUP VI – RETAIL TRADE ESTABLISHMENTS
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required</p> <p>– = Not permitted</p> <p>S = Size restriction P = Additional conditions U = Open use allowances</p>

Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)

Clothing and clothing accessories retailers (4581)	● S	● S	–	●	●	●	●	●	A2
Shoe retailers (4582)	●	●	–	●	●	●	●	●	A2
Jewelry, luggage, and leather goods retailers (4583)	●	●	–	●	●	●	●	●	A2

Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)

Sporting goods, hobby, and musical instrument retailers (4591)	Sporting goods retailers (45911)	●	●	●	●	●	●	●	A2
	All other hobby and musical instrument retailers (in 4591)	●	●	–	●	●	●	●	A2
Book retailers and news dealers (4592)	Book retailers	●	●	–	●	●	●	●	A2
	News dealers	● U	● U	–	● U	● U	● U	● U	A2
Florists (4593)	● U	● U	–	● U	● U	● U	● U	● U	A2
Office supplies, stationery, and gift retailers (4594)	●	●	–	●	●	●	●	●	A2
Used merchandise retailers (4595)	●	●	–	●	●	●	●	●	A2
Miscellaneous retailers (4599)	●	●	–	●	●	●	●	●	A2

USE GROUP VI – SERVICE ESTABLISHMENTS

● = Permitted ♦ = Permitted with limitations ○ = Special permit required

– = Not permitted

S = Size restriction P = Additional conditions U = Open use allowances

Uses (NAICS Code)	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Postal Service (491) / Couriers and Messengers (492)									
Postal service (4911)	●	●	–	●	●	●	●	●	G
Couriers and express delivery services (4921)	●	●	–	●	●	●	●	●	A2
Local messengers and local delivery (4922)	●	●	–	●	●	●	●	●	A2
Telecommunications (517)									
Wired and wireless telecommunications (5171)	●	●	–	●	●	●	●	●	A2
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)									
Computing infrastructure providers, data processing, web hosting, and related services (5182)	● S	●	–	●	●	●	●	●	A3
Credit Intermediation and Related Activities (522)									
Savings, loan and other financial services (5221, 5222 and 5223)	●	●	–	●	●	●	●	●	A3
Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)									

Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)		•	•	–	•	•	•	•	•	A3
Insurance Carriers and Related Activities (524)										
Insurance carriers and related activities (5241 and 5242)		•	•	–	•	•	•	•	•	A3
Funds, Trusts and Other Financial Vehicles (525)										
Funds, trusts and other financial vehicles (5251 and 5259)		•	•	–	•	•	•	•	•	A3
Real Estate (531)										
Real estate (5311, 5312, and 5313)		•	•	–	•	•	•	•	•	A3
Rental and Leasing Services (532)										
Automotive equipment rental and leasing (5321)		• S	•	–	•	•	•	•	• U	N/A
Consumer goods rental (5322)	Consumer electronics and appliances rental (53221)	• S	• S	–	•	•	•	•	•	A3
	Recreational goods rental (532284)	• S	• S	• U	•	•	•	•	• U	A3
	All other consumer goods rental (in 5322)	• S	• S	–	•	•	•	•	•	A3
General rental centers (5323)		• S	• S	–	•	•	•	•	•	A3

Commercial and industrial machinery and equipment rental and leasing (5324)		• S	• S	–	•	•	•	•	• U	A3
Professional, Scientific, and Technical Services (541)										
Veterinary services (54194)		• P	• P	–	• P	• P	• P	• P	• P	A3
All other professional, scientific, and technical services (in 541)		•	•	–	•	•	•	•	•	A3
Management of Companies and Enterprises (551)										
Management of companies and enterprises (5511)		•	•	–	•	•	•	•	•	A3
Administrative and Support Services (561)										
Travel and reservation services (5615)		•	•	–	•	•	•	•	•	A3
Services to buildings and dwellings (5617)	Carpet and upholstery cleaning services (56174)	–	–	–	–	–	–	–	• P	D1
	All other services to buildings and dwellings (in 5617)	•	•	–	•	•	•	•	•	A3
All other administrative and support services (in 561)		•	•	–	•	•	•	•	•	A3
Educational Services (611)										
Business schools and computer and management training (6114)		•	•	–	•	•	•	•	•	A3

Other personal services (8129)	Pet care services (81291)	● P	● P	–	● P	● P	● P	● P	●	A2
	All other personal services (in 8129)	●	●	–	●	●	●	●	●	A3

32-162 - Use Group VI - uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section [32-161](#) (Use Group VI – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

- (a) fuel dealers in C8 Districts shall be limited to 5,000 square feet of #floor area# per establishment;
- (b) eating or drinking establishments in C1 through C3 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, shall be limited to a capacity of 200 persons or fewer. However, an establishment with a capacity of more than 200 persons may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section [73-162](#) (Eating or drinking establishments);
- (c) computing infrastructure providers, data processing, web hosting, and related services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;
- (d) automotive equipment rental and leasing, general rental centers or commercial and industrial machinery and equipment rental and leasing in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment and in C1 Districts that are not #select commercial overlays#, shall be limited to 10,000 square feet per establishment;
- (e) special food services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;
- (f) electronic and precision equipment repair and maintenance in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment; and
- (g) personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to 2,500 square feet of #floor area# per establishment.

32-163 - Use Group VI – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section [32-161](#) (Use Group VI – general use allowances), the following conditions shall apply:

- (a) Service Limitations
 - (1) Automobile dealers and all other motor vehicle dealers in C2 Districts, or C4 through C7 Districts, shall not

include repair services or preparation of vehicles for delivery.

(2) The following provisions shall apply to boat dealers and recreational boat repair services:

- (i) In C2 through C7 Districts, boat dealers shall be restricted to boats less than 100 feet in length. Additionally, in C2 Districts, or C4 through C7 Districts, such establishment shall not include repair services or preparation of vehicles for delivery.
- (ii) In all #Commercial Districts#, recreational boat repair services shall be restricted to boats less than 100 feet in length.

(3) Veterinary service or pet care service establishments in C1 or C2 Districts, or C4 through C7 Districts, shall not include overnight boarding or accommodations.

(b) Location and Other Building Requirements

(1) Boat fuel sales establishments in C2 through C7 District shall be restricted to location within 10 feet of a boat dock berth.

(2) For veterinary services in C1 or C2 Districts, or C4 through C7 Districts, where such #building# contains a #residential use#, no access shall be from an entrance serving the #residential# portion.

(3) Eating or drinking establishments in C4 through C6 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and a capacity of more than 200 persons, except those that are located within hotels, shall be subject to the following conditions:

(i) In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit of the Board of Standards and Appeals, in accordance with Section [73-162](#) (Eating or drinking establishments);

(ii) In C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, the entrance to such establishment shall be a minimum of 100 feet from the nearest #Residence District# boundary;

(iii) In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons are permitted only by special permit of the Board of Standards and Appeals, in accordance with Section [73-162](#); and

(iv) In C4, C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

(4) For car washes in C8 Districts, reservoir space for not less than 10 automobiles per washing lane shall be provided on the #zoning lot#.

(c) Environmental Conditions

(1) Technical and trade schools in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to establishments not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust,

odorous matter, heat, humidity, glare or other objectionable effects.

- (2) For #health and fitness establishments# in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#. Where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, such #use# shall be required to have an acoustical engineer verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection. Such high-intensity #uses# shall meet the following standards for noise and vibration:
- (i) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
 - (ii) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.
- (3) Personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to solvents with a flash point of not less than 138.2 degrees Fahrenheit, and total aggregate dry load capacity of machines shall not exceed 60 pounds.
- (4) The following #uses# in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive:

#Automotive service stations#

Car wash

Carpet upholstery cleaning services

Commercial and industrial machinery and equipment repair and maintenance

Crematorium

Fuel dealers

#Heavy motor vehicle repair and maintenance shops#

Home and garden equipment and appliance repair and maintenance

Industrial dry cleaning and laundry services

#Light motor vehicle repair and maintenance shops#

Personal dry cleaning services

Technical and trade school

Veterinary services.

32-164 - Use Group VI – uses subject to open use allowances

LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-161](#) (Use Group VI – general use allowances), a #use# may be open or enclosed without restriction except that:

- (a) for the following #uses# in C8 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet:

Automotive equipment rental and leasing;

Building material and supplies dealers;

Commercial and industrial machinery and equipment rental and leasing; and

Recreational goods rental;
- (b) boat dealers in C3 Districts may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;
- (c) for lawn and garden equipment and supplies retailers or florists in C1 or C2 Districts, or C4 through C6 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet. In C7 or C8 Districts, such #use# may be open or enclosed without restriction;
- (d) for eating or drinking establishments, such open #use# shall be limited to outdoor table service;
- (e) recreational boat repair in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and
- (f) #health and fitness establishments# in all #Commercial Districts# may be unenclosed except in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#.

32-165 - Use Group VI - uses permitted by special permit

LAST AMENDED

6/6/2024

For #uses# denoted with “O” in Section [32-161](#) (Use Group VI – general use allowances), the following provisions shall apply:

- (a) #Automotive service stations# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-163](#) (Automotive service stations).
- (b) #Light motor vehicle repair and maintenance shops# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-164](#) (Light motor vehicle repair and maintenance shops).

However, notwithstanding the above, #light motor vehicle repair and maintenance shops# existing prior to June 6, 2024, shall be considered a conforming #use# and thereafter may be continued, structurally altered, #extended# or #enlarged# subject to the

applicable #bulk# regulations for the district. However, in no event shall the additional #floor area# associated with an #enlarged# or #extended# portion exceed 50 percent of the #floor area# of such #light motor vehicle repair and maintenance shop# as it existed on June 6, 2024.

32-166 - Use Group VI – additional provisions for parking requirement category

■

LAST AMENDED

6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section [32-161](#) (Use Group VI – general use allowances), the following provisions shall apply:

- (a) Grocery and convenience retailers or specialty food retailers with 2,500 square feet or more of #floor area# per establishment shall be classified as PRC A1. Such retailers with less than 2,500 square feet of #floor area# shall be classified as PRC A2.
- (b) Eating or drinking establishments, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, shall be classified as PRC B1. All other eating or drinking establishments shall be classified as PRC A2.

32-17 - Use Group VII – Offices and Laboratories

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VII consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. The provisions regulating #uses# classified in this Use Group, are set forth as follows:

- (a) Section [32-171](#) (Use Group VII – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-172](#) (Use Group VII – use permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with a “◆” in the Use Group table; and
- (c) Section [32-173](#) (Use Group VII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

32-171 - Use Group VII – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group VII and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

USE GROUP VII – OFFICES AND LABORATORIES

● = Permitted ♦ = Permitted with limitations ○ = Special permit required
 – = Not permitted
 S = Size restriction P = Additional conditions U = Open use allowances

Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Laboratories									
Laboratories	♦ P	● P	–	● P	● P	● P	● P	● P	A3
Offices									
Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	●	●	–	●	●	●	●	●	A3

32-172 - Use Group VII – uses permitted with limited applicability

LAST AMENDED
6/6/2024

For #uses# denoted with a “♦” in Section [32-171](#) (Use Group VII – general use allowances), the provisions of this Section shall apply.

In C1 Districts outside of the Borough of Manhattan that are #select commercial overlays#, laboratories shall not be permitted.

32-173 - Use Group VII – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section [32-171](#) (Use Group VII – general use allowances), the provisions of this Section shall apply. In C1 or C2 Districts, as well as in C4 through C8 District, laboratories shall be limited to those that comply with the standards set forth in Section 427 of the New York City Building Code, or its successor. However, other laboratories may be permitted by special permit of the City Planning Commission, as set forth in Section [74-171](#) (Laboratories).

32-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

LAST AMENDED

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-181](#) (Use Group VIII – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-182](#) (Use Group VIII – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section [32-183](#) (Use Group VIII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section [32-184](#) (Use Group VIII – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section [32-185](#) (Use Group VIII – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “O” in the Use Group table; and
- (f) Section [32-186](#) (Use Group VIII – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “*” in the Use Group table.

The provisions of Sections [32-182](#), [32-183](#) and [32-184](#), except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-181](#) (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section [74-181](#) (Recreation, entertainment and assembly space uses).

32-181 - Use Group VIII – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group VIII and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

USE GROUP VIII – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES									
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Amusement and Recreation Facilities									

#Amusement or recreation facilities#	● S P	● S P	○	●	●	●	● U	● U	*
#Select entertainment facilities#	● S	● S	○	●	●	●	● U	● U	*
#Outdoor amusement parks#	-	-	-	-	-	-	● S U	● S U	C
Art Galleries and Studios									
Art galleries	●	●	-	●	●	●	●	●	A2
Art, music, dancing or theatrical studios	●	●	-	●	●	●	●	●	A2
Production or entertainment studios	● S	● S	-	●	●	●	●	●	B1
Entertainment and Sporting Venues									
Arenas or auditoriums	-	-	-	● S	● S	● S	● S	● S	B1
Drive-in theaters	-	-	-	-	-	-	○	○	N/A
Racetracks	-	-	-	-	-	-	-	○	B1
Stadiums	-	-	-	● S U	B1				
Theaters	● P	● P	-	● P	● P	● P	●	● P	B1
Other Assembly Spaces									
Banquet, function or reception halls	●	●	-	●	●	●	●	●	B1

Gaming facilities	–	–	–	● P	● P	● P	● P	● P	B1
Historical exhibits	●	●	–	●	●	●	●	●	B1
Meeting halls	●	●	–	●	●	●	●	●	B1
Non-commercial clubs	●	●	●	●	●	●	●	●	B1
Observation decks	● U	● U	–	● U	● U	● U	● U	● U	B1
Outdoor day camps	○	○	○	○	○	○	○	● U	G
Publicly accessible spaces	● U	● U	–	● U	● U	● U	● U	● U	N/A
Riding academies or stables	○	○	○	○	○	○	○	● P U	A4
Trade expositions	–	–	–	● S	● S	● S	● S	● S	B1

32-182 - Use Group VIII – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section [32-181](#) (Use Group VIII – general use allowances), the specific size limitations shall be as follows:

- (a) #Amusement or recreation facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment, in C1-5, C2-1, C2-2 and C2-3 Districts shall be limited to 5,000 square feet per establishment, and in other C1 or C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;
- (b) #Select entertainment facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment and in other C1 Districts and in C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;
- (c) Production or entertainment studios in C1 or C2 Districts are limited to 10,000 square feet of #floor area# per establishment.
- (d) #Outdoor amusement parks# in C7 or C8 Districts are limited to 10,000 square feet of #lot area#, except as permitted by

special permit by the Board of Standards and Appeals, in accordance with Section [73-183](#) (Outdoor Amusement Parks).

- (e) Arenas, auditoriums or stadiums in C4 through C8 Districts are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section [74-182](#) (Arenas, auditoriums, stadiums or trade expositions).

32-183 - Use Group VIII – uses subject to additional conditions

LAST AMENDED

12/5/2024

For #uses# denoted with a “P” in Section [32-181](#) (Use Group VIII – general use allowances), the following provisions shall apply:

- (a) #Amusement or recreation facilities# located in #mixed buildings# in C1 or C2 Districts that are #select commercial overlays# shall be subject to the provisions of Section [42-41](#) (Performance Standards Regulations), inclusive, for an M1 District adjoining a #Residence District#;
- (b) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025 pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023, and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming area and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

- (c) Motion picture theaters, in a new or existing #building# in C1 or C2 Districts that are not #select commercial overlays#, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.
- (d) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

32-184 - Use Group VIII – uses subject to open use allowances

LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-181](#) (Use Group VIII – general use allowances), a #use# may be open or enclosed without restriction except that stables in C8 Districts shall be enclosed.

32-185 - Use Group VIII – uses permitted by special permit

LAST AMENDED

6/6/2024

For #uses# denoted with “○” in Section [32-181](#) (Use Group VIII – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:
- (1) Waterfront-oriented #amusement or recreation facilities# may be permitted in C3 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-182](#) (Outdoor Recreation and Amusement Facilities).
 - (2) Outdoor day camps may be permitted in C1 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-184](#) (Outdoor day camps).
 - (3) Riding academies or stables may be permitted in C1 through C7 Districts, by special permit of the Board of Standards and Appeals in accordance with Section [73-185](#) (Riding academies or stables).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:
- (1) Drive-in theaters may be permitted in C7 or C8 Districts by special permit of the City Planning Commission, in accordance with Section [74-183](#) (Drive-in theaters).
 - (2) Racetracks may be permitted in C8 Districts by special permit of the City Planning Commission, in accordance with Section [74-184](#) (Racetracks).

32-186 - Use Group VIII – additional provisions for parking requirement category

LAST AMENDED

6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section [32-181](#) (Use Group VIII – general use allowances), the following provisions shall apply. #Amusement or recreation facilities# or #select entertainment facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.

32-19 - Use Group IX – Storage

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group IX consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-191](#) (Use Group IX – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [32-192](#) (Use Group IX – uses permitted with limited applicability) for additional limitations on applicability for

certain #uses#, as denoted with “◆” in the Use Group tables;

- (c) Section [32-193](#) (Use Group IX – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (d) Section [32-194](#) (Use Group IX – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (e) Section [32-195](#) (Use Group IX – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables;
- (f) Section [32-196](#) (Use Group IX – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “O” in the Use Group tables; and
- (g) Section [32-197](#) (Use Group IX – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “*” in the Use Group tables.

32-191 - Use Group IX – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group IX and sets forth their allowances by #Commercial District#. Such #uses# are categorized as general storage, specialized storage, or vehicle storage, as provided in paragraphs A, B and C of this Section. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

A. General Storage

USE GROUP IX(A) – GENERAL STORAGE									
<p>● = Permitted ◆ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
General Storage									
Building materials or contractors' yard	–	–	–	–	–	–	–	● S U	D2
Depositories for storage of office records, microfilm or computer tapes, or for data processing	–	–	–	● S	● S	● S	● S	●	D2

Grain storage	-	-	-	-	-	-	-	-	D2
Junk or salvage yards, including auto wrecking or similar establishments	-	-	-	-	-	-	-	-	D2
Lumber yard	-	-	-	-	-	-	-	-	D2
Manure, peat or topsoil storage	-	-	-	-	-	-	-	-	D2
Petroleum or petroleum products, storage or handling	-	-	-	-	-	-	-	-	D2
Refrigerating plants	-	-	-	-	-	-	-	-	D2
Scrap metal, junk, paper or rags storage, sorting, or baling	-	-	-	-	-	-	-	-	D2

C. Vehicle Storage

USE GROUP IX(C) – VEHICLE STORAGE									
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Vehicle Storage									
Boat storage	● P U	A4							
Commercial or public vehicle storage, including #accessory# motor fuel pumps	-	-	-	-	-	-	-	● U	D2
Dead storage of motor vehicles	-	-	-	-	-	-	-	● U	N/A

#Public parking garages# or #public parking lots#	◆ P U	◆ P U	–	◆ P U	N/A				
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32-192 - Use Group IX – uses permitted with limited applicability



LAST AMENDED
12/5/2024

For #uses# denoted with “◆” in Section [32-191](#) (Use Group IX – general use allowances), the provisions of this Section shall apply.

- (a) In C1 or C2 Districts located outside of the Borough of Manhattan that are #select commercial overlays#, micro-distribution facilities shall not be permitted as-of-right. The Board of Standards and Appeals may permit micro-distribution facilities with a size limit of 5,000 square feet of #floor area# per establishment pursuant to Section [73-191](#) (Micro-distribution facilities).
- (b) For #public parking garages# and #public parking lots# the following provisions shall apply:
 - (1) In the #Manhattan Core#, such #uses are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6;
 - (2) In C1 or C2 Districts that are #select commercial overlays#, C4-1, C4-2, C4-3, C4-4, C4-5D, C7 outside the #Greater Transit Zone#, C8-1, C8-2 or C8-3 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section [74-194](#) (Public parking garages or public parking lots outside high density areas); and
 - (3) In C1 or C2 Districts that are not #select commercial overlays#, C4-5, C4-5A, C4-5X, C4-6, C4-7, C4-8, C4-9, C4-11, C4-12, C5, C6, C7 inside the #Greater Transit Zone# or C8-4 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section [74-195](#) (Public parking garages or public parking lots in high density central areas).

32-193 - Use Group IX – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section [32-191](#) (Use Group IX – general use allowances), the following provisions shall apply:

- (a) Building materials or contractors’ yards in C8 Districts shall be limited to 10,000 square feet of #lot area# per establishment.

- (b) Depositories for storage of office records, microfilm or computer tapes, or for data processing, in C4 through C7 Districts, shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor, and without limitation above the ground floor.
- (c) For micro-distribution facilities, the following size limitations shall apply:
 - (1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.
 - (2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor and 10,000 square feet above the ground floor.

However, such size limit shall not apply to #floor area# allocated to the parking of commercial vehicles associated with such micro-distribution facilities in an #accessory# off-street parking facility or #public parking garage# on the same #zoning lot# utilizing the provisions of Section [36-46](#) (Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages), provided that such parking areas are not used for storage.

Such size limit may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-191](#) (Micro-distribution facilities), or by special permit of the City Planning Commission, in accordance with Section [74-191](#) (Micro-distribution facilities).

- (d) Trucking terminals or motor freight stations in C8 Districts are limited to 20,000 square feet of #lot area# per establishment, except that establishments with a #lot area# in excess of 20,000 square feet may be permitted by special permit by the City Planning Commission pursuant to Section [74-193](#) (Trucking terminals or motor freight stations).
- (e) For wholesale establishments, the following size limitations shall apply:
 - (1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.
 - (2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment except that such limitation shall not apply to establishments above the ground floor where storage is restricted to samples.

32-194 - Use Group IX – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section [32-191](#) (Use Group IX – general use allowances), the following provisions shall apply:

- (a) Wholesale establishment in C1 or C2 Districts, or C4 through C8 Districts, shall not include produce or meat markets.
- (b) Boat storage in all #Commercial Districts# shall be restricted to boats less than 100 feet in length.
- (c) #Public parking garages# and #public parking lots# in all applicable districts, shall be subject to the provisions set forth in Section [36-026](#) (Applicability of regulations to public parking garages and public parking lots).

32-195 - Use Group IX – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a “U” in Section [32-191](#) (Use Group IX – general use allowances), a #use# may be open or enclosed

without restriction except that:

- (a) boat storage in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;
- (b) building materials or contractors' yards in C8 Districts may be open or enclosed provided that not more than 5,000 square feet of such #lot area# is used for open storage; and
- (c) #public parking garages#, in all applicable districts, may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

32-196 - Use Group IX – uses permitted by special permit

LAST AMENDED

6/6/2024

For #uses# denoted with “○” in Section [32-191](#) (Use Group IX – general use allowances), the provisions of this Section shall apply. #Public parking garages# may be permitted in C5 or C6 Districts by special permit by the City Planning Commission in accordance with Section [74-195](#) (Public parking garages or public parking lots in high density central areas). In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

32-197 - Use Group IX – additional provisions for parking requirement category

LAST AMENDED

6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section [32-191](#) (Use Group IX – general use allowances), the provisions of this Section shall apply. Wholesale establishments in C1 or C2 Districts, or C4 through C7 Districts, shall be classified as PRC A3. In C8 Districts, such #use# shall be classified as PRC A4.