



Zoning Resolution

THE CITY OF NEW
YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, 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
10/25/1993

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, unless expressly stated otherwise in this Chapter.

62-211 - Water-Dependent (WD) uses

LAST AMENDED
4/22/2009

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 4:

- Non-profit private beach clubs

- Non-profit private boat clubs

From Use Group 6:

- *Docks for ferries, other than #gambling vessels#, limited as to passenger load (also listed in Use Group 14)

- *Docks for water taxis (also listed in Use Group 14)

- Docks or mooring facilities for non-commercial pleasure boats (also listed in Use Group 14)

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

From Use Group 7:

- #Boatels#, provided that the units are #predominantly# occupied by persons with boats docked at the facility

From Use Group 9:

- *Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited as to dock capacity per #zoning lot# (also listed in Use Group 14)

From Use Group 10:

- Docks for ferries, other than #gambling vessels#, with no restriction on passenger load

From Use Group 13:

- Boat fuel sales establishments, open or enclosed, without restriction as to location

- Commercial beaches

From Use Group 14:

- Boat fuel sales establishments, open or enclosed, restricted to location within 10 feet of a boat dock berth

Boat launching facilities for non-commercial pleasure boats

Boat rental establishments, open or enclosed

*Boat storage, repair or painting establishments with size and location restrictions

From Use Group 16:

Boat sales establishments, open or enclosed

*Public transit yards, *trucking terminals, warehouses and *wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 17:

*Boat building or repair establishments, open or enclosed, for boats less than 200 feet in length

Docks for passenger ocean vessels, other than #gambling vessels#

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, with no restriction on vessel or dock capacity

Docks for vessels not otherwise listed, other than docks for #gambling vessels#

All other #uses# in Use Group 17 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 18:

Marine transfer stations for garbage

Sewage disposal plants

Ship or boat building establishments or repair yards, for vessels 200 feet in length or over

All other #uses# in Use Group 18 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Other Uses:

Airports

Heliports

Seaplane bases

#Uses accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

62-212 - Waterfront-Enhancing (WE) uses

LAST AMENDED
4/22/2009

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 3:

Art galleries, non-commercial

*Colleges or universities

Libraries

Museums

#Schools#

From Use Group 4:

Community centers

Houses of worship

*Ice skating rinks, outdoor

*Non-commercial clubs, with restrictions

**Playgrounds or private parks

Recreation centers, non-commercial

*Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

*Tennis courts, outdoor

From Use Group 5:

#Transient hotels#

From Use Group 6:

All #uses# in Use Groups 6A and 6C, not otherwise listed as WD #uses# (some #uses# also listed in Use Groups 12 and 14)

*Non-commercial clubs, without restrictions (also listed in Use Group 14)

From Use Group 7:

Bicycle rental or repair shops (also listed in Use Group 14)

*#Motels# or #tourist cabins#

Refreshment stands, drive-in (also listed in Use Group 13)

Sailmaking establishments

From Use Group 8:

*Ice vending machines, coin-operated (also listed in Use Group 14)

*Theaters

From Use Group 9:

*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis

Wedding chapels or banquet halls (also listed in Use Group 13)

From Use Group 10:

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

From Use Group 12:

Arenas, auditoriums or stadiums, with capacity limited to 2,500 seats

*Eating or drinking establishments, with entertainment or dancing

*Historical exhibits

Indoor golf recreation centers

Skating rinks, enclosed

From Use Group 13:

Camps, overnight or outdoor day

*Children's amusement parks, limited to a 10,000 square foot #zoning lot#

Circuses, carnivals or fairs of a temporary nature

Commercial swimming pools

Golf driving ranges

Miniature golf courses

Outdoor ice or roller skating rinks

*Outdoor skateboard parks

From Use Group 14:

*Boat showrooms or sales establishments, restricted to boats less than 100 feet in length

Fishing tackle or equipment, rental or sales

*Sporting goods sales or rental establishments

From Use Group 15:

All #uses# listed

From Use Group 16:

Riding academies, open or enclosed

Stables for horses

#Uses accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

** Open to the sky except for seasonal enclosures not more than 30 feet high or greater than 200 feet in any other dimension

62-22 - Commercial Docking Facilities

LAST AMENDED
4/22/2009

Commercial docking facilities are listed in Use Groups 6, 9, 10, 14 and 17 in Sections 32-10 and 42-10. 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
4/22/2009

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 62-342 (Developments on piers).

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

- (d) the following #uses#, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment:
 - (1) all #uses# in Use Groups 6A and 6C;
 - (2) the following #uses# in Use Group 9A;
 - (i) clothing or costume rental establishments;
 - (ii) typewriter or other small business machine sales, rental or repairs;
 - (3) all #uses# in Use Group 10 with parking categories "B" or "B1";
 - (4) the preceding #uses#, when listed in other Use Groups;
 - (5) wholesale establishments or warehouses that provide #accessory# retail sales areas; 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
4/22/2009

- (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 in Use Groups 6 or 12;
 - (2) theaters as listed in Use Group 8; 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 R6, R7, R8, R9 and R10 Districts

LAST AMENDED
4/22/2009

R6 R7 R8 R9 R10

In the districts indicated, any Use Group 6 or 9 #use#, listed 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
4/22/2009

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section 32-15 (Use Group 6), shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.