



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 62-20 - SPECIAL USE REGULATIONS

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## 62-20 - SPECIAL USE REGULATIONS

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LAST AMENDED  
10/25/1993

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## 62-21 - Classification of Uses in the Waterfront Area

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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.

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### 62-211 - Water-Dependent (WD) uses

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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#

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## 62-212 - Waterfront-Enhancing (WE) uses

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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)

#Health and fitness establishments# with no limitation on #floor area# per establishment

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

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## 62-22 - Commercial Docking Facilities

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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.

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## 62-23 - Accessory Residential Docking Facilities

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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.

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

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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#.

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## **62-232 - Off-site accessory residential berths**

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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](#)).

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## **62-24 - Uses on Piers and Platforms**

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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.

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## **62-241 - Uses on existing piers and platforms**

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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).

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## **62-242 - Uses on new piers and platforms**

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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).

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## **62-25 - Uses on Floating Structures**

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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#.

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## **62-26 - Special Use Regulations for Public Parking Facilities**

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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.

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

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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.

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## **62-28 - Special Sign Regulations**

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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#.

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## **62-29 - Special Use Regulations for R6, R7, R8, R9 and R10 Districts**

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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).

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

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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.