Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

131-10 - SPECIAL USE REGULATIONS

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131-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying #Commercial Districts#, as applicable.

For the purposes of this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open space.

In C7 Districts, #outdoor amusement parks# listed under Use Group VIII, of any size, shall be permitted.

131-11 - Use Group V

LAST AMENDED
6/6/2024

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter, where permitted pursuant to Section 32-153 (Use Group V – uses subject to additional conditions).

131-12 - Use Groups A, B and C

LAST AMENDED
7/29/2009

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121 - Use Group A: Amusements

LAST AMENDED
6/6/2024

Use Group A consists of a group of #uses#, selected from Use Groups VI and VIII, as modified in this Section, and may be open or enclosed:

Use Group A1

From Use Group VIII

#Amusement or recreation facilities#

#Outdoor amusement parks#

Use Group A2

From Use Group VI

#Health and fitness establishments#

From Use Group VIII

Arenas or auditoriums, with capacity limited to 2,000 seats

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet, except that on #corner lots# one #street# frontage may extend up to 100 feet.

131-122 - Use Group B: Amusement and entertainment-enhancing uses

LAST AMENDED
6/6/2024

Use Group B consists of a group of #uses#, selected from Use Groups VI, VIII and X, as modified in this Section:

From Use Group VI

Eating or drinking establishments, without size limitations

From Use Group VIII

All #uses# listed under Art Galleries and Studios

All #uses# listed under Other Assembly Spaces

From Use Group X

Breweries, included under all other beverage manufacturing.

131-123 - Use Group C: Retail and service uses

LAST AMENDED
6/6/2024

Use Group C consists of a group of retail and service #uses#, selected from Use Group VI, as modified in this Section:

From Use Group VI

All remaining #uses# not otherwise permitted in Use Groups A and B.

131-13 - Special Use Regulations in Subdistricts

LAST AMENDED
7/29/2009

131-131 - Coney East Subdistrict

LAST AMENDED
6/6/2024

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The provisions of Section 32-15 (Transient Accommodations) are modified to apply in a C7 District. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

There shall be separate open establishments or enclosed ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

(1) on the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;

(2) on the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;

(3) on all other #block# fronts there shall be at least four establishments;

(4) the provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c), where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

(1) Where permitted pursuant to Section 32-15, #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.

(2) #Transient hotel# #use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.

(3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.

(4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory# #uses# including, but not limited to, lobbies, retail establishments,

eating and drinking establishments and amusements.

(5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor #uses# and transparency

All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of a #building#, located on #streets#, or portions of #streets#, shown on Map 2. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-12, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

However, in lieu of such transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

(g) Parcel 2

On Parcel 2, as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

(h) Parcel 3

On Parcel 3, as shown on Map 2, the provisions of the underlying C7 District shall apply, except as modified in this paragraph, (h). Only open #uses# listed under Amusement and Recreation Facilities in Use Group VIII shall be permitted. Additionally, no size limitations shall apply to #outdoor amusement parks#.

131-132 - Coney North and Coney West Subdistricts

LAST AMENDED
6/6/2024

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

(a) #Use# modifications

The underlying district #use# regulations shall be modified as follows:

(1) any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2; and

(2) an enclosed ice skating rink, included under #amusement or recreation facilities# in Use Group VIII, shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(b) Ground floor level regulations along Riegelmann Boardwalk

Along Riegelmann Boardwalk, only #uses# listed in Use Groups A, B and C and, where permitted pursuant to Section 32-153 (Use Group V – uses subject to additional conditions), #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

Each ground floor level #street wall# of a #commercial# or #community facility# #use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

However, in lieu of such transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

(c) Ground floor level regulations along all other #streets

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Mandatory

Ground Floor Use Requirements) in the Appendix of this Chapter, shall be considered #Tier C street frontages#.

The underlying #Tier C street frontage# regulations shall be modified as follows: Along the boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the underlying transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

131-14 - Location of Uses Within Buildings

LAST AMENDED
6/6/2024

The provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraphs (a), (b) and (e) of such Section shall not apply.

In the Coney North and Coney West Subdistricts, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-15 - Authorization for Use Modifications

LAST AMENDED
6/6/2024

Along #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter, other than Riegelmann Boardwalk, the City Planning Commission may authorize establishments containing Use Group A, B or C #uses# within #buildings# with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-16 - Special Permit for Certain Arenas

LAST AMENDED
2/24/2026

On Parcels B and G in the Coney West Subdistrict of the #Special Coney Island District#, the City Planning Commission may permit an arena in accordance with the provisions of paragraph (d) of Section 74-182 (Arenas, auditoriums, stadiums or trade expositions).