Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

73-10 - SPECIAL PERMIT USES

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73-10 - SPECIAL PERMIT USES

LAST AMENDED
6/6/2024

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-10 to 73-20, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit special permit #uses# are modified by the provisions of Sections 81-13 (Special Permit Use Modifications) and 81-061 (Applicability of Chapter 3 of Article VII).

Except as permitted pursuant to this Chapter, in R1 through R5 Districts, the following #uses# shall be subject to the height and setback regulations for #community facilities# applicable to an R2 District:

From Use Group V

Overnight camps

From Use Group IV

Public utility or public service facilities

Radio and television towers, non-#accessory#

From Use Group VIII

Outdoor day camps

Riding academies or stables.

73-11 - Agriculture and Open Uses

LAST AMENDED
6/6/2024

73-111 - Outdoor racket courts and skating rinks

LAST AMENDED
6/6/2024

In R1 or R2 Districts, the Board of Standards and Appeals may permit outdoor racket courts or outdoor skating rinks listed under Use Group I, provided that the Board finds that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#.

The Board shall prescribe the following conditions:

(a) that such #use# and any #accessory# facilities affixed to the land are not located closer than 20 feet to any #lot line#; and

(b) that all lighting is directed away from nearby #zoning lots# containing #residences#.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for screening or for landscaping.

73-112 - Sand, gravel or clay pits

LAST AMENDED
6/6/2024

In all districts, the Board of Standards and Appeals may permit the extraction of sand, gravel, or clay listed under Use Group I from a #zoning lot# which is limited in size to a maximum of 50 acres and which is located not less than 1,000 feet from the nearest boundary of any #zoning lot# 10 acres or more in area used for such extraction, provided that the Board finds that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area, and provided that the following conditions are met:

(a) that the applicant submits a site plan showing the proposed extent and depth of the area to be excavated, together with the certification of the Department of Buildings that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby #streets#, sewers, #buildings or other structures#, or installations;

(b) that the applicant submits a plan for the rehabilitation of the #zoning lot# to be undertaken after the completion of the excavation operations which is satisfactory to the Board, and posts a bond, in an amount to be determined by the Board, for the performance of such rehabilitation;

(c) that the entire perimeter of the #zoning lot#, except for necessary truck roads, is fenced, including locked gates, so as to prevent children from gaining access to the excavated areas;

(d) that one #accessory# off-street parking space is provided for every 2,000 square feet of #lot area# or for every three employees, whichever shall require a lesser number of spaces;

(e) that the performance standards for M1 Districts shall apply to such operations in all districts other than M2 or M3 Districts, where the applicable performance standards shall govern;

(f) that all drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.;

(g) that the emission of process dust either from the area of operations or from the excavated materials themselves shall be minimized by frequent watering or by such other means as the Board shall direct;

(h) that the warning notices respecting unlawful entry shall be posted on the fence, and that a watchman shall be stationed on the premises to police the entire area after normal working hours and on weekends and holidays; and

(i) that excavation operations shall be undertaken in such manner as to avoid the creation of undrained pockets and the formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed in accordance with the requirements of the Department of Health to eliminate breeding places for mosquitoes or other insects.

The Board may prescribe additional appropriate conditions and safeguards to protect the public health, safety and general welfare during the period between the cessation of operations and the final rehabilitation of the site in accordance with approved plans.

73-12 - Residences

LAST AMENDED
6/6/2024

73-13 - Community Facilities

LAST AMENDED
6/6/2024

73-131 - College or school student dormitories or fraternity or sorority student houses

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses listed under Use Group III(A) in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts);

(b) that the amount of #open space# and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;

(c) that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number), at least one #accessory# off-street parking space is provided for each six beds; and

(d) that such #use# conforms to all the other applicable Off-street Parking Regulations as set forth in Article II, Chapter 5.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-132 - Colleges or universities

LAST AMENDED

6/6/2024

The Board of Standards and Appeals may permit colleges or universities including professional schools, but excluding business colleges or trade schools, as listed under Use Group III(B), in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-133 - Schools

LAST AMENDED
6/6/2024

In C8 or M1 Districts, the Board of Standards and Appeals may permit #schools# which have no #residential# accommodations except #accessory# accommodations for a caretaker, as listed under Use Group III(B), provided that the following findings are made:

(a) that within the neighborhood to be served by the proposed #school# there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;

(b) that such #school# is located not more than 400 feet from the boundary of a district wherein such #school# is permitted as-of-right;

(c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-#Residential Districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#; and

(d) that the movement of traffic through the #street# on which the #school# is located can be controlled so as to protect children going to and from the #school#. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-134 - Ambulatory diagnostic or treatment health care facilities

LAST AMENDED
6/6/2024

In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that:

(a) outside of #lower density growth management areas#, the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood; or

(b) in #lower density growth management areas#, such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of paragraph (b)(1) of Section 24-05 (Buildings containing certain community facility uses).

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-135 - Non-commercial clubs

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming pools located less than 500 feet from any #lot line#, as listed under Use Groups III(A) or III(B), in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;

(c) that such #use# complies with the maximum #floor area ratio# for #residential use# as set forth in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts);

(d) that not more than half the #open space# provided is occupied by driveways, private streets, open #accessory# off-street parking spaces or active outdoor recreation facilities; and

(e) that the amount of #open space# provided and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening or landscaping.

73-136 - Welfare centers

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit welfare centers listed under Use Group III(B) in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and

(b) that such #use# is conveniently accessible to the people it serves.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-14 - Public Service Facilities and Infrastructure

LAST AMENDED
6/6/2024

73-141 - Radio or Television Towers

LAST AMENDED
6/6/2024

In all districts, the Board of Standards and Appeals may permit non-#accessory# radio or television towers listed under Use Group IV(B), provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-142 - Telephone exchanges or other communications equipment structures

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit telephone exchanges or other communications equipment structures listed under Use Group IV(B), provided that the Board finds that:

(a) such #use# will serve the residential area within which it is proposed to be located; and

(b) there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such #use# shall be landscaped.

73-143 - Electric or gas utility substations

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit electric or gas utility substations listed under Use Group IV(B) pursuant to either paragraph (a) or (b) of this Section, as applicable.

(a) In all #Residence Districts#, the Board may permit electric or gas utility substations, limited in each case to a site of between 4,500 square feet and not more than 10,000 square feet, provided that the Board finds that:

(1) such #use# will serve the residential area within which it is proposed to be located; and

(2) there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such substations shall be landscaped and surrounded with fences, barriers, or other safety devices; and that electric utility substations shall meet the performance standards for an M1 District.

(b) In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board may permit electric utility substations (including transformers, switches, or auxiliary apparatus), limited in each case to a site of between 10,000 square feet and not more than 40,000 square feet, provided that the Board finds that:

(1) such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(2) the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;

(3) the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(4) such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

73-144 - Public utility stations or terminal facilities

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit public utility stations for oil or gas metering or regulating, or terminal facilities located at river crossings for access to electric, gas or steam lines, as listed under Use Group IV(B), provided that the Board finds that the proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of

the neighborhood and the safety of its inhabitants.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for construction of fences, barriers or other safety devices, or for landscaping.

73-145 - Water pumping stations

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit potable water pumping stations listed under Use Group IV(B), on sites with a minimum #lot area# of at least 4,500 square feet, provided that the Board finds that:

(a) such #use# will serve the residential area within which it is proposed to be located; and

(b) there are serious difficulties in locating such #use# in a district where it is permitted as of right and from which it could serve the residential area, that make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such pumping stations shall be landscaped and surrounded with fences, barriers, or other safety devices.

73-146 - Public transit or railroad electric substations

LAST AMENDED
6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board of Standards and Appeals may permit public transit or railroad electric substations listed under Use Group IV(B), limited in each case to a site of between 4,500 and not more than 40,000 square feet, and a minimum frontage of 50 feet, provided that the following findings are made:

(a) that such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

73-147 - Energy infrastructure equipment

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit #energy infrastructure equipment# listed under Use Group IV(C), without size restriction, provided that the Board finds that:

(a) such #use# will serve the residential area within which it is proposed to be located; and

(b) there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such #use# shall be landscaped.

73-15 - Transient Accommodations

LAST AMENDED
6/6/2024

73-151 - Overnight camps

LAST AMENDED
6/6/2024

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit overnight camps, whether commercial or philanthropic, as listed under Use Group V, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

(a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;

(b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land; and

(c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a #Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-16 - Retail and Services

LAST AMENDED
6/6/2024

73-161 - Retail and service uses

LAST AMENDED
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to #uses# listed under Use Group VI, as set forth in Sections 32-16 and 42-

16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VI, other than those #uses# for which another permit exists pursuant to Section 73-16, inclusive, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in Use Group VI;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#; and

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-162 - Eating or drinking establishments

In C1 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying regulations for eating or drinking establishments listed under Use Group VI set forth in Sections 32-16 and 42-16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For eating or drinking establishments, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in Use Group VI;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not cause undue vehicular or pedestrian congestion in local #streets# and that due consideration is given to the size and location of entrances and enclosed lobby areas;

(2) such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;

(3) such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in

any applicable provision of the New York City Noise Control Code;

(4) the modifications are necessary to support the operation of such #use#; and

(5) the application is made jointly by the owner of the #building# and the operator of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

73-163 - Automotive service stations

LAST AMENDED
6/6/2024

In C2 Districts, and C4 though C7 Districts, the Board of Standards and Appeals may permit #automotive service stations# listed under Use Group VI and, in those districts and C8 Districts, may permit modification to the #accessory sign# regulations for such #use#, provided that the following findings are made:

(a) that such #use# will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the continuity of surrounding retail frontages;

(b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that the site for such #use# which is not located on an arterial highway or a major #street# has a maximum area of 15,000 square feet;

(d) that any facilities for lubrication, minor repairs or washing are located within a #completely enclosed# #building#;

(e) that the site is so designed as to provide, at maximum expected operation, reservoir space for five waiting automobiles within the #zoning lot# in addition to spaces available within an enclosed lubritorium or at the pumps;

(f) that entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #automotive service station# will cause a minimum of obstruction on #streets# or sidewalks;

(g) that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is screened as the Board may prescribe, by either of the following methods:

(1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of its face is open; and

(h) that the modifications to #accessory sign# regulations are necessary for adequate advance identification of such #automotive service station# to motorists on heavily traveled #streets# in the interests of traffic safety. In no event shall such #signs# project across a #street line# more

than four feet and modification to the surface area of #signs# shall be limited to C1 and C2 Districts and a maximum surface area of 150 square feet.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and to protect #residential zoning lots# which are adjoining or across the #street#.

73-164 - Light motor vehicle repair and maintenance shops

LAST AMENDED
6/6/2024

In C2 Districts, and C4 though C7 Districts, the Board of Standards and Appeals may permit #light motor vehicle repair and maintenance shops# listed under Use Group VI, provided that the following findings are made:

(a) such #use# will not impair the character or the future use or development of the surrounding area. In order to make such finding the Board shall consider the presence and concentration of existing #light motor vehicle repair and maintenance shops# within 500 feet of the proposed #use# and whether any increase in concentration would have impacts on the surrounding area;

(b) such #use# will cause minimal interruption to, and will not be incompatible with, the continuity of surrounding retail frontages;

(c) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(d) any facilities used for repair or maintenance are located within a #completely enclosed building#; and

(e) entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #use# will cause a minimum of obstruction on #streets# or sidewalks.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-17 - Offices and Laboratories

LAST AMENDED
6/6/2024

73-171 - Ground floor offices in the flood zone

LAST AMENDED
6/6/2024

In all #Residence Districts# in the #flood zone#, for #buildings# containing #residential uses#, the Board of Standards and Appeals may permit offices listed under Use Group VII, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) of this Section are met:

(a) Conditions

All applications shall be subject to the following conditions:

(1) the #building# complies with #flood-resistant construction standards#;

(2) the office #use# is located on the lowest #story# above grade within the #building#;

(3) access to such office #use# is from a separate entrance than that serving the #residential# portion of the #building#;

(4) the #floor area# associated with such office #use# shall be considered as #community facility# #use# for the purposes of determining compliance with the applicable district #floor area ratio# regulations, and amount of #floor area# attributed to such office #use# shall not exceed 10,000 square feet;

(5) the office #use# complies with the #accessory# off-street parking regulations for ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), in accordance with Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations); and

(6) such office #use# complies with #accessory# #signs# regulations for #buildings# containing #residences#, as set forth in Section 22-32 (Permitted Non-Illuminated Accessory Signs).

(b) Findings

In order to grant the special permit, the Board shall find that:

(1) such office #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;

(2) such office #use# will not produce objectionable effects; and

(3) such office #use# will not alter the essential character of the neighborhood in which the #building# is located.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-18 - Recreation, Entertainment and Assembly Spaces

LAST AMENDED
6/6/2024

73-181 - Recreation, entertainment and assembly space uses

LAST AMENDED
6/6/2024

In C1 or C2 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to #uses# listed under Use Group VIII, as set forth in Sections 32-18 and 42-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VIII, other than those #uses# for which another permit exists pursuant to Section 73-18, inclusive, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in Use Group VIII;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-182 - Outdoor recreation and amusement facilities

LAST AMENDED
6/6/2024

In C3 Districts, the Board of Standards and Appeals may permit water-oriented outdoor #amusement and recreation facilities# listed under Use Group VIII, provided that the following findings are met:

(a) such #use# will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the continuity of surrounding residential or retail frontages, as applicable;

(b) such #use# and any #accessory# facilities affixed to the land is adequately separated from any #lot line#; and

(c) that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is screened as the Board may prescribe, by either of the following methods:

(1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of its face is open.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-183 - Outdoor amusement parks

LAST AMENDED
6/6/2024

In C7, C8 or M1 Districts, the Board of Standards and Appeals may permit #outdoor amusement parks# listed in Use Group VIII that exceed a #lot area# of 10,000 square feet, provided that the following findings are met:

(a) such #use# will not impair the character or the future use or development of the surrounding area;

(b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(c) such #use# is adequately separated from surrounding residential areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-184 - Outdoor day camps

LAST AMENDED
6/6/2024

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit outdoor day camps, whether commercial or philanthropic, as listed under Use Group VIII, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

(a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;

(b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land;

(c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a

#Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; and

(d) that for each 6,000 square feet of #lot area#, one #accessory# off-street parking space of 500 square feet is provided to accommodate buses used in the transportation of campers, in addition to the #accessory# off-street parking requirement established for such #uses# under the applicable provisions of Sections 25-31 or 36-21 (General Provisions).

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-185 - Riding academies or stables

LAST AMENDED
6/6/2024

In all #Residence Districts#, and in C1 through C7 Districts, the Board of Standards and Appeals may permit riding academies or stables operated as a recreation service, as listed under Use Group VIII, provided that the following findings are met:

(a) that such #use# is so located as not to impair the essential character of the surrounding area;

(b) that adequate horseback riding facilities are available on the same #zoning lot# or within 600 feet of such #zoning lot#;

(c) that the location and operation of such #use# will not be such as to result in any serious traffic hazards or conflicts on nearby #streets#; and

(d) that in #Residence Districts#, no stables or riding areas are located within 40 feet of any #side# or #rear lot line#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation, for screening, or for landscaping.

73-19 - Storage

LAST AMENDED
6/6/2024

73-191 - Micro-distribution facilities

LAST AMENDED
6/6/2024

In C1 or C2 Districts located outside of the Borough of Manhattan that are #select commercial overlays#, the Board of Standards and Appeals may permit micro-distribution facilities, as listed under Use Group IX(A), as set forth in Section 32-19 (Use Group IX - Storage), with a size limit of 5,000 square feet of #floor area# per establishment, and in other C1 or C2 Districts, as well as C4 through C7 Districts, the Board may permit modifications to a size limitation for micro-distribution facilities, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in paragraph (c) of Section 32-193 (Use Group IX – uses subject to size limitations).

In order to grant such permit, the Board shall find that:

(a) such #use# will not impair the character or the future use or development of the surrounding area. In order to make such finding in locations where the #use# is being permitted, the Board shall consider the presence and concentration of existing micro-distribution facilities within 500 feet of the proposed #use# and whether any increase in concentration would have impacts on the surrounding area;

(b) such #use# will cause minimal interruption to, and will not be incompatible with, the continuity of surrounding retail frontages;

(c) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(d) the modifications are necessary to support the operation of such #use#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.