

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE I
GENERAL PROVISIONS**

**Chapter 2
Construction of Language and Definitions**

Commented [Z1]: Article I, chapter 2 includes many of the defined terms used in the ZR. The Proposal would add and update some terms in this chapter to reflect its broader changes. Some outdated terms would also be removed.
Changes are described individually below.

**12-00
RULES FOR CONSTRUCTION OF LANGUAGE**

* * *

**12-10
DEFINITIONS**

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

Abut, or abutting

“Abut” is to be in contact with or join at the edge or border. “Abutting” #buildings# are #buildings# that are in contact with one another on the same or another #zoning lot#, except as subject to separations required for seismic load as set forth in the New York City Building Code. A #building# may also #abut# a #lot line#. In addition, for #buildings# existing prior to February 2, 2011, such existing #building# shall be considered #abutting# if it is within six inches of a #lot line# or another #building#.

Accessory use, or accessory

Commented [Z2]: Updates reflect reorganization of use groups described in chapters for use regulations (22-00, 32-00, 42-00).

An "accessory use":

* * *

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR CARBON NEUTRALITY TEXT AMENDMENT, CURRENTLY IN PUBLIC REVIEW. UPDATING USE GROUPS]

When "accessory" is used in the text, it shall have the same meaning as #accessory use#.

Miscellaneous retailers (4599)	•	•	-	•	•	•	•	•	•	Δ2
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B. Service Establishments

USE GROUP 6B – SERVICE USES										
• = 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)	•	•	-	•	•	•	•	•	•	Δ2
Couriers and express delivery services (4921)	•	•	-	•	•	•	•	•	•	Δ2
Local messengers and local delivery (4922)	•	•	-	•	•	•	•	•	•	Δ2
Telecommunications (517)										
Wired and wireless telecommunications (5171)	•	•	-	•	•	•	•	•	•	Δ2
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)										
Computing infrastructure providers, data processing, web hosting, and related services (5182)	•	•	-	•	•	•	•	•	•	Δ3
Credit Intermediation and Related Activities (522)										
Savings, loan and other financial services (5221, 5222 and 5223)	•	•	-	•	•	•	•	•	•	Δ3
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)	•	•	-	•	•	•	•	•	•	Δ3
Insurance Carriers and Related Activities (524)										
Insurance carriers and related activities (5241 and 5242)	•	•	-	•	•	•	•	•	•	Δ3
Funds, Trusts and Other Financial Vehicles (525)										
Funds, trusts and other financial vehicles (5251 and 5259)	•	•	-	•	•	•	•	•	•	Δ3
Real Estate (531)										
Real estate (5311, 5312, and 5313)	•	•	-	•	•	•	•	•	•	Δ3
Rental and Leasing Services (532)										
Automotive equipment rental and leasing (5321)	•	•	-	•	•	•	•	•	•	N/A u

Commented [Z14]: As the city's economy has grown and changed, the ZRs list of service uses has become significantly deficient. By listing this greater range of uses that occur in store-like spaces, the Proposal would provide more clarity as to where different businesses can locate.

Consumer goods rental (5322)	Consumer electronics and appliances rental (53221)	• s	• s	–	•	•	•	•	•	Δ3	
	Recreational goods rental (532284)	• s	• s	• u	•	•	•	•	• u	Δ3	
	All other consumer goods rental (in 5322)	• s	• s	–	•	•	•	•	•	Δ3	
General rental centers (5323)		• s	• s	–	•	•	•	•	•	Δ3	
Commercial and industrial machinery and equipment rental and leasing (5324)		• s	• s	–	•	•	•	•	• u	Δ3	
Professional, Scientific, and Technical Services (541)											
Veterinary services (54194)		• p	• p	–	• p	• p	• p	• p	• p	• p	Δ3
All other professional, scientific, and technical services (in 541)		•	•	–	•	•	•	•	•	Δ3	
Management of Companies and Enterprises (551)											
Management of companies and enterprises (5511)		•	•	–	•	•	•	•	•	Δ3	
Administrative and Support Services (561)											
Travel and reservation services (5615)		•	•	–	•	•	•	•	•	Δ3	
Services to buildings and dwellings (5617)	Carpet and upholstery cleaning services (56174)	–	–	–	–	–	–	–	•	D1	
	All other services to buildings and dwellings (in 5617)	•	•	–	•	•	•	•	•	Δ3	
All other administrative and support services (in 561)		•	•	–	•	•	•	•	•	Δ3	
Educational Services (611)											
Business schools and computer and management training (6114)		•	•	–	•	•	•	•	•	Δ3	
Technical and trade schools (6115)		• p	• p	–	• p	• p	• p	• p	• p	• p	Δ3
All other schools and instruction (6116 and 6117)		•	•	–	•	•	•	•	•	Δ3	
Food Services and Drinking Places (722)											
Special food services (7223)		•	•	•	•	•	•	•	•	Δ3	
Eating or drinking establishments (7224 and 7225)		• s u	• s u	• s u	• p u	• p u	• p u	• u	• u	• u	*
Repair and Maintenance (811)											

Commented [Z15]: The Proposal would remove an unclear distinction between "veterinary medicine" and "animal hospitals", which were treated differently in the existing use groups. All veterinary services would be permitted in C1/C2 and C4/C5/C6/C7 districts.

Commented [Z16]: The Proposal would make changes to the regulations for eating or drinking establishments. Specific rules are listed in the "S", "P" and "U" sections below. In addition, it would allow some eating or drinking establishments in C3 districts as of right.

(8129)	All other personal services (in 8129)	•	•	–	•	•	•	•	•	•	Λ3
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32-162

Use Group 6 - uses subject to size limitations

For #uses# denoted with an “S” in Section 32-161 (Use Group 6 – 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, providing entertainment with cover charge or specified showtime, shall be limited to a capacity of 200 persons or fewer. However, such establishment providing entertainment with cover charge or specified showtime, and 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). All other types of eating or drinking establishments shall be permitted without limitation on capacity; and
- (c) personal laundry or 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.

Commented [Z18]: In C1 through C3 districts, the Proposal would limit eating and drinking establishments with cover charges or specified showtimes for any form of entertainment to a capacity of 200 persons as of right. This would remove distinctions between rock shows (permitted) and comedy clubs (often restricted) or dancing (restricted) while ensuring these forms of scheduled entertainment are limited in size in local commercial districts.

Any eating or drinking without cover charges or specified showtimes would continue to be permitted without restriction in C districts.

32-163

Use Group 6 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 32-161 (Use Group 6 – general use allowances), the following conditions shall apply:

- (a) **Service Limitations**
 - (1) Automobile dealers and all other motor vehicle dealers in C1 or 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 C1 through C7 Districts, boat dealers shall be restricted to boats less than 100 feet in length. Additionally, in C1 or C2 Districts, or C4 through C7 Districts, such establishment shall not include repair services or preparation of vehicles for delivery.

Commented [Z19]: The Proposal would maintain the current requirements for these specified uses, except it clarifies that veterinary services or pet care establishments cannot board pets overnight in C1-C7 districts. This is consistent with DOBs interpretation today.

(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 C1 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 C7 Districts, providing entertainment with cover charge or specified showtime, 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.

(c) Environmental Conditions

Commented [Z20]: The Proposal maintains the current requirements for these specified uses, though the locational and design requirements for eating or drinking establishments in some C6 districts would be extended to comparable C5 districts.

Commented [Z21]: The Proposal maintains the current requirements for these specified uses.

Administrative Code [PRC-B1]

C. #Accessory# #uses#

^a— In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

^{aa}— In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

32-19

Use Group 10

C4-C5-C6-C8

Use Group 10 consists primarily of large retail establishments (such as department stores) that:

- (1)— serve a wide area, ranging from a community to the whole metropolitan area, and are, therefore, appropriate in secondary, major or central shopping areas; and
- (2)— are not appropriate in local shopping or local service areas because of the generation of considerable pedestrian, automobile or truck traffic.

A. Retail or Service Establishments

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B1]

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment [PRC-B]

Department stores [PRC-B]

Depositories for storage of office records, microfilm or computer tapes, or for data processing [PRC-G]

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load. In Community District 1 in the Borough of Brooklyn, such docks shall be 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) [PRC-H]

Dry goods or fabric stores, with no limitation on #floor area# per establishment [PRC-B]

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

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ARTICLE VII ADMINISTRATION

Chapter 3 Special Permits by the Board of Standards and Appeals

73-00 SPECIAL PERMIT USES AND MODIFICATIONS

* * *

73-03 General Findings Required for All Special Permit Uses and Modifications

The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit #uses# or modifications of #use#, parking, or #bulk# regulations as specifically provided in this Chapter, provided in each case:

- (a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use# or modification of #use#, parking or #bulk# regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit #use# or modification of #use#, parking or #bulk# regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit #use# or modification of #use#, parking or #bulk# regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.
- (b) In all cases the Board shall deny a special permit whenever such proposed special permit #use# or modification of #use#, parking or #bulk# regulations will interfere with any public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

Commented [Z1]: Article VII, Chapter 3 contains the special permits available from the Board of Standards and Appeals (BSA). The Proposal would make a number of updates to this chapter.

First, the Proposal would reorganize the existing use permits into the new 10 use categories that better reflect land use activities that occur in the city. While this change wouldn't, on its own, change any zoning regulations, it would make it easier to understand what rules apply since the current use permits are highly disorganized.

Second, the Proposal would make updates to a number of existing use permits to reflect changes elsewhere in the Proposal. It would also create some new permits that would apply to some specific uses (like micro-distribution) or to broad classes of uses (like retail and service uses). They are noted in the text.

Finally, the Proposal would provide a more consistent framework for how long the BSA could grant use permits. Currently, permits have a range of listed terms. Some are so short that they make the permit difficult to use, while others list no term at all. The Proposal would allow the BSA to grant initial permits for a term of 10 years and renewals at the Board's discretion. To ensure compliance with its approvals, the Board would also be able to revoke any permits for uses that did not comply.

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

[MOVED FROM SECTION 73-24, INCLUSIVE,
CONSOLIDATED AND MODIFIED]

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying eating or drinking establishment regulations set forth in Sections 32-16 and 42-16 (Use Group 6 – 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 6;
- (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

Commented [Z26]: The Proposal would permit modifications to the applicable zoning requirements for eating or drinking establishments. The findings reflect the current special permits for eating or drinking establishments.

The BSA could only increase the maximum size of an eating or drinking establishment by 200 percent, after which a CPC special permit would be required.

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

[RELOCATING FROM SECTION 73-21, INCLUSIVE, AND EXPANDING]

In C1, C2, and C4 though C7 Districts, the Board of Standards and Appeals may permit #automotive service stations# 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 waiting automobiles within the #zoning lot# in addition to spaces available within an

Commented [Z27]: The Proposal would update the existing BSA special permit for automotive service stations. It would allow use of the permit in a wider range of zoning districts, but make the findings more robust to align it with other use permits. Like today, facilities would be limited to a maximum size of 15,000 square feet unless it was located on a highway or major street.

In all ~~#Residence Districts#~~, and in ~~C2, C6 or C7 Districts~~, the Board of Standards and Appeals may permit riding academies or stables operated as a recreation service, for a term not to exceed five years, provided that the following findings are made:

- (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.

73-181

Recreation, entertainment and assembly space uses

[NEW PERMIT]

In all ~~#Commercial Districts# and #Manufacturing Districts#~~, the Board of Standards and Appeals may permit modifications to the underlying recreation, entertainment and assembly space ~~#uses#~~ set forth in Sections 32-18 and 42-18 (Use Group 8 – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For recreation, entertainment and assembly space ~~#uses#~~, 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 8;
 - (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:

Commented [Z32]: The Proposal would create a new permit for recreation, entertainment and assembly uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. This would provide limited flexibility for uses to make modifications to the underlying regulations.

The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts.

The BSA would be limited to doubling the maximum size of a use. Beyond that, a similar new CPC permit would be required. This extends the typical framework where the BSA can permit uses only up to a certain point, after which CPC review is required.

- (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

[NEW PERMIT IN PLACE OF 73-22 AND 73-23]

In C3 Districts, the Board of Standards and Appeals may permit water-oriented outdoor #amusement and recreation facilities#, 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) along any #rear lot line# or #side lot line# adjoining a Residence District, the #zoning lot# is adequately screened with planting, fences or walls.

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

73-183

Outdoor amusement parks

[NEW PERMIT ADAPTED FROM 73-25]

In C7, C8 or M1 Districts, the Board of Standards and Appeals may permit #outdoor amusement parks# 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;

Commented [Z33]: The Proposal would consolidate existing permits for outdoor uses in C3 districts into a single permit focused on water-oriented uses.

Commented [Z34]: The Proposal would update an existing permit to allow outdoor amusement parks above the current maximum size. The current applicability in C8 and M1 would be maintained, but would be extended to C7 districts. (the amusement area in the Special Coney Island District would not need this permit.)

- (d) the character of the commercially zoned #street# frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing #commercial uses# contained within such area and to the subject eating or drinking place (excluding the #accessory# drive-through facility portion);
- (e) the drive through facility shall not have an undue adverse impact on #residences# within the immediate vicinity of the subject premises; and
- (f) there will be adequate buffering between the drive through facility and adjacent #residential uses#.

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

73-244

In C2, C3, C4*, C6 4, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District**

[RELOCATING TEXT TO SECTION 73-162]

In C2, C3, C4*, C6 4**, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

- (a) that 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 waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;
- (b) that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;
- (c) that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;
- (d) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;
- (e) that 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; and

- (f) that the application is made jointly by the owner of the #building# and the operators 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.

Any violation of the terms of a special permit may be grounds for its revocation.

* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary

** 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

73-25

Children's Amusement Parks

[ELIMINATING — LARGER AMUSEMENT PARKS WILL BE PERMITTED BY SECTION 73-183]

In C8 or M1 Districts, the Board of Standards and Appeals may permit children's amusement parks with an area of at least 10,000 square feet but not more than 75,000 square feet, for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area;
- (b) that the principal vehicular access for such #use# is not located on a local #street# or on an arterial highway;
- (c) that such #use# is not located within 400 feet of a #Residence District#;
- (d) that vehicular entrances and exits for such #use# are provided separately, and that no entrance is located less than 50 feet from any exit; and
- (e) that such #use# will not cause traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such #use# is so located as to minimize vehicular traffic to and through local #streets# in residential areas.