



## Legislation Details (With Text)

<b>File #:</b>	Res 1847-2021	<b>Version:</b>	*	<b>Name:</b>	LU 923 - Zoning, Health and Fitness Citywide Text Amendment, Citywide (N 210482 ZRY)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>In control:</b>	Adopted Committee on Land Use
<b>On agenda:</b>	12/9/2021				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving the decision of the City Planning Commission on Application No. N 210382 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 923).				
<b>Sponsors:</b>	Rafael Salamanca, Jr., Francisco P. Moya				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Res. No. 1847, 2. November 10, 2021 - Stated Meeting Agenda with Links to Files, 3. Calendar of the Subcommittee Meetings - November 17 and 18, 2021, 4. Hearing Testimony - Zoning 11/18/21, 5. Hearing Transcript - Stated Meeting 11-10-21, 6. Calendar of the Zoning Subcommittee and Land Use Meetings - December 9, 2021, 7. December 9, 2021 - Stated Meeting Agenda, 8. LOCATING ENVIRONMENTAL REVIEW MATERIALS FOR CERTAIN LAND USE APPLICATIONS, 9. Committee Report, 10. Hearing Transcript - Stated Meeting 12-9-21, 11. Minutes of the Stated Meeting - December 9, 2021				

Date	Ver.	Action By	Action	Result
12/9/2021	*	Committee on Land Use	Approved by Committee	
12/9/2021	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1847

**Resolution approving the decision of the City Planning Commission on Application No. N 210382 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 923).**

**By Council Members Salamanca and Moya**

WHEREAS, New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) and related Sections, to change regulations for gyms, spas, licensed massage therapy, and other health and fitness facilities, which would remove an existing special permit and restore these activities to as-of-right uses, as they were within the 1961 Zoning Resolution, all Community Districts, Citywide (Application No. N 210382 ZRY) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on November 5, 2021, its decision dated October 20, 2021 (the “Decision”), on the Application;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 18, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 17, 2021 (CEQR No. 21DCP183Y);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210382 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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

\* \* \*

#### 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.

\* \* \*

[Note: This definition is being replaced by the definition #Unlicensed physical treatment establishment#]

~~Adult physical culture establishments~~

~~An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:~~

- (1) ~~treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;~~
- (2) ~~electrolysis treatment by a licensed operator of electrolysis equipment;~~
- (3) ~~hospitals, #long-term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;~~
- (4) ~~barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; and~~
- (5) ~~athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.~~

~~#Adult physical culture establishments# are not permitted in any District.~~

Advertising sign - see Sign, advertising

\* \* \*

#### Health and fitness establishments

A “health and fitness establishment” is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person’s physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
  - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
  - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
- (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
- (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections 32-413 and 123-33, as applicable.

For “physical culture or health establishments” existing on [date of adoption] that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that

such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a “physical culture or health establishment” existing on [date of adoption] may continue pursuant to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

Height factor

\* \* \*

Outer court recess - see Court recess, outer

Physical culture or health establishments

~~A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.~~

~~Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health-related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.~~

Plaza

\* \* \*

Unlicensed physical treatment establishment

An #unlicensed physical treatment establishment# is any establishment that offers or advertises or is equipped or arranged so as to provide as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York to provide such service, or under the supervision of such licensee and working in a manner allowed by the license. However, #unlicensed physical treatment establishments# shall not include barbershops or beauty parlors that offer massage to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

Urban plaza - see Plaza, urban

\* \* \*

## ARTICLE II RESIDENCE DISTRICT REGULATIONS

### Chapter 2 Use Regulations

\* \* \*

#### 22-10 USES PERMITTED AS-OF-RIGHT

\* \* \*

#### 22-14 Use Group 4 R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

#### A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities<sup>1</sup>, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Clubs<sup>2</sup>, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;

- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or
- (d) ~~any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~

\* \* \*

## 22-20 USES PERMITTED BY SPECIAL PERMIT

## 22-21 By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\* \* \*

R1 R2  
Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or
- (d) ~~any activities or #uses# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~

\* \* \*

## ARTICLE III COMMERCIAL DISTRICT REGULATIONS

### Chapter 2 Use Regulations

\* \* \*

### 32-10

#### USES PERMITTED AS-OF-RIGHT

\* \* \*

### 32-15

#### Use Group 6

C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

\* \* \*

#### C. Retail or Service Establishments

\* \* \*

Gift shops [PRC-B]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

\* \* \*

#### E. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]~~

\* \* \*

### 32-18

#### Use Group 9

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

\* \* \*

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

“Dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock.

“Aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

~~\*Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]~~

~~\*\*#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]~~

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

\* \* \*

\* 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)

\*\* 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

\* \* \*

## 32-23

Use Group 14  
C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

\* \* \*

Fishing tackle or equipment, rental or sales [PRC-B1]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

\* \* \*

## B. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~ [PRC-D]

\* \* \*

## 32-30

### USES PERMITTED BY SPECIAL PERMIT

## 32-31

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3

\* \* \*

C6

Newspaper publishing establishments

~~C1-8X C1-9 C2 C4 C5 C6 C8~~

~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9),  
massage establishments [PRC-B]~~

C1 C2 C3 C4 C5 C6 C7 C8

Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

\* \* \*

## 32-40

### SUPPLEMENTARY USE REGULATIONS

## 32-41

### Enclosure Within Buildings

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions); and 36-61 (Permitted Accessory Off-street Loading Berths) and 73-36 (Physical Culture or Health Establishments), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

\* \* \*

### **32-413**

#### **Health and Fitness Establishments**

C1 C2 C3 C4 C5 C6

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\* \* \*

## **ARTICLE IV**

### **MANUFACTURING DISTRICT REGULATIONS**

\* \* \*

#### **Chapter 2**

#### **Use Regulations**

\* \* \*

### **42-10**

#### **USES PERMITTED AS-OF-RIGHT**

\* \* \*

#### 42-13

##### Use Groups 6C, 9A and 12B

M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; #health and fitness establishments#; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostatting establishments; business schools or colleges; #health and fitness establishments#; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

\* \* \*

#### 42-14

##### Use Group 17

M1 M2 M3

**[Note: This Section is also proposed to be amended as part of  
N 210423 ZRM: SoHo-NoHo Neighborhood Plan]**

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

\* \* \*

#### D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

\* \* \*

- (3) In addition to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:

\* \* \*

- (e) Banquet halls, wedding chapels, and catering establishments, ~~#physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.~~

\* \* \*

## 42-30

### USES PERMITTED BY SPECIAL PERMIT

## 42-31

### By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\* \* \*

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

~~M1 M2 M3~~

~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments~~

M1 M2 M3

Radio or television towers, non-#accessory#

\* \* \*

## ARTICLE V NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

### Chapter 2 Non-Conforming Uses

\* \* \*

#### 52-70 TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

\* \* \*

#### 52-76 ~~Adult Physical Culture Establishments~~

~~In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.~~

\* \* \*

## ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

### Chapter 2 Special Regulations Applying in the Waterfront Area

\* \* \*

#### 62-20 SPECIAL USE REGULATIONS

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

\* \* \*

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

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 9:

\*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

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

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

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

\* \* \*

## ARTICLE VII ADMINISTRATION

### Chapter 3 Special Permits by the Board of Standards and Appeals

\* \* \*

#### 73-10 SPECIAL PERMIT USES

#### 73-11 General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to ~~73-36~~ 73-35, 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.

\* \* \*

#### ~~73-36~~ Physical Culture or Health Establishments

- (a) ~~In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed 10 years, provided the following findings are made:~~
- (1) ~~that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and~~

(2) that such ~~#use#~~ contains:

- (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or
- (ii) a swimming pool of a minimum 1,500 square feet; or
- (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
- (iv) facilities for the practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as ~~#accessory#~~ to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.

(b) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit ~~#physical culture or health establishments#~~ located on the roof of a ~~#commercial building#~~ or the ~~#commercial#~~ portion of a ~~#mixed building#~~, provided the following additional findings are made:

- (1) that such ~~#use#~~ shall be an incidental part of a permitted ~~#physical culture or health establishment#~~ located within the same ~~#commercial#~~ or ~~#mixed building#~~;
- (2) that such ~~#use#~~ shall be open and unobstructed to the sky;
- (3) that such ~~#use#~~ shall be located on a roof not less than 23 feet above ~~#curb level#~~;
- (4) that the application for such ~~#use#~~ shall be made jointly by the owner of the ~~#building#~~ and the operator of such ~~#physical culture or health establishment#~~; and
- (5) that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.

(c) No special permit shall be issued pursuant to this Section unless:

- (1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
- (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.

The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted ~~#use#~~ has been altered from that authorized.

~~The Board may prescribe appropriate conditions and safeguards including location of #signs# and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.~~

## 73-40

### MODIFICATIONS OF USE OR PARKING REGULATIONS

\* \* \*

## ARTICLE VII ADMINISTRATION

### Chapter 4

#### Special Permits by the City Planning Commission

\* \* \*

## 74-74

### Large-scale General Development

\* \* \*

## 74-744

### Modification of use regulations

- (a) ~~#Use#~~ modifications

\* \* \*

- (4) ~~#Physical culture or health establishments#~~

~~For a #large-scale general development# located within an #MIH site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.~~

\* \* \*

## ARTICLE VIII SPECIAL PURPOSE DISTRICTS

### Chapter 1

#### Special Midtown District

\* \* \*

## 81-06

## Applicability of Article VII Provisions

### 81-061

#### Applicability of Article VII, Chapter 3

\* \* \*

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-28 (Newspaper Publishing) shall be applicable subject to the provisions of the #Special Midtown District#.

~~Section 73-36 (Physical Culture or Health Establishments) shall be applicable subject to the locational restrictions of the #Special Midtown District#.~~

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

\* \* \*

### 81-60

#### SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

\* \* \*

### 81-62

#### Special Use Provisions

\* \* \*

### 81-622

#### Location of uses in mixed buildings

For #mixed buildings developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly accessible spaces;

eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 6C;

~~gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;~~

~~#health and fitness establishments#, as listed in Use Groups 6C and 9A;~~

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A;

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and

~~#physical culture or health establishments# permitted pursuant to Section 73-36.~~

For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

\* \* \*

## 81-70

### SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

\* \* \*

## 81-72

### Use Regulations Modified

\* \* \*

## 81-722

### Use Group T

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (\*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (\*\*) are allowed only on floors other than the ground floor.

#Uses# marked thus (\*\*\*) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for

entertainment-related uses).

#Use#

\* \* \*

Gift shops

~~\*Gymnasiums~~

Hair products for headwear

Hardware stores

#Health and fitness establishments#

Historical exhibits - not permitted in C5 Districts

\* \* \*

## ARTICLE VIII SPECIAL PURPOSE DISTRICTS

### Chapter 3 Special Limited Commercial District

#### 83-00 GENERAL PURPOSES

#### 83-03 Use Group “LC”

Use Group “LC” comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

\* \* \*

#### G. Retail or Service Establishments

\* \* \*

Gift shops

~~\*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\* \* \*

Photographic studios

~~\*\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Picture framing shops

\* \* \*

\* In #Special Limited Commercial Districts#, a #use# 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

~~\*\* In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (\*\*) shall be permitted only by special permit of the Board of Standard and Appeals pursuant to Section 73-36 (Physical Culture or Health Establishments)~~

\* \* \*

## ARTICLE VIII SPECIAL PURPOSE DISTRICTS

### Chapter 4 Special Battery Park City District

\* \* \*

#### 84-00 GENERAL PURPOSES

\* \* \*

#### 84-03 Use Regulations (For Zone A and Zone C)

\* \* \*

#### 84-031 Special permit uses

\* \* \*

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

~~In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.~~

\* \* \*

## 84-10

### ZONE A GENERAL DISTRICT REGULATIONS

\* \* \*

## 84-12

### Use Regulations

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a ~~#physical culture or health establishment#~~ #health and fitness establishment# may be permitted; and
- (2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a ~~#physical culture and health establishment#~~ #health and fitness establishment# or a non-~~#residential accessory use#~~, may be located above a ~~#story#~~ containing ~~#residential uses#~~.

\* \* \*

## 84-30 ZONE C

\* \* \*

## 84-32 Use Regulations

Use regulations applicable in C6-6 Districts shall apply subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following ~~#uses#~~ shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided 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.

Parking facilities, public, subject to Section 84-341

~~#Physical culture or health establishments#~~

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

\* \* \*

## ARTICLE IX SPECIAL PURPOSE DISTRICTS

\* \* \*

**[Removing provisions relating to physical culture establishments in the CPC-approved 495 11<sup>th</sup> Avenue (N 210325 ZRM) to be superseded by the Health and Fitness Citywide Text Amendment.]**

## Chapter 3 Special Hudson Yards District (HY)

\* \* \*

## 93-10

## USE REGULATIONS

\* \* \*

### **93-19**

#### **Physical Culture or Health Establishments**

~~Within Subdistrict G, #physical culture or health establishments# shall be permitted as of right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use#.~~

\* \* \*

## **Chapter 4**

### **Special Sheepshead Bay District**

### **94-00**

#### **GENERAL PURPOSES**

\* \* \*

### **94-06**

#### **Special Use Regulations**

### **94-061**

#### **Permitted residential, community facility and commercial uses**

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

\* \* \*

Gift shops

~~Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Hardware stores, limited to marine supplies

\* \* \*

## 94-062

### Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (\*) shall not be located on the ground floor of a #building#.

\* \* \*

### C. Retail or service establishments

\* \* \*

Gift shop

~~\* Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Jewelry or art metal shops

\* \* \*

Photographic equipment or supply stores

~~\*\* #Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people~~

Picture framing shops

\* \* \*

~~\*\* #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

\* \* \*

## 94-064

### Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, ~~except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.~~

\* \* \*

## ARTICLE IX

### SPECIAL PURPOSE DISTRICTS

#### Chapter 5

#### Special Transit Land Use District

## 95-00

### GENERAL PURPOSES

\* \* \*

## 95-08

### Special Use Regulations

\* \* \*

## 95-081

### Use Group T

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (\*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

\* \* \*

#### D. Retail or Service Establishments

\* \* \*

Gift shops

~~\*\*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

\*Ice cream stores

\* \* \*

Photographic studios

~~\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Picture framing shops

\* \* \*

~~\*\* #Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 23-36~~

\* \* \*

## ARTICLE IX SPECIAL PURPOSE DISTRICTS

### Chapter 7 Special 125th Street District

\* \* \*

### 97-20 LOCATION AND ACCESS REGULATIONS

\* \* \*

### 97-21 Supplemental Use and Streetscape Regulations Along 125th Street

\* \* \*

### 97-212 Uses not permitted on the ground floor of buildings

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 23-213 (Access to non-ground floor uses).

\* \* \*

From Use Groups 9A, 9B and 9C:

All ~~uses~~, except for ~~gymnasiums~~ health and fitness establishments, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

\* \* \*

## ARTICLE IX SPECIAL PURPOSE DISTRICTS

### Chapter 9 Special Madison Avenue Preservation District

#### 99-00 GENERAL PURPOSES

\* \* \*

#### 99-03 Special Use Regulations

\* \* \*

#### 99-031 Use Group MP

Use Group MP comprises a group of ~~commercial~~ establishments selected to promote and strengthen the existing ~~commercial~~ character of the Special District. The ~~commercial uses~~ listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The ~~commercial uses~~ listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

#### Table A

\* \* \*

#### B. Retail or Service Establishments

\* \* \*

Hardware stores

~~Health and fitness establishments~~, open or enclosed, limited to 10,000 square feet of ~~floor area~~ per establishment

Interior decorating establishments, provided that ~~floor area~~ used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\* \* \*

#### Table B

## A. Retail or Service Establishments

\* \* \*

Furniture stores, with no limitation on #floor area# per establishment

~~\*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

\*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

~~\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

\* \* \*

~~#Uses# in Use Group MP marked with a double asterisk (\*\*) are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

\* \* \*

## ARTICLE X SPECIAL PURPOSE DISTRICTS

### Chapter 4 Special Manhattanville Mixed Use District

\* \* \*

## 104-10 SPECIAL USE REGULATIONS

\* \* \*

## 104-16

### Use Group MMU

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

\* \* \*

From Use Group 6C:

\* \* \*

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

\* \* \*

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

\* \* \*

#Accessory uses# to all the above #uses# are permitted.

~~#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.~~

\* \* \*

## ARTICLE XI

### SPECIAL PURPOSE DISTRICTS

#### Chapter 5

#### Special Downtown Jamaica District

\* \* \*

## 115-10

### SPECIAL USE REGULATIONS

\* \* \*

## 115-15

### Modification of Use Regulations in M1-4 Districts

The ~~#use#~~ regulations of the underlying M1-4 District shall apply, except as modified as follows:

\* \* \*

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~ or ophthalmic dispensing

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any ~~#lot line#~~; or
- (d) ~~any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)~~

Community centers or settlement houses

\* \* \*

## ARTICLE XI

### SPECIAL PURPOSE DISTRICTS

#### Chapter 6

#### Special Stapleton Waterfront District

\* \* \*

## 116-10

### SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

\* \* \*

## 116-102

### Special permit uses

~~#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.~~

116-103

Supplementary use regulations

The provisions of Section 32-41 (Enclosure Within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#

\* \* \*

## 116-60

### SPECIAL REGULATIONS IN SUBAREA E

\* \* \*

## 116-61

### Special Use Regulations

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

- (a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and
- (b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial floor area# is located above a #dwelling unit#; and
- (c) ~~#physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 shall not apply.~~

\* \* \*

## ARTICLE XII

### SPECIAL PURPOSE DISTRICTS

## Chapter 3

### Special Mixed Use Districts

\* \* \*

## 123-30

### SUPPLEMENTARY USE REGULATIONS

\* \* \*

## 123-33

## Health and Fitness Establishments

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\* \* \*

## ARTICLE XII SPECIAL PURPOSE DISTRICTS

### Chapter 4 Special Willets Point District

\* \* \*

#### 124-10 SPECIAL USE REGULATIONS

\* \* \*

#### 124-12 Regulation of Commercial Uses in Area B

- (a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District ~~and #physical culture or health establishments# pursuant to Section 73-36,~~ provided that #commercial uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

\* \* \*

#### 124-13 Uses Permitted As-of-Right

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

\* \* \*

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)

~~Section 73-36 (Physical Culture or Health Establishments)~~

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

\* \* \*

## ARTICLE XII SPECIAL PURPOSE DISTRICTS

### Chapter 7 Special Flushing Waterfront District

\* \* \*

### 126-10 SPECIAL USE REGULATIONS

\* \* \*

### 127-12 ~~Physical Culture or Health Establishments~~

~~The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

### 127-13 Sign Regulations

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply to any #signs#.

\* \* \*

## **ARTICLE XIII SPECIAL PURPOSE DISTRICTS**

### **Chapter 1 Special Coney Island District**

#### **131-00 GENERAL PURPOSES**

\* \* \*

#### **131-04 Applicability**

\* \* \*

#### **131-044 ~~Physical culture or health establishments~~**

~~The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, #physical culture or health establishments# shall be allowed as of right.~~

#### **131-045 131-044 Modification of use and bulk regulations**

\* \* \*

#### **131-10 SPECIAL USE REGULATIONS**

\* \* \*

#### **131-12 Use Groups A, B and C**

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

\* \* \*

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

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

\* \* \*

Gift shops

#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment

Jewelry manufacturing from precious metals

\* \* \*

## 131-13

### Special Use Regulations in Subdistricts

\* \* \*

## 131-132

### Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. 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. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

\* \* \*

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

\* \* \*

From Use Groups 9A, 9B and 9C:

All #uses#, except for ~~gymnasiums~~ #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

\* \* \*

## ARTICLE XIII

### SPECIAL PURPOSE DISTRICTS

#### Chapter 4: Special Governors Island District

\* \* \*

## 134-10

## SPECIAL USE REGULATIONS

### 134-11

#### Commercial Uses

The following #commercial uses# shall be allowed

\* \* \*

Any #commercial use# or ~~#physical culture or health establishment#~~ larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or ~~#physical culture or health establishment#~~ larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

\* \* \*

### 134-13

#### ~~Physical Culture or Health Establishments~~

~~#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.~~

### 134-14

#### Signs

For #commercial uses# and ~~#physical culture or health establishments#~~, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

\* \* \*

### 134-20

## SPECIAL BULK REGULATIONS

### 134-21

#### Special Regulations for Commercial Uses

For ~~#commercial uses#~~ and ~~#physical culture or health establishments#~~, the ~~#floor area#~~ regulations of a C1 District mapped within an R3-2 District shall apply.

\* \* \*

## ARTICLE XIII SPECIAL PURPOSE DISTRICTS

### Chapter 5 Special Bay Street Corridor District

\* \* \*

#### 135-10 SPECIAL USE REGULATIONS

\* \* \*

#### 135-13 ~~Physical Culture or Health Establishments~~

Within the ~~#Special Bay Street Corridor District#~~, a ~~#physical culture or health establishment#~~ shall be permitted as of right in ~~#Commercial Districts#~~. For the purposes of applying the underlying regulations to such ~~#use#~~, a ~~#physical culture or health establishment#~~ shall be considered a Use Group 9 ~~#use#~~ and shall be within parking requirement category PRC-B.

#### 135-14 Breweries

\* \* \*

#### 135-15 135-14 Modification of Supplemental Use Provisions

\* \* \*

## ARTICLE XIII SPECIAL PURPOSE DISTRICTS

### Chapter 8 Special East Harlem Corridors District

\* \* \*

#### 138-10 SPECIAL USE REGULATIONS

\* \* \*

### **138-13**

#### **Physical Culture or Health Establishments**

Within the ~~#Special East Harlem Corridors District#~~, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, ~~#physical culture or health establishments#~~ shall be permitted as of right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

### **138-14**

#### **Public Parking Garages**

\* \* \*

[Removing provisions relating to physical culture establishments in the CPC-approved Special Gowanus Mixed-Use District (N 210178 ZRK) to be superseded by the Health and Fitness Citywide Text Amendment.]

## **ARTICLE XIII**

### **SPECIAL PURPOSE DISTRICTS**

#### **Chapter 9**

#### **Special Gowanus Mixed Use District**

\* \* \*

### **139-10**

#### **SPECIAL USE REGULATIONS**

\* \* \*

### **139-13**

#### **Gowanus Retail and Entertainment Uses**

\* \* \*

From Use Group 14, as set forth in Section 32-23:

bicycle sales; candy or ice cream stores; and non-commercial clubs without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of #adult physical culture establishments# in Section 12-10 (DEFINITIONS).~~

\* \* \*

### **139-16**

#### **Physical Culture Establishments**

~~In all districts, #physical culture or health establishments# shall be permitted as-of-right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9A #use#.~~

[Not including provisions relating to hotels because they have been superseded by the CPC-approved Citywide Hotel Text Amendment (N 210406 ZRY).]

\* \* \*

## ARTICLE XIV SPECIAL PURPOSE DISTRICTS

### Chapter 1 Special Jerome Corridor District

\* \* \*

### 141-10 SPECIAL USE REGULATIONS

\* \* \*

### 141-12 ~~Physical Culture or Health Establishments~~

~~#Physical culture or health establishments# shall be permitted as-of-right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

### 141-13 Modification of Supplemental Use Provisions

\* \* \*

## ARTICLE XIV SPECIAL PURPOSE DISTRICTS

### Chapter 2 Special Inwood District

\* \* \*

### 142-10 SPECIAL USE REGULATIONS

\* \* \*

## 142-11

### Permitted Uses

~~#Physical culture or health establishments# shall be permitted as-of-right in C2-4, C4, C6-2, M1-4 and M1-5 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

In Subarea B1, as shown on Map 1 (Special Inwood District - Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

\* \* \*

## APPENDIX A

### Index of Uses

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (\*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (\*\*), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this

## Resolution:

Residence Districts Article II, Chapter 2  
 Commercial Districts Article III, Chapter 2  
 Manufacturing Districts Article IV, Chapter 2

\* \* \*

Barber shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Baths, steam (See <del>#Physical culture or health establishments#</del> <del>#Health and fitness establishments#</del> )		
Beaches, commercial [PRC-E]	13	C3* C7 C8 M1 <sup>3</sup> M2 M3

\* \* \*

Gun repairs [PRC-B1] 7 C2 C6 <sup>4</sup> C8 M1 M2 M3		
Gymnasiums [PRC-B]: ( <del>See #health and fitness establishments#</del> )		
Limited	9	C2 C4 C5 C6 C8 M1
Unlimited ( <del>See #Physical culture or health establishments#</del> )		
Gypsum manufacture	18	M3

\* \* \*

Hat:		
Bodies manufacture	17	M1 M2 M3
Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
<del>#Health and fitness establishments#</del>		
<del>Limited as to #floor area#</del>	<del>6</del>	<del>C1 C2 C4 C5 C6 C8 M1 M2 M3</del>
	14	C2 C3 C7 C8
<del>Unlimited</del>	<del>9</del>	<del>C1<sup>30</sup> C2 C4 C5 C6 C8 M1 M2 M3</del>
Health Centers	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
<del>Health services (see #physical culture or health establishments# #health and fitness establishments#)</del>		

\* \* \*

Markets:		
Retail, including meat (See Food stores)		
Wholesale, produce or meat	17	M1 M2 M3
Masseurs Massage therapists [PRC-B] (See Ambulatory diagnostic and treatment health care facilities)		C2* C4* C5* C6* C8* M1* <sup>3</sup> M2* M3*
Matches manufacture	18	M3

\* \* \*

Photostatting establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
<del>#Physical culture or health establishments#[PRC-B]</del>		<del>C1<sup>30</sup>* C2* C4* C5*</del> <del>C6* C8* M1*</del> <del>M2* M3*</del>
Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

\* \* \*

Rectories 4 R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**		
Reducing salons (See <del>#Physical culture or health establishments#</del> <del>#Health and fitness establishments#</del> )		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 <sup>4</sup> C8 M1 M2 M3
	13	C7 C8 M1 <sup>3</sup> M2 M3

\* \* \*

<sup>29</sup> Not permitted in C6-1, C6-2 and C6-3 Districts.

<sup>30</sup> Permitted only in C1-8 and C1-9 Districts and C1 Districts mapped within an R9 or R10 District.

<sup>31</sup> Permitted only in C6-5 and C6-7 Districts.

\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on \_\_\_\_\_, 2021, on file in this office.

City Clerk, Clerk of The Council