

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

## **Article XIII - Special Purpose Districts**

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

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

The “Special Coney Island District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city’s foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area’s District Plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

\* \* \*

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

\* \* \*

**131-13**  
**Special Use Regulations in Subdistricts**

**131-131**  
**Coney East Subdistrict**

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

\* \* \*

(f) Depth of ground floor #uses#

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

\* \* \*

**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.

(a) Mandatory ground floor level #uses# along certain #streets#

\* \* \*

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street#

frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(2) #Streets# other than Riegelmann Boardwalk

\* \* \*

All ground floor #commercial uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby, ~~and~~ vertical circulation cores or structural columns associated with upper #stories# of the #building#.

\* \* \*

### 131-14

#### Location of Uses within Buildings

The provisions of Section 32-42 are modified to permit:

(a) #residential uses# on the same #story# as a #commercial use# ~~non #residential use#~~ or directly below a #commercial use# ~~non #residential use#~~, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

\* \* \*

### 131-15

#### Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements). ~~with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

However, in the Coney East Subdistrict and along Riegelmann Boardwalk and boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 50 ~~70~~ percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 12 ~~40~~ feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least

50 ~~70~~ percent open during seasonal business hours.

**131-16**  
**Security Gates**

All security gates installed after July 29, 2009, that are swung, drawn or lowered to secure ~~#commercial# or #community facility#~~ premises shall, when closed, ~~permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.~~ However, this provision shall not apply to entrances or exits to parking garages, or to any ~~#use#~~ fronting upon Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

**131-16** ~~131-17~~  
**Authorization for Use Modifications**

\* \* \*

**131-30**  
**FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS**

The ~~#floor area ratio#~~ regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

\* \* \*

**131-32**  
**Coney West, Coney North and Mermaid Avenue Subdistricts**

\* \* \*

**131-321**  
**Special floor area regulations for residential uses**

R7A R7D R7X

\* \* \*

(d) Height and setback

For all ~~#zoning lots#~~, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of Section 23-664 (Modified height and setback regulations for certain buildings) ~~23-954~~ shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall

apply.

\* \* \*

**131-324**

**Lot coverage**

~~For #residential uses# in the Coney North and Coney West Subdistricts, no maximum #lot coverage# shall apply to any #corner lot#.~~

~~For #residential uses# in the Mermaid Avenue Subdistrict, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.~~

~~Furthermore, in In the #Special Coney Island District#, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.~~

**131-40**

**HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

\* \* \*

**131-421**

**Coney East Subdistrict, south side of Surf Avenue**

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street line# of Bowery and its westerly prolongation.

\* \* \*

(b) #Building# base

(1) Surf Avenue, west of West 12th Street

\* \* \*

~~For #buildings# located west of West 12th Street that provide a tower in accordance with the requirements of paragraph (d) of this Section, at least 40 percent of the #aggregate width of street~~

walls# facing Surf Avenue shall not exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any Any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with the location requirements of paragraph (d) of this Section.

\* \* \*

### 131-423

#### Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets#, and portions thereof, located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

\* \* \*

(b) Maximum height

The #street wall# of a #building#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, provided that and such portion is of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall# may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

### 131-43

#### Coney West Subdistrict

\* \* \*

**131-431**

**Coney West District, Surf Avenue**

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

\* \* \*

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. ~~For #buildings# that exceed a height of eight #stories# or 85 feet, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less.~~ However, on the #block# front bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

\* \* \*

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that ~~up to 60 percent of the #aggregate width of street walls# facing Surf Avenue~~ such #street walls# are shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. ~~The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet.~~ All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Subdistrict towers).

**131-432**

**Along all other streets, other than Riegelmann Boardwalk**

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of Riegelmann Boardwalk.

\* \* \*

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, #street walls# are up to 60 percent of the #aggregate width of street walls#, measured separately, facing Ocean Way and along all other #streets#, other than Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), at least 40 percent of the the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;

\* \* \*

### 131-434

#### Coney West Subdistrict towers

All #stories# of a #building# or portions of other structures located partially or wholly above an applicable transition height shall be considered a “tower” and shall comply with the provisions of this Section.

\* \* \*

- (b) Maximum length and height

\* \* \*

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either: ~~the tower complies with either paragraph (b)(1) or (b)(2) of this Section.~~

- (1) The outermost wall of all tower #stories# ~~are shall be~~ inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet ~~are shall be~~ inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet, and above such height, ÷ above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet. Above In addition, above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot



coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

\* \* \*

**131-44**

**Coney North Subdistrict**

\* \* \*

**131-441**

**Coney North Subdistrict, Surf Avenue**

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

\* \* \*

(b) #Building# base

The #street wall# of a #building# base fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

~~For #buildings# that exceed a height of eight #stories# or 85 feet, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.~~

\* \* \*

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine

~~#stories# or 95 feet, whichever is less, provided that such #street walls# are up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).~~

**131-442**

**Along all other streets, other than Stillwell Avenue**

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

\* \* \*

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that such #street walls# are up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings or other structures# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

\* \* \*

**131-444**

**Coney North Subdistrict towers**

All #stories# of a #building# or portions of other structures located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a “tower” and shall comply with the provisions of this Section.

\* \* \*

(b) Maximum length and height

\* \* \*

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either:

~~the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.~~

- (1) The outermost wall of all tower #stories# ~~are shall be~~ inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, ~~are shall be~~ inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet, and above such height, ~~; above a height of 120 feet,~~ no side of such rectangle shall exceed a length of 100 feet. In addition, above ~~Above~~ a height of 120 feet, the maximum floorplate shall be 80 percent of the #story# immediately below such height or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

\* \* \*

### 131-47

#### Design Requirements for Ground Level Setbacks

Wherever a #building# base below a tower is set back from the #street line#, and the #building# walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

\* \* \*

#### (c) Wall treatments

All ground floor level #building# walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15, shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

- (1) If such #building# wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.
- (2) All other #building# walls shall comply with one of the following provisions:
  - (i) such #building# walls shall be glazed with transparent materials in accordance with the transparency provisions of Section 37-34 (Minimum Transparency Requirements), except that such transparency shall be measured from ~~which may include show windows, glazed transoms or glazed portions of doors.~~ Such glazing shall occupy at least 50 percent of the area of each such ground floor level #building# wall, ~~measured to a height of 10 feet above~~ the level of the adjoining sidewalk, public access area or #base plane#, whichever

is higher; or

- (ii) such #building# walls shall be articulated with artwork or landscaping to a height of at least ten feet.

\* \* \*

**131-50**

**OFF-STREET PARKING AND LOADING REGULATIONS**

The special provisions of this Section shall apply to all off-street parking spaces and loading facilities within the #Special Coney Island District#.

\* \* \*

**131-52**

**Use and Location of Parking Facilities**

The following provisions shall apply to all parking facilities:

\* \* \*

- (c) All off-street parking facilities shall be located within facilities that, except for entrances and exits, are:

- (1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or
- (2) wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, Surf Avenue, Stillwell Avenue, Ocean Way, Parachute Way, and the Riegelmann Boardwalk shall be considered designated retail streets, and the wrapping provisions of paragraph (a) shall apply to such #street# frontages at all levels above grade. located, at every level above grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open spaces. All such parking facilities shall be exempt from the definition of #floor area#. However, in the Coney East Subdistrict, the provisions of this paragraph, (c)(2), need not apply on the north side of Surf Avenue above the level of the ground floor, on Parcel 2 beyond 70 feet of Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (i) ~~any non horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;~~

- (ii) ~~opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and~~
- (iii) ~~a total of at least 50 percent of such exterior #building# wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.~~

\* \* \*

END