Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-84 - Certain Large Retail Establishments

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LAST AMENDED
12/5/2024

In M1-5 or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

(a) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and

(b) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:

(1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;

(2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;

(3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;

(4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and

(5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

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