Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

73-16 - Retail and Services

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73-16 - Retail and Services

LAST AMENDED
6/6/2024

73-161 - Retail and service uses

LAST AMENDED
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to #uses# listed under Use Group VI, as set forth in Sections 32-16 and 42-16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

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

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

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

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

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

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

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

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

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

73-162 - Eating or drinking establishments

LAST AMENDED
6/6/2024

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

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

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

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

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

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

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

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

(3) such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code;

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

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

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

73-163 - Automotive service stations

LAST AMENDED
6/6/2024

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

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

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

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

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

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

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

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

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

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

(h) that the modifications to #accessory sign# regulations are necessary for adequate advance identification of such #automotive service station# to motorists on heavily traveled #streets# in the interests of traffic safety. In no event shall such #signs# project across a #street line# more than four feet and modification to the surface area of #signs# shall be limited to C1 and C2 Districts and a maximum surface area of 150 square feet.

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

73-164 - Light motor vehicle repair and maintenance shops

LAST AMENDED
6/6/2024

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

findings are made:

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

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

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

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

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

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