Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

32-16 - Use Group VI – Retail and Services

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32-16 - Use Group VI – Retail and Services

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VI consists of #uses# where goods or services are conveyed directly to consumers. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-161 (Use Group VI – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 32-162 (Use Group VI – uses subject to size limitations) for size limitations that apply to certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 32-163 (Use Group VI – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 32-164 (Use Group VI – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group tables;

(e) Section 32-165 (Use Group VI – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with " " in the Use Group tables; and

(f) Section 32-166 (Use Group VI – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with an "*" in the Use Group tables.

The provisions of Sections 32-162, 32-163 and 32-164, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-161 (Retail and service uses), or by special permit of the City Planning Commission, in accordance with Section 74-161 (Retail and service uses).

32-161 - Use Group VI – general use allowances

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6/6/2024

The following tables include #uses# classified as Use Group VI and sets forth their allowances by #Commercial District#. Notations found in the tables are further described in Section 32-10 (USE ALLOWANCES).

The following tables are organized by retail trade establishments and general service establishments. Included in the retail trade establishment table, for reference purposes only, are the three-digit subsector categories from the retail trade sector (sectors 44-45) of the 2022 North American Industry Classification System (NAICS). Included in the general service establishments table, for reference purposes only, are the three-digit subsector categories from the relevant transportation and warehousing sector (48-49), information sector (51), finance and insurance sector (52), real estate and rental and leasing sector (53), professional, scientific, and technical services (54), management of companies and enterprises (55), administrative and support and waste management and remediation services sector (56), educational services (61), accommodation and food services sector (72) and other services sector (81) of the 2022 NAICS.

For each #use# under the three-digit subsector categories in retail and general service establishments, the four-digit industry groups, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the

specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

USE GROUP VI – RETAIL TRADE ESTABLISHMENTS							
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances							
Uses (NAICS Code)		**C1**	**C2**	**C3**	**C4**	**C5**	**C6**
Motor Vehicle and Parts Dealer (441)							
Automobile dealers (4411)		–	? P	–	? P	? P	? P
Other motor vehicle dealers (4412)	Boat dealers (441222)	–	? P	? P U	? P	? P	? P
	All other motor vehicle dealers (in 4412)	–	? P	–	? P	? P	? P
Automotive parts, accessories and tire retailers (4413)		?	?	–	?	?	?
Building Material and Garden Equipment and Supplies Dealer (444)							
Building material and supplies dealers (4441)	Lumber yards, retail (in 444180)	–	? S	–	?	?	?

All other building material and supplies dealers (in 4441)	? S	? S	–	?	?	?	?
Lawn and garden equipment and supplies retailers (4442)		? U	? U	–	? U	? U	? U
Food and Beverage Retailers (445)							
Grocery and convenience retailers (4451)		?	?	–	?	?	?
Specialty food retailers (4452)		?	?	?	?	?	?
Beer, wine and liquor retailers (4453)		?	?	–	?	?	?
Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)							
Furniture and home furnishing retailers (4491)		? S	? S	–	?	?	?
Electronics and appliance retailers (4492)		? S	? S	–	?	?	?
General Merchandise Retailers (455)							
Department stores (4551)		? S	? S	–	?	?	?
Warehouse clubs, supercenters, and other general merchandise retailers (4552)		? S	? S	–	?	?	?
Health and Personal Care Retailers (456)							

Health and personal care retailers (4561)		?	?	–	?	?	?
Gasoline Stations and Fuel Dealers (457)							
Gasoline stations (4571)	#Automotive service stations#	–	?	–	?	?	?
	Electric vehicle charging and battery swapping	? U	? U	? U	? U	? U	? U
	Boat fuel sales	–	? P U	? P U	? P U	? P U	? P
Fuel dealers (4572)		–	–	–	–	–	–
Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)							
Clothing and clothing accessories retailers (4581)		? S	? S	–	?	?	?
Shoe retailers (4582)		?	?	–	?	?	?
Jewelry, luggage, and leather goods retailers (4583)		?	?	–	?	?	?
Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)							
Sporting goods, hobby, and musical instrument retailers (4591)	Sporting goods retailers (45911)	?	?	?	?	?	?
	All other hobby and musical instrument retailers (in 4591)	?	?	–	?	?	?

Book retailers and news dealers (4592)	Book retailers	?	?	–	?	?	?
	News dealers	? U	? U	–	? U	? U	? U
Florists (4593)		? U	? U	–	? U	? U	? U
Office supplies, stationery, and gift retailers (4594)		?	?	–	?	?	?
Used merchandise retailers (4595)		?	?	–	?	?	?
Miscellaneous retailers (4599)		?	?	–	?	?	?

USE GROUP VI – SERVICE ESTABLISHMENTS						
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances						
Uses (NAICS Code)	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**
Postal Service (491) / Couriers and Messengers (492)						
Postal service (4911)	?	?	–	?	?	?
Couriers and express delivery services (4921)	?	?	–	?	?	?

Local messengers and local delivery (4922)	?	?	–	?	?	?
Telecommunications (517)						
Wired and wireless telecommunications (5171)	?	?	–	?	?	?
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)						
Computing infrastructure providers, data processing, web hosting, and related services (5182)	? S	?	–	?	?	?
Credit Intermediation and Related Activities (522)						
Savings, loan and other financial services (5221, 5222 and 5223)	?	?	–	?	?	?
Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)						
Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)	?	?	–	?	?	?
Insurance Carriers and Related Activities (524)						
Insurance carriers and related activities (5241 and 5242)	?	?	–	?	?	?
Funds, Trusts and Other Financial Vehicles (525)						
Funds, trusts and other financial vehicles (5251 and 5259)	?	?	–	?	?	?

Real Estate (531)							
Real estate (5311, 5312, and 5313)		?	?	–	?	?	?
Rental and Leasing Services (532)							
Automotive equipment rental and leasing (5321)		? S	?	–	?	?	?
Consumer goods rental (5322)	Consumer electronics and appliances rental (53221)	? S	? S	–	?	?	?
	Recreational goods rental (532284)	? S	? S	? U	?	?	?
	All other consumer goods rental (in 5322)	? S	? S	–	?	?	?
General rental centers (5323)		? S	? S	–	?	?	?
Commercial and industrial machinery and equipment rental and leasing (5324)		? S	? S	–	?	?	?
Professional, Scientific, and Technical Services (541)							
Veterinary services (54194)		? P	? P	–	? P	? P	? P
All other professional, scientific, and technical services (in 541)		?	?	–	?	?	?
Management of Companies and Enterprises (551)							

Management of companies and enterprises (5511)		?	?	–	?	?	?
Administrative and Support Services (561)							
Travel and reservation services (5615)		?	?	–	?	?	?
Services to buildings and dwellings (5617)	Carpet and upholstery cleaning services (56174)	–	–	–	–	–	–
	All other services to buildings and dwellings (in 5617)	?	?	–	?	?	?
All other administrative and support services (in 561)		?	?	–	?	?	?
Educational Services (611)							
Business schools and computer and management training (6114)		?	?	–	?	?	?
Technical and trade schools (6115)		? P	? P	–	? P	? P	? P
All other schools and instruction (6116 and 6117)		?	?	–	?	?	?
Food Services and Drinking Places (722)							
Special food services (7223)		? S	?	?	?	?	?
Eating or drinking establishments (7224 and 7225)		? S U	? S U	? S U	? P U	? P U	? P U
Repair and Maintenance (811)							

Automotive repair and maintenance (8111)	#Heavy motor vehicle repair and maintenance shops#	–	–	–	–	–	–
	#Light motor vehicle repair and maintenance shops#	–	?	–	?	?	?
	Car washes (811192)	–	–	–	–	–	–
Electronic and precision equipment repair and maintenance (8112)		? S	?	–	?	?	?
Commercial and industrial machinery and equipment repair and maintenance (8113)		–	–	–	–	–	–
Personal and household goods repair and maintenance (8114)	Bicycle repair	?	?	?	?	?	?
	Recreational boat repair	? P U	? P U	? P U	? P U	? P U	? P U
	Home and garden equipment and appliance repair and maintenance (81141)	–	–	–	–	–	–
	All other personal and household goods repair and maintenance (in 8114)	?	?	–	?	?	?
Personal and Laundry Services (812)							

Personal care services (8121)	#Health and fitness establishments#	? P U	? P U	? P U	? P U	? P U	? P U
	All other personal care services (in 8121)	?	?	–	?	?	?
Death care services (8122)	Funeral homes and funeral services (81221)	?	?	–	?	?	?
	Crematoriums	–	–	–	–	–	–
Dry cleaning and laundry services (8123)	Personal laundry services	?	?	–	?	?	?
	Personal dry cleaning services	? S P	? S P	–	? S P	? S P	? S P
	Industrial dry cleaning and laundry services	–	–	–	–	–	–
Other personal services (8129)	Pet care services (81291)	? P	? P	–	? P	? P	? P
	All other personal services (in 8129)	?	?	–	?	?	?

32-162 - Use Group VI - uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with an “S” in Section 32-161 (Use Group VI – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

(a) fuel dealers in C8 Districts shall be limited to 5,000 square feet of #floor area# per establishment;

(b) eating or drinking establishments in C1 through C3 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, shall be limited to a capacity of 200 persons or fewer. However, an establishment with a capacity of more than 200 persons may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-162 (Eating or drinking establishments);

(c) computing infrastructure providers, data processing, web hosting, and related services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;

(d) automotive equipment rental and leasing, general rental centers or commercial and industrial machinery and equipment rental and leasing in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment and in C1 Districts that are not #select commercial overlays#, shall be limited to 10,000 square feet per establishment;

(e) special food services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;

(f) electronic and precision equipment repair and maintenance in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment; and

(g) personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to 2,500 square feet of #floor area# per establishment.

32-163 - Use Group VI – uses subject to additional conditions

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

(a) Service Limitations

(1) Automobile dealers and all other motor vehicle dealers in C2 Districts, or C4 through C7 Districts, shall not include repair services or preparation of vehicles for delivery.

(2) The following provisions shall apply to boat dealers and recreational boat repair services:

(i) In C2 through C7 Districts, boat dealers shall be restricted to boats less than 100 feet in length. Additionally, in C2 Districts, or C4 through C7 Districts, such establishment shall not include repair services or preparation of vehicles for delivery.

(ii) In all #Commercial Districts#, recreational boat repair services shall be restricted to boats less than 100 feet in length.

(3) Veterinary service or pet care service establishments in C1 or C2 Districts, or C4 through C7 Districts, shall not include overnight boarding or accommodations.

(b) Location and Other Building Requirements

(1) Boat fuel sales establishments in C2 through C7 District shall be restricted to location within 10 feet of a boat dock berth.

(2) For veterinary services in C1 or C2 Districts, or C4 through C7 Districts, where such #building# contains a #residential use#, no access shall be from an entrance serving the #residential# portion.

(3) Eating or drinking establishments in C4 through C6 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and a capacity of more than 200 persons, except those that are located within hotels, shall be subject to the following conditions:

(i) In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit of the Board of Standards and Appeals, in accordance with Section 73-162 (Eating or drinking establishments);

(ii) In C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, the entrance to such establishment shall be a minimum of 100 feet from the nearest #Residence District# boundary;

(iii) In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons

are permitted only by special permit of the Board of Standards and Appeals, in accordance with Section 73-162; and

(iv) In C4, C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

(4) For car washes in C8 Districts, reservoir space for not less than 10 automobiles per washing lane shall be provided on the #zoning lot#.

(c) Environmental Conditions

(1) Technical and trade schools in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to establishments not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects.

(2) For #health and fitness establishments# in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#. Where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, such #use# shall be required to have an acoustical engineer 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:

(i) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(ii) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

(3) Personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to solvents with a flash point of not less than 138.2 degrees Fahrenheit, and total aggregate dry load capacity of machines shall not exceed 60 pounds.

(4) The following #uses# in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive:

#Automotive service stations#

Car wash

Carpet upholstery cleaning services

Commercial and industrial machinery and equipment repair and maintenance

Crematorium

Fuel dealers

#Heavy motor vehicle repair and maintenance shops#

Home and garden equipment and appliance repair and maintenance

Industrial dry cleaning and laundry services

#Light motor vehicle repair and maintenance shops#

Personal dry cleaning services

Technical and trade school

Veterinary services.

32-164 - Use Group VI – uses subject to open use allowances

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6/6/2024

For #uses# denoted with a "U" in Section 32-161 (Use Group VI – general use allowances), a #use# may be open or enclosed without restriction except that:

(a) for the following #uses# in C8 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet:

Automotive equipment rental and leasing;

Building material and supplies dealers;

Commercial and industrial machinery and equipment rental and leasing; and

Recreational goods rental;

(b) boat dealers in C3 Districts may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;

(c) for lawn and garden equipment and supplies retailers or florists in C1 or C2 Districts, or C4 through C6 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet. In C7 or C8 Districts, such #use# may be open or enclosed without restriction;

(d) for eating or drinking establishments, such open #use# shall be limited to outdoor table service;

(e) recreational boat repair in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and

(f) #health and fitness establishments# in all #Commercial Districts# may be unenclosed except in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#.

32-165 - Use Group VI - uses permitted by special permit

LAST AMENDED
6/6/2024

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

(a) #Automotive service stations# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-163 (Automotive service stations).

(b) #Light motor vehicle repair and maintenance shops# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-164 (Light motor vehicle repair and maintenance shops).

However, notwithstanding the above, #light motor vehicle repair and maintenance shops# existing prior to June 6, 2024, shall be considered a conforming #use# and thereafter may be continued, structurally altered, #extended# or #enlarged# subject to the applicable #bulk# regulations for the district. However, in no event shall the additional #floor area# associated with an #enlarged# or #extended# portion exceed 50 percent of the #floor area# of such #light motor vehicle repair and maintenance shop# as it existed on June 6, 2024.

32-166 - Use Group VI – additional provisions for parking requirement category

LAST AMENDED
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For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 32-161 (Use Group VI – general use allowances), the following provisions shall apply:

(a) Grocery and convenience retailers or specialty food retailers with 2,500 square feet or more of #floor area# per establishment shall be classified as PRC A1. Such retailers with less than 2,500

square feet of #floor area# shall be classified as PRC A2.

(b) Eating or drinking establishments, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, shall be classified as PRC B1. All other eating or drinking establishments shall be classified as PRC A2.