Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

42-16 - Use Group VI – Retail and Services

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42-16 - Use Group VI – Retail and Services

LAST AMENDED
6/6/2024

M1 M2 M3

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 42-161 (Use Group VI – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 42-162 (Use Group VI – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 42-163 (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 42-164 (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; and

(e) Section 42-165 (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 "*" in the Use Group tables.

The provisions of Sections 42-162, 42-163 and 42-164, 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).

42-161 - Use Group VI – general use allowances

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6/6/2024

The following tables include #uses# classified as Use Group VI and set forth their allowances by #Manufacturing District#. Notations found in the tables are further described in Section 42-10 (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 group, 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)		M1	M2	M3	PRC
Motor Vehicle and Parts Dealer (441)					
Automobile dealers (4411)		? U	? U	? U	A4
Other motor vehicle dealers (4412)	Boat dealers (441222)	? U	? U	? U	C
	All other motor vehicle dealers (in 4412)	? U	? U	? U	C
Automotive parts, accessories and tire retailers (4413)		?	?	?	A2
Building Material and Garden Equipment and Supplies Dealer (444)					
Building material and supplies dealers (4441)	Lumber yards, retail (in 444180)	? U	? U	? U	A3
	All other building material and supplies dealers (in 4441)	? U	? U	? U	A3
Lawn and garden equipment and supplies retailers (4442)		? U	? U	? U	A2
Food and Beverage Retailers (445)					
Grocery and convenience retailers (4451)		? S	? S	? S	*
Specialty food retailers (4452)		? S	? S	? S	*

Beer, wine and liquor retailers (4453)		? ?	? ?	? ?	A2
Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)					
Furniture and home furnishing retailers (4491)		? S	–	–	A3
Electronics and appliance retailers (4492)		? S	–	–	A3
General Merchandise Retailers (455)					
Department stores (4551)		? S	–	–	A2
Warehouse clubs, supercenters, and other general merchandise retailers (4552)		? S	–	–	A2
Health and Personal Care Retailers (456)					
Health and personal care retailers (4561)		?	?	?	A2
Gasoline Stations and Fuel Dealers (457)					
Gasoline stations (4571)	#Automotive service stations#	? P U	? P U	? P U	N/A
	Electric vehicle charging and battery swapping	? U	? U	? U	N/A
	Boat fuel sales	? U	? U	? U	A4
Fuel dealers (4572)		? S P U	? S P U	? S P U	A3
Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)					

Clothing and clothing accessories retailers (4581)		? S	–	–	A2
Shoe retailers (4582)		?	–	–	A2
Jewelry, luggage, and leather goods retailers (4583)		?	–	–	A2
Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)					
Sporting goods, hobby, and musical instrument retailers (4591)	Sporting goods retailers (45911)	?	?	?	A2
	All other hobby and musical instrument retailers (in 4591)	? S	–	–	A2
Book retailers and news dealers (4592)	Book retailers	?	–	–	A2
	News dealers	? U	? U	? U	A2
Florists (4593)		? U	–	–	A2
Office supplies, stationery, and gift retailers (4594)		?	–	–	A2
Used merchandise retailers (4595)		?	?	?	A2
Miscellaneous retailers (4599)		?	?	?	A2

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)	M1	M2	M3	PRC

Postal Service (491) / Couriers and Messengers (492)				
Postal service (4911)	?	?	?	G
Couriers and express delivery services (4921)	?	?	?	A2
Local messengers and local delivery (4922)	?	?	?	A2
Telecommunications (517)				
Wired and wireless telecommunications (5171)	?	–	–	A2
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)				
Computing infrastructure providers, data processing, web hosting, and related services (5182)	?	?	?	A3
Credit Intermediation and Related Activities (522)				
Savings, loan and other financial services (5221, 5222 and 5223)	?	?	?	A3
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)	?	?	?	A3
Insurance Carriers and Related Activities (524)				
Insurance carriers and related activities (5241 and 5242)	?	?	?	A3
Funds, Trusts and Other Financial Vehicles (525)				
Funds, trusts and other financial vehicles (5251 and 5259)	?	?	?	A3

Real Estate (531)					
Real estate (5311, 5312, and 5313)		?	?	?	A3
Rental and Leasing Services (532)					
Automotive equipment rental and leasing (5321)		? U	? U	? U	N/A
Consumer goods rental (5322)	Consumer electronics and appliances rental (53221)	?	?	?	A3
	Recreational goods rental (532284)	? U	? U	? U	A3
	All other consumer goods rental (in 5322)	?	–	–	A3
General rental centers (5323)		?	–	–	A3
Commercial and industrial machinery and equipment rental and leasing (5324)		? U	? U	? U	A3
Professional, Scientific, and Technical Services (541)					
Veterinary services (54194)		? P	? P	? P	A3
All other professional, scientific, and technical services (in 541)		?	?	?	A3
Management of Companies and Enterprises (551)					
Management of companies and enterprises (5511)		?	?	?	A3
Administrative and Support Services (561)					

Travel and reservation services (5615)		?	–	–	A3
Services to buildings and dwellings (5617)	Carpet and upholstery cleaning services (56174)	? P	? P	? P	D1
	All other services to buildings and dwellings (in 5617)	?	?	?	A3
All other administrative and support services (in 561)		?	?	?	A3
Educational Services (611)					
Business schools and computer and management training (6114)		?	–	–	A3
Technical and trade schools (6115)		? P	? P	? P	A3
All other schools and instruction (6116 and 6117)		?	–	–	A3
Food Services and Drinking Places (722)					
Special food services (7223)		?	?	?	A3
Eating or drinking establishments (7224 and 7225)		? U	? U	? U	*
Repair and Maintenance (811)					
Automotive repair and maintenance (8111)	#Heavy motor vehicle repair and maintenance shops#	? P	? P	? P	A4
	#Light motor vehicle repair and maintenance shops#	? P	? P	? P	A3

Car washes (811192)	? P	? P	? P	N/A	
Electronic and precision equipment repair and maintenance (8112)		?	?	?	A3
Commercial and industrial machinery and equipment repair and maintenance (8113)		? P	? P	? P	A3
Personal and Household Goods Repair and Maintenance (8114)	Bicycle and recreational boat repair	?	?	?	A3
	Recreational boat repair	? P U	? P U	? P U	A4
	Home and garden equipment and appliance repair and maintenance (81141)	? P	? P	? P	A3
	All other personal and household goods repair and maintenance (in 8114)	?	?	?	A3
Personal and Laundry Services (812)					
Personal care services (8121)	#Health and fitness establishments#	? U	? U	? U	A2
	All other personal care services (in 8121)	?	?	?	A2
Death care services (8122)	Funeral homes and funeral services (81221)	?	?	?	G
	Crematoriums	? P	? P	? P	A4

Drycleaning and laundry services (8123)	Personal laundry services	?	?	?	A2
	Personal dry cleaning services	? P	? P	? P	A2
	Industrial dry cleaning and laundry services	? P	? P	? P	D1
Other personal services (8129)	Pet care services (81291)	?	?	?	A2
	All other personal services (in 8129)	?	?	?	A3

42-162 - Use Group VI - uses subject to size limitations

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For #uses# denoted with an "S" in Section 42-161 (Use Group VI – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

(a) grocery and convenience retailers and food retailers in M1-4 Districts in Community District 1, in the Borough of the Bronx shall be limited to 30,000 square feet of #floor area# per establishment; and

(b) fuel dealers in all #Manufacturing Districts# shall be limited to 5,000 square feet of #floor area# per establishment.

42-163 - Use Group VI – uses subject to additional conditions

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For #uses# denoted with a "P" in Section 42-161 (Use Group VI – general use allowances), the following provisions shall apply:

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

(b) Recreational boat repair services in all #Manufacturing Districts# shall be restricted to boats less than 100 feet in length.

(c) The following #uses# in all #Manufacturing Districts# shall conform to the performance standards 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 schools

Veterinary services.

42-164 - Use Group VI – uses subject to open use allowances

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For #uses# denoted with a "U" in Section 42-161 (Use Group VI – general use allowances), a #use# may be open or enclosed without restriction, except that for eating or drinking establishments, such open #use# shall be limited to outdoor table service.

42-165 - Use Group VI – additional provisions for parking requirement category

LAST AMENDED

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 42-161 (Use Group VI – general use allowances), the following provisions shall apply:

(a) Grocery and convenience retailers and 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# are 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.