Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

73-31 - Enclosure Regulations

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73-31 - Enclosure Regulations

LAST AMENDED
6/6/2024

73-311 - Drive-through facilities

LAST AMENDED
6/6/2024

In C1 through C7 Districts, the Board of Standards and Appeals may permit modification to the applicable enclosure regulations to allow #accessory# drive-through facilities serving a #use# listed under Use Group VI, as set forth in Section 32-16 (Use Group VI – Retail and Services), provided that the following findings are met:

(a) the drive-through facility contains reservoir space within the #zoning lot#,:

(1) for not less than 10 automobiles where serving an eating or drinking establishment; or

(2) at a sufficient capacity for waiting automobiles, at maximum expected operation, where serving all other #uses#;

(b) the drive-through facility will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) the character of the #Commercial District# #street# frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of

motor vehicle generation attributable to the existing #uses# contained within such area and to the subject #use#;

(d) the drive-through facility shall not have an undue adverse impact on #residences# within the immediate vicinity of the subject premises. In order to make such finding the Board shall consider both the air quality impact of idling vehicles and the illumination from headlights on adjacent #residential uses#; and

(e) there will be adequate buffering and screening between the drive-through facility and adjacent #residential uses#. Screening shall consist of densely planted vegetation and may additionally include walls, barriers or fences.

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