Zoning Resolution

THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, Chair

74-744 - Modification of use regulations

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LAST AMENDED
10/11/2012

(a) Use modifications

(1) Waterfront and related commercial uses

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related uses listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

(i) the uses are appropriate for the location and blend harmoniously with the rest of the large-scale general development; and

(ii) the streets providing access to such uses will be adequate to handle the traffic generated thereby.

(2) Automotive sales and service uses

For large-scale general developments, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7, Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

(i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a cellar level and below grade or established curb level, and the ground floor level of such establishment is used only for showrooms and sales;

(ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and

(iii) such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(3) Retail establishments

For a large-scale general development located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission may modify applicable district regulations to allow Use Groups 10, 11A and 12A, except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions and stadiums, provided the Commission finds that:

(i) such uses will not impair the character of future uses or development of
the surrounding area; and

(ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(4) #Physical culture or health establishments#

For a #large-scale general development# located within an #MIH site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as-of-right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.

(b) Location of #commercial uses#

For any #large-scale general development#, the Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings), provided the Commission shall find that:

(1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;

(2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and

(3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

(c) Modifications of #sign# regulations

(1) In all #Commercial# or #Manufacturing Districts#, the Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted Projection or Height of Signs), 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.

(2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of
such large-scale general development within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow signs accessory to non-residential uses above the level of the finished floor of the third story, provided such signs do not exceed a height of 40 feet above curb level. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of commercial uses that the Commission finds appropriate within such large-scale general development.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the development.