

city of **yes**

**for Economic
Opportunity**

**Proposal Details
(as Adopted)**

June 6, 2024





city of yes
for Carbon
Neutrality

Adopted Dec 6, 2023



city of yes
for Economic
Opportunity


Adopted June 6, 2024




city of yes
for Housing
Opportunity

Referred April 29, 2024
Council vote anticipated
late 2024


Zoning often presents a barrier to opening, operating, and expanding a business in NYC




There are way too many storefront vacancies. Can't we do something?




If I don't bother anyone, why can't I start a business in my home?




I have so many new customers. Please let me expand my bakery.



I'm confused: can I do my critical life sciences work in New York City or not?



Why does the City not allow me to have my office on the 2nd floor?



A comedy night would be a great addition to my restaurant.

City of Yes for Economic Opportunity: Goals

Goal 1:

Make it easier for businesses to find space and grow

Lift barriers so businesses can be closer to their customers.

Goal 2:

Boost growing industries

Reduce obstacles for new types of businesses.

Goal 3:

Enable more business-friendly streetscapes

Deliver active, safe, and walkable streets for businesses and residents

Goal 4:

Create new opportunities for businesses to open

Establish new zoning tools to boost job growth and business expansion

Summary of proposal components

Goal 1

Make it easier to find space and grow

1. **Lift time limits** to reactivating vacant storefronts
2. **Simplify rules** for business types allowed on commercial streets
3. Expand opportunities for **small-scale clean production**
4. Modernize **loading dock** rules so buildings can adapt over time
5. Enable commercial activity on **upper floors**
6. **Simplify and modernize** how businesses are classified in zoning

Goal 2

Boost growing industries

7. Clarify rules to permit indoor **urban agriculture**
8. Give **life sciences** companies more certainty to grow
9. **Support nightlife** with common-sense rules for dancing and live entertainment
10. Create more opportunities for **amusements** to locate
11. Enable entrepreneurship with modern rules for **home-based businesses**

Goal 3


Enable more business-friendly streetscapes

12. Introduce **corridor design rules** that promote better activate ground floors
13. Reduce conflicts between **auto repair** shops and pedestrians
14. Encourage safe and sustainable deliveries with **micro-distribution**

Goal 4

New opportunities for businesses

15. Facilitate **local commercial space** on residential campuses
16. Create process for allowing **corner stores** in residential areas
17. Rationalize **waiver process** for adapting spaces for industries like film
18. Create **new kinds of zoning districts** for future job hubs



Goal 1:

Make it easier for businesses to find space and grow

Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 1 Make it easier for businesses to find space and grow

NYC has thousands of **vacant storefronts**. Zoning could make it harder to fill these spaces.



Modern, **clean manufacturing businesses** could not locate in central areas because our rules haven't kept up with environmental regulations.



Zoning made **arbitrary distinctions** about where businesses can locate—even on opposite sides of the same street.



Zoning terms classifying **businesses weren't updated since the 1960s**, leading to confusion.

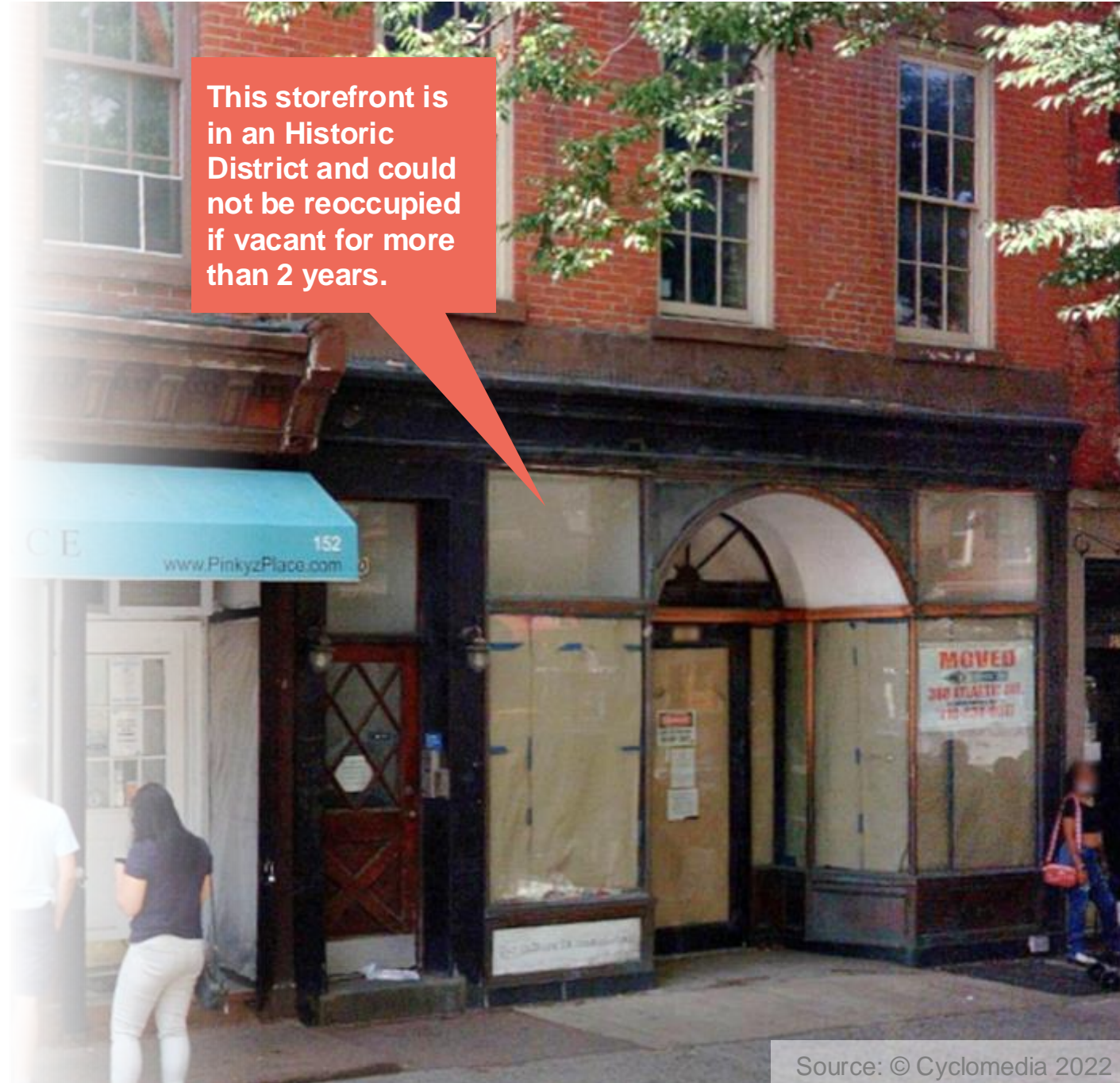
Component 1

Lift time limits to reactivating vacant storefronts

- **Before:** A non-conforming use could only be continued if reactivated within two more years, except for basement or ground-floor commercial uses in non-Historic-Districts R5, R6, or R7.
- **Issue:** R1-R4, R8-R10, and Historic Districts were excluded from these provisions, meaning commercial spaces in these areas that are vacant for more than two years were not permitted to be re-occupied, contributing to long-term vacancies.
- **New:** Exception expanded to allow neighborhood retail in R1 through R10 Districts.
- Changed or reactivated commercial use in R district closed for over 2 years must be:
 - UG VI – any use listed in C1, if permitted in C1-1 through C1-4, OR
 - UG VII—office

ZR 52-61

This storefront is in an Historic District and could not be reoccupied if vacant for more than 2 years.

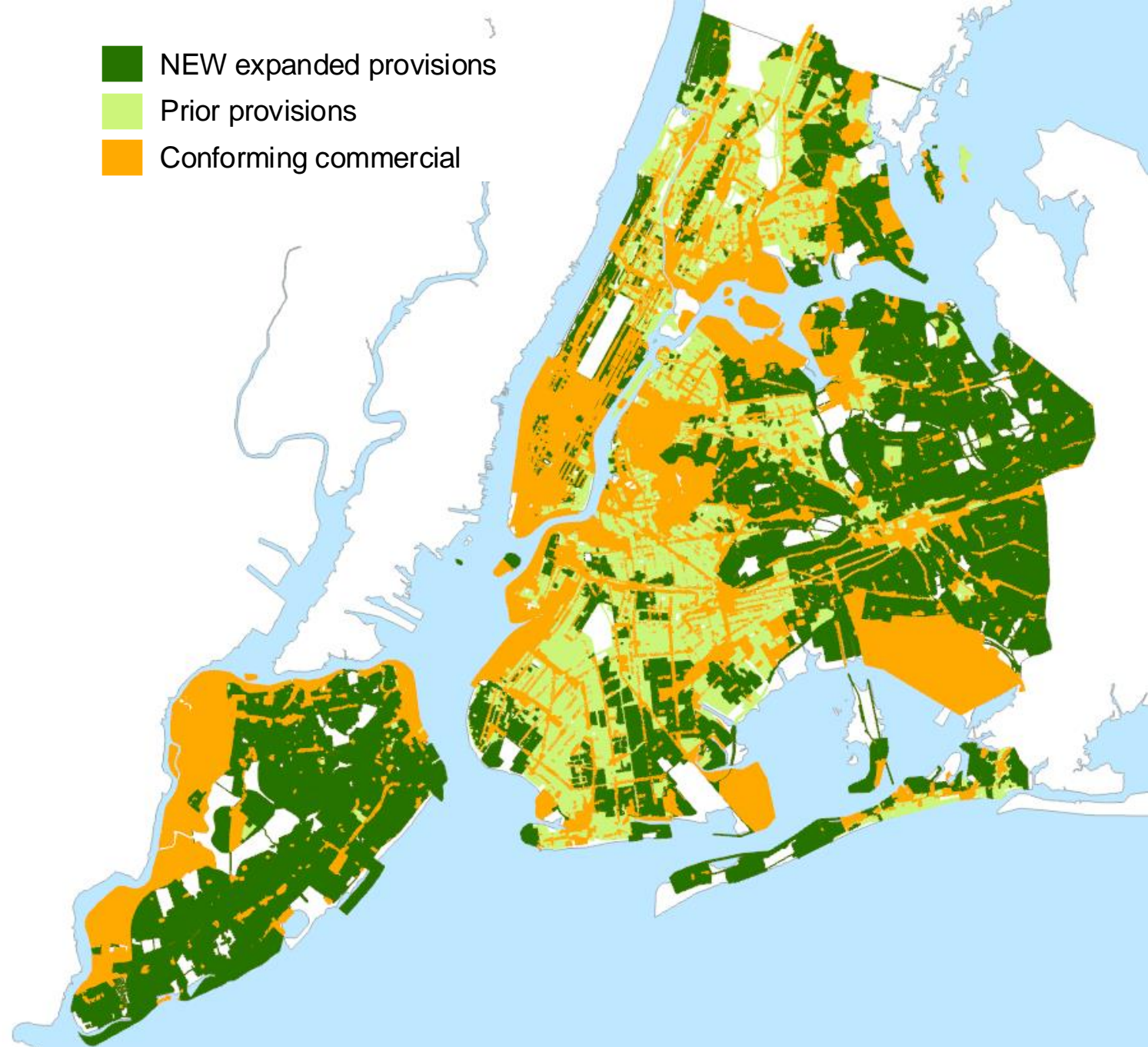


Source: © Cyclomedia 2022

Component 1

Lift time limits to reactivating vacant storefronts

- Much of the city already allowed commercial ground floor spaces as-of-right or reactivation of non-conforming storefronts without a 2-year timeline.
- City of Yes expanded the geographic applicability of existing provisions (ZR 52-61).

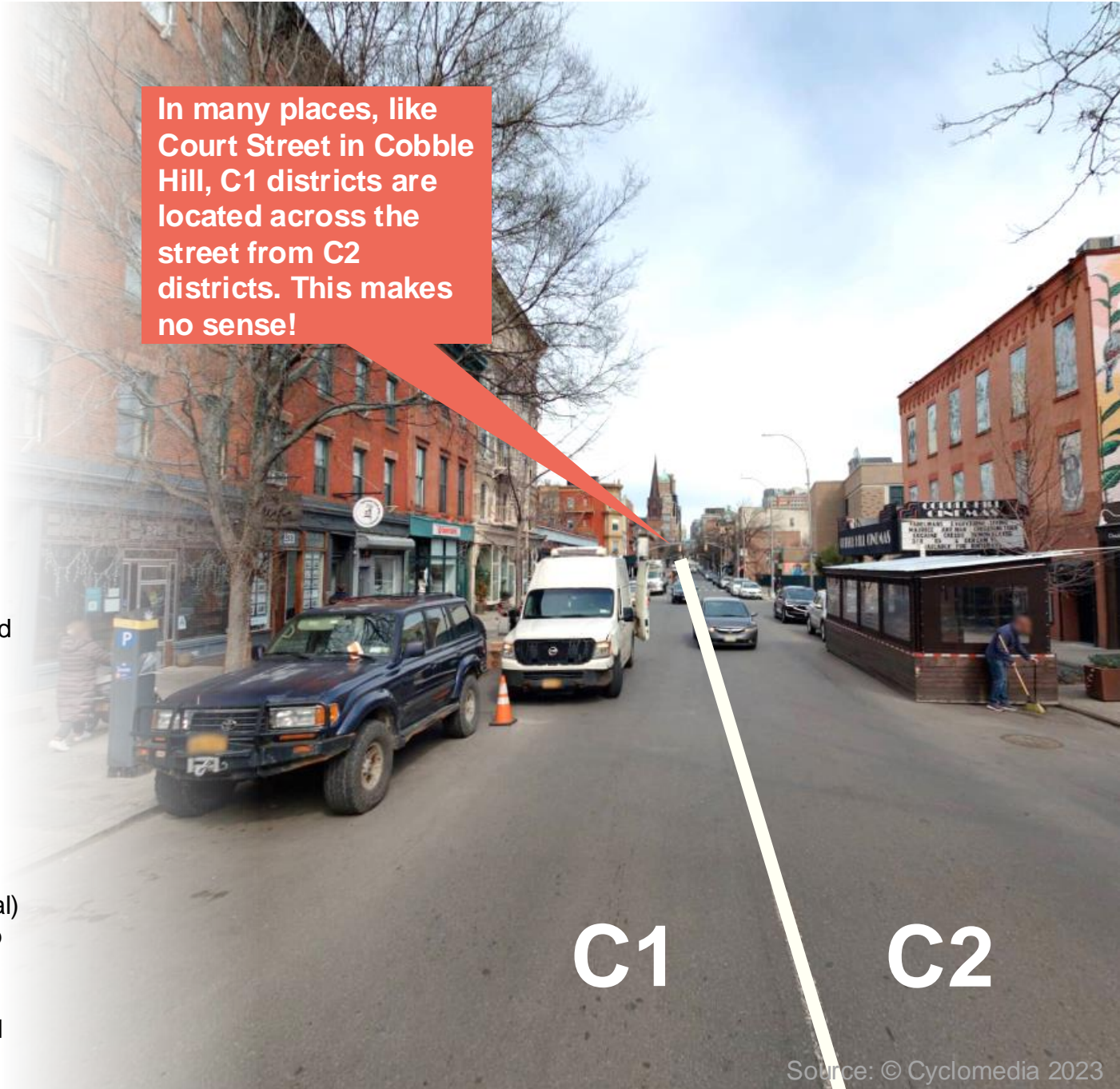


Component 2

Simplify rules for business types allowed on commercial streets

- **Before:** Commercial zoning districts that aim to foster similar retail environments often did not allow the same types of businesses.
- **Issue:** Common neighborhood retail businesses, such as bicycle rental shops, movie theaters, and mini-golf, faced outdated restrictions on where they could locate.
- **New**
 - Allow the same uses across C4-C7 districts citywide.
 - Allow the same uses in C1 and C2 districts, with some exceptions and limitations on size:
 - Certain categories of uses remain allowed in C2 districts, but excluded from C1 districts:
 - Automobile and other motor vehicle dealers
 - Automotive service stations and boat fuel sales
 - Retail lumber stores
 - Other new uses in C1 overlay districts are subject to a size restriction of 3k SF:
 - Rental and leasing services (except consumer good rental)
 - Computing infrastructure providers, data processing, web hosting, and related services
 - Special food services
 - Repair and Maintenance (except personal and household goods repair and maintenance)

In many places, like Court Street in Cobble Hill, C1 districts are located across the street from C2 districts. This makes no sense!



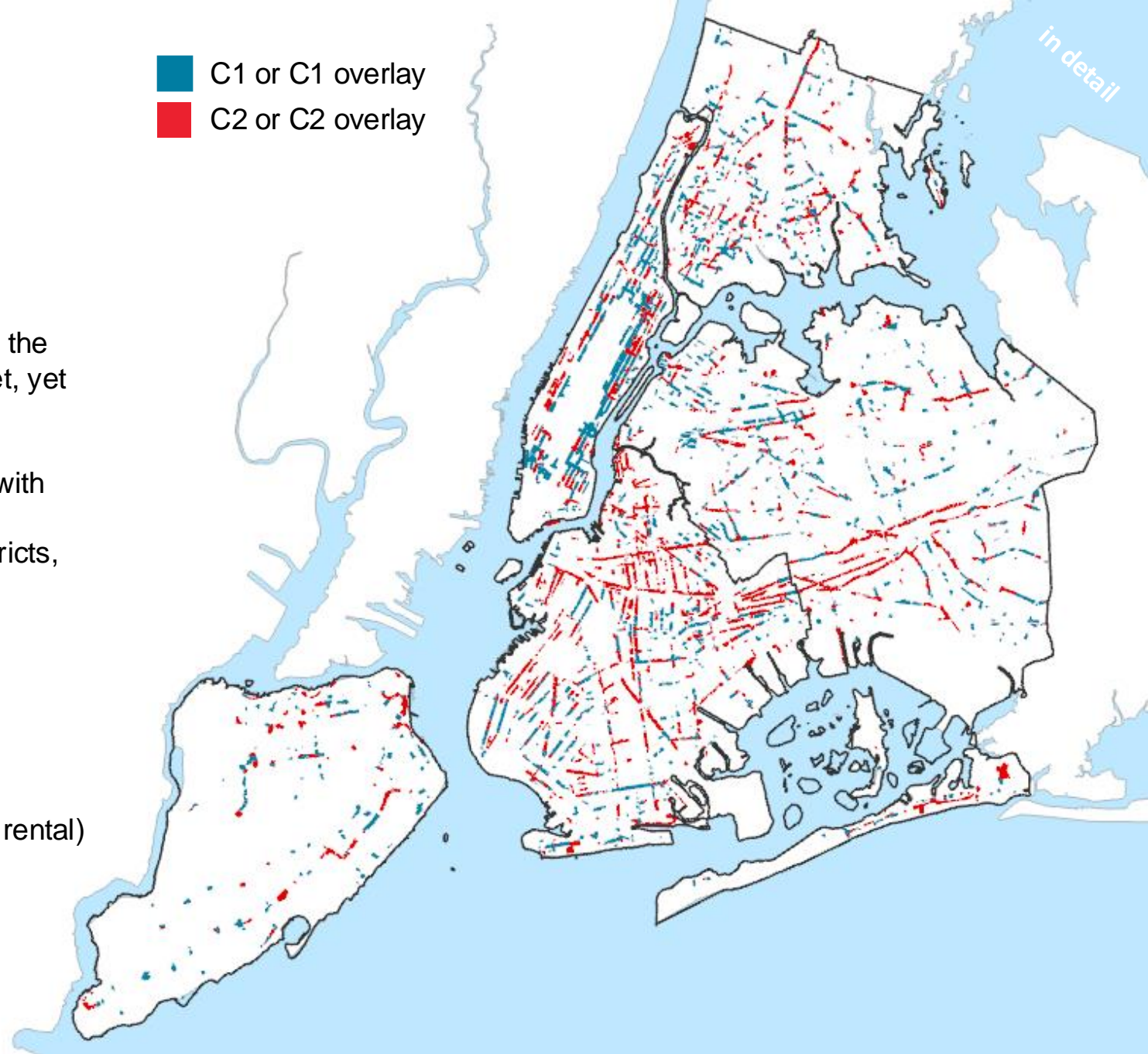
Source: © Cyclomedia 2023

Component 2

Local commercial districts: C1 and C2

- **Before:** C1 and C2 districts were commonly located along the same corridor or even on opposite sides of the same street, yet the mix of businesses they allowed was different.
- **New:** C1 and C2 districts allow the same business types, with some exceptions:
 - Certain categories of uses remain allowed in C2 districts, but excluded from C1 districts:
 - Automobile and other motor vehicle dealers
 - Automotive service stations and boat fuel sales
 - Retail lumber stores
- Other new uses in C1 overlay districts are subject to a size restriction of 3k SF:
 - Rental and leasing services (except consumer good rental)
 - Computing infrastructure providers, data processing, web hosting, and related services
 - Special food services
 - Repair and Maintenance (except personal and household goods repair and maintenance)

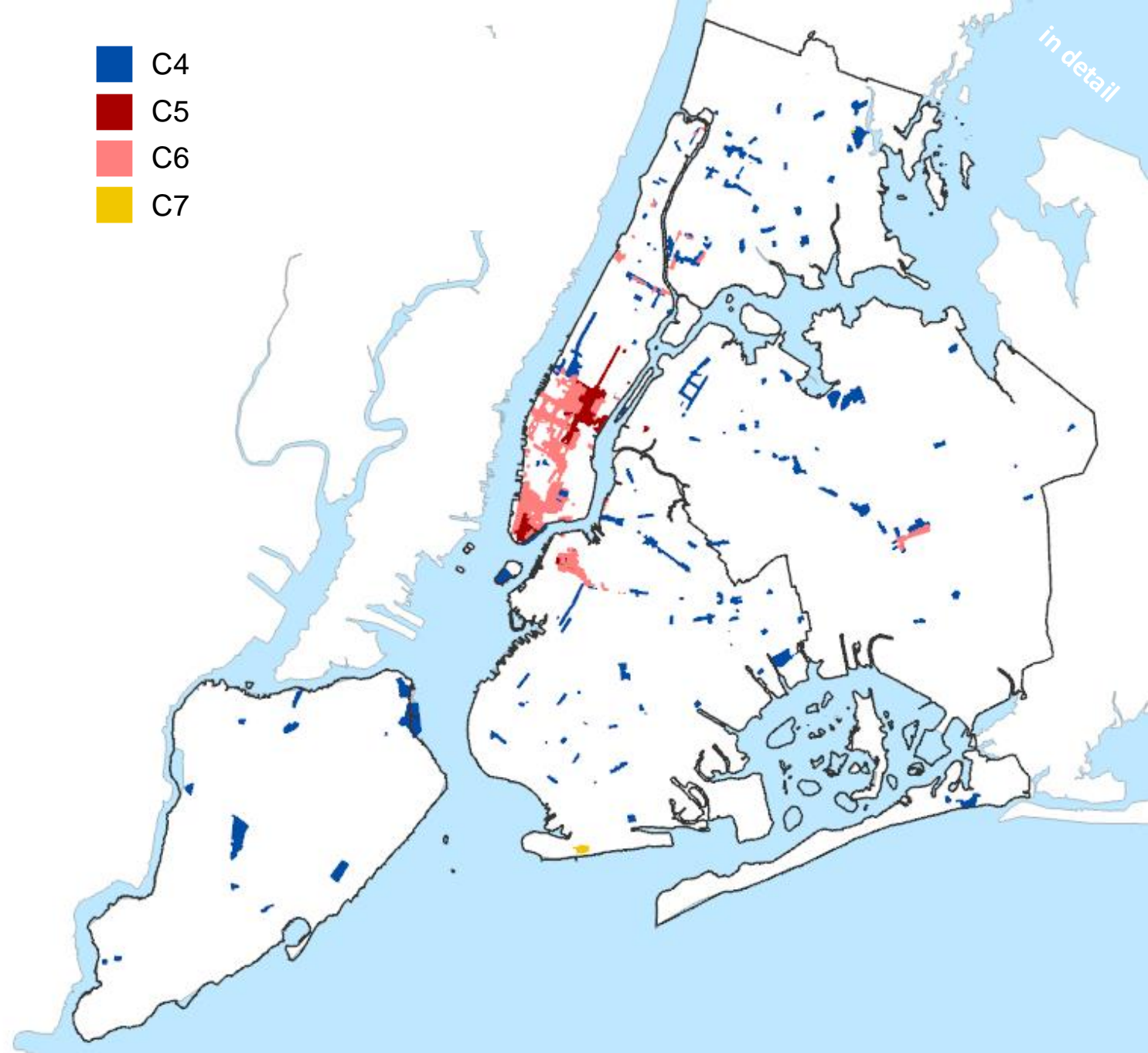
- C1 or C1 overlay
- C2 or C2 overlay



Component 2

Central and general commercial: C4-C7

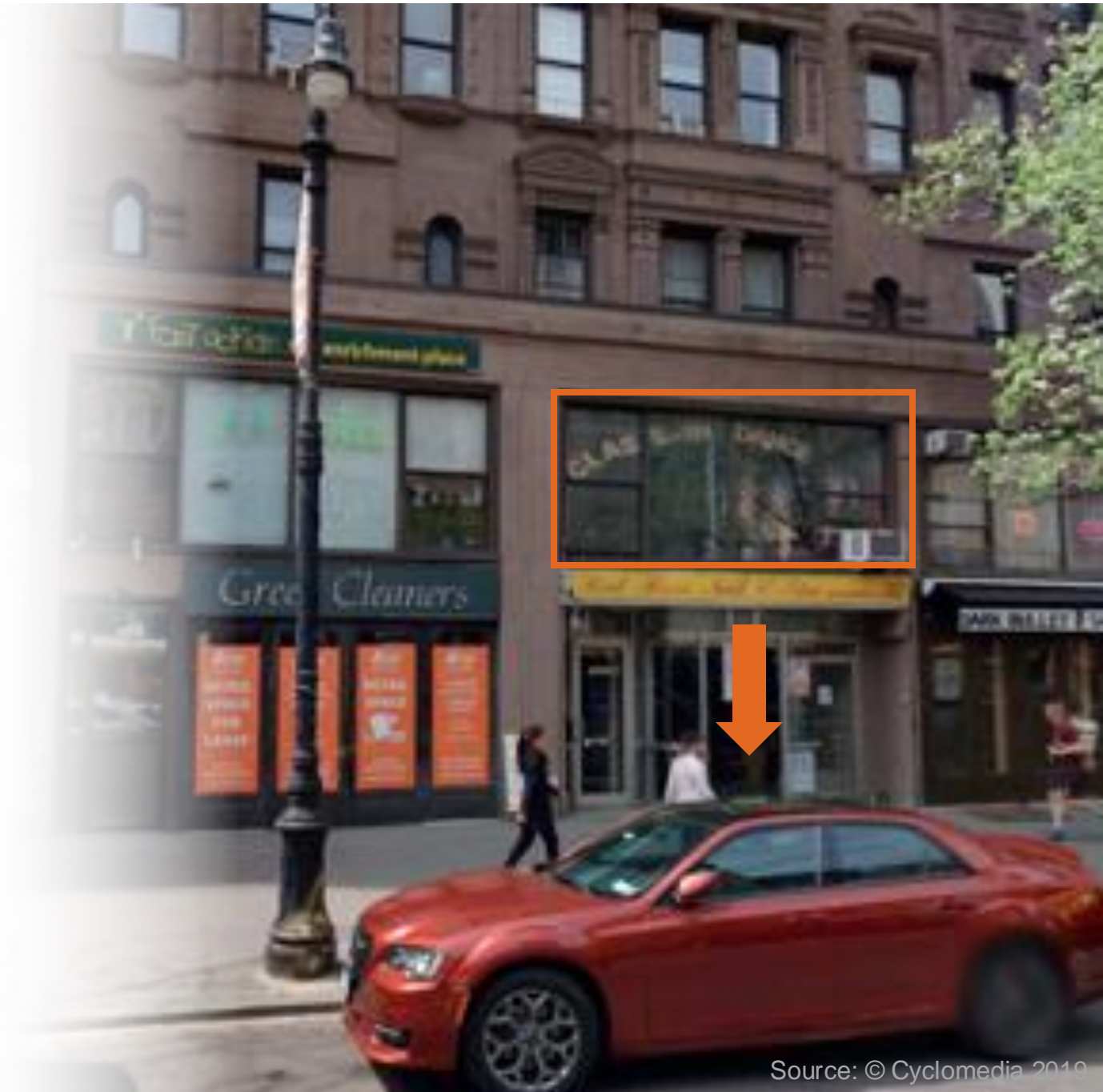
- **Before:** C4, C5, and C6 districts can be found in similar contexts yet had many distinctions on the kinds of businesses each allowed.
- **Issue:** Restricting certain kinds of businesses in similar locations could make it more difficult to fill empty commercial space.
- **New:** Allow same commercial uses across C4-C7 districts citywide.



Component 2

Ground floor use restrictions

- **Before:** C4, C5, and some Special Purpose Districts permitted uses in this district but restricted these uses from locating on the ground floor.
- **Issue:** Common neighborhood service businesses, such as dance studios, instructional facilities, and clothing rental shops, could not locate in empty storefront spaces in many areas, arbitrary restrictions that contributed to vacancy.
- **New:** Allow all permitted commercial uses to locate on the ground floor.



Source: © Cyclomedia 2019

Component 3

Expand opportunities for small-scale clean production

- **Before:** Manufacturing uses were generally not permitted in Commercial districts.
- **Now:** Small scale, clean production businesses (**UG X**) now allowed in the following Commercial districts, subject to size restrictions:
 - C1-1 to C1-4: 3,000 SF * ZR 32-202
 - C2 and other C1: 5,000 SF
 - C4-C7 districts: 10,000 SF on the ground floor (no limit above)
- Subject to special rules regarding air quality and potentially hazardous substances. ZR 32-203

* Some types of manufacturing not permitted in C1-1 to C1-4 districts (e.g. Primary and fabricated metal manufacturing).



... And other kinds of makers!

Source: PowerPoint

Clean Production: Environmental standards

- Production businesses are subject to the same environmental standards from NYC DEP and NYS DEC used in Special Mixed-Use (MX) Districts since the 1990s to ensure that these uses would not negatively impact their neighbors: The **'ABC'** requirement for air quality regulation (NYC Admin. Code 24-153) and the **'Right to Know'** for potentially hazardous substances (ZR 32-203).
- All uses subject to M1 Performance Standards (ZR 42-40 to 42-48, inclusive).
- If locating on an upper floor, Production businesses subject to additional sound mitigation and venting requirements (ZR 32-423).
- The zoning requires an architect or engineer to certify that production activities would not exceed these standards. **Any uses that exceed these standards are not allowed in Commercial Districts.**
- If they exceed these limits, DOB may issue a zoning violation and shut down the business. The business may also be subject to violations from DEP.



Component 4

Modernize loading dock rules so buildings can adapt over time

- **Before:** Zoning required that the number of loading berths be based on the mix of uses currently occupying a building, unlike parking requirements which do not change as buildings evolve over time.
- **New:** Change of use in an existing building has no loading berth requirement. A change to a use that would require more loading berths is legal without adding more berths.
- Loading berths are still required for enlargements and developments, with reorganized tables that do not typically alter prior restrictions.
- Includes other organizational changes to clarify and consolidate loading rules.



ZR 36-62
ZR 44-52

Source: DCP Staff

Component 5

Enable commercial activity on upper floors

- **Before:** Only in some Special Purpose Districts, in MX Districts, and in areas where Article I Chapter V applies, commercial or light industrial uses could occupy the same floor or locate above residences.
- **Issue:** In the rest of the city, commercial uses were not allowed on the same level as or above residences, which limited options for buildings renovations and new mixed-use buildings.
- **New:**
 - Commercial uses are permitted on the 2nd floor of a residential building in all commercial districts citywide and are permitted on the same level as residences if additional requirements are met.
 - Commercial uses are permitted above or on the same level as residences in C4, C5, and C6 districts.
- Must ensure “no access exists” between commercial uses and residential uses at any level containing dwelling units.
- All commercial uses except offices subject to supplemental environmental standards (ZR 32-423).

ZR 32-42



2nd floor Community Facility in Queens. This space would not have been able to convert to commercial use.



C4 district at the Hub, the Bronx, where zoning made it difficult to convert to residential

Source: © Cyclomedia 2023

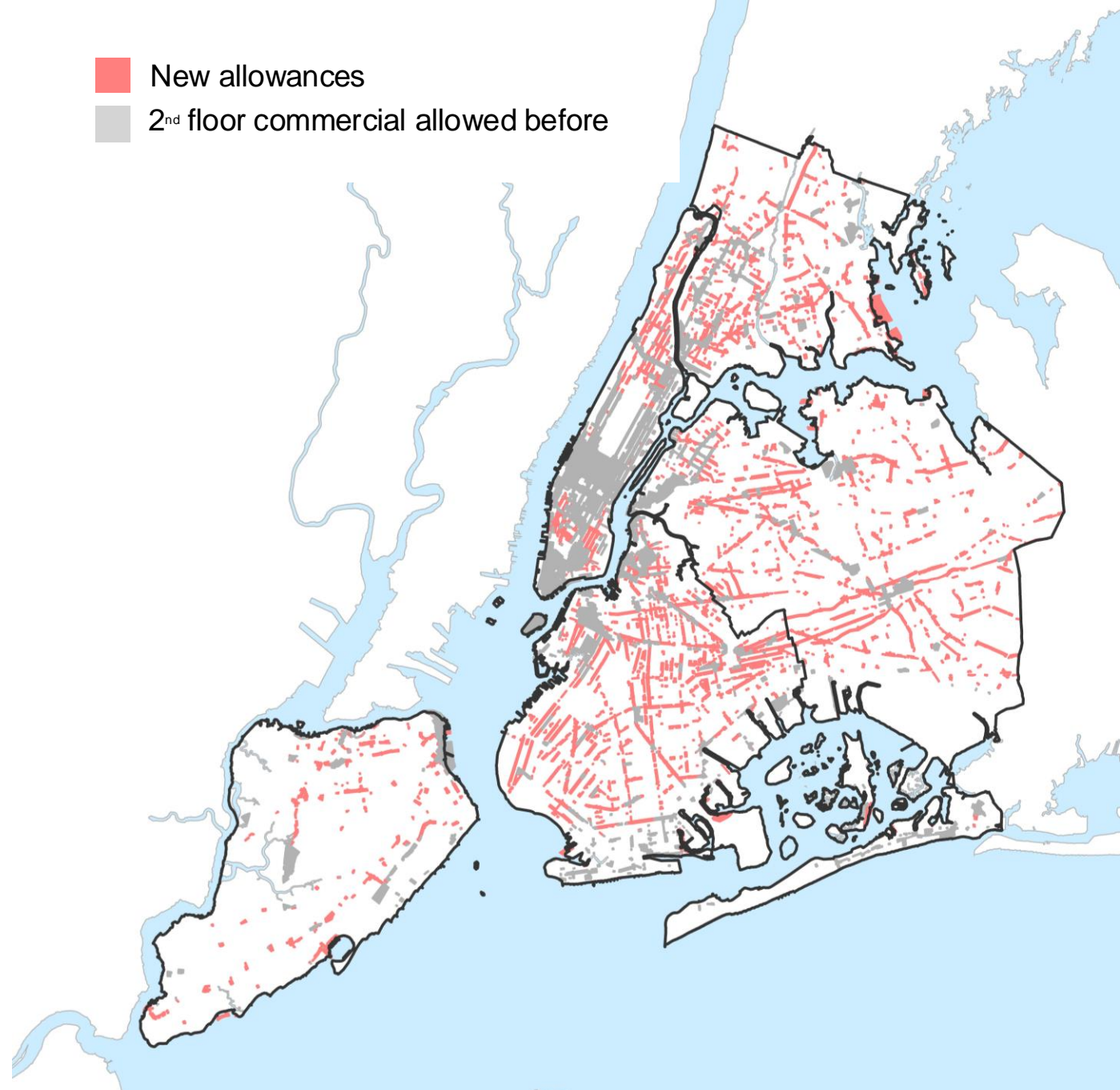
Upper floors: C1-C3 districts

Allow commercial uses to occupy the lowest two floors of a mixed-use building

- **Issue:** In some areas, Community Facilities could occupy 2nd floor of mixed-use buildings, but offices and other commercial uses could not.
- **New:** Allows commercial uses to occupy the lowest two stories of a mixed-use building, rather than just the ground floor.
- Commercial uses may occupy the same floor as residences but **cannot be located above residential dwelling units.**
- Required separate access for floors with commercial and residential (note can have shared lobbies and elevators).
- All commercial uses other than offices must separate by at least 15 feet or provide sound attenuation, as specified in ZR 32-423.

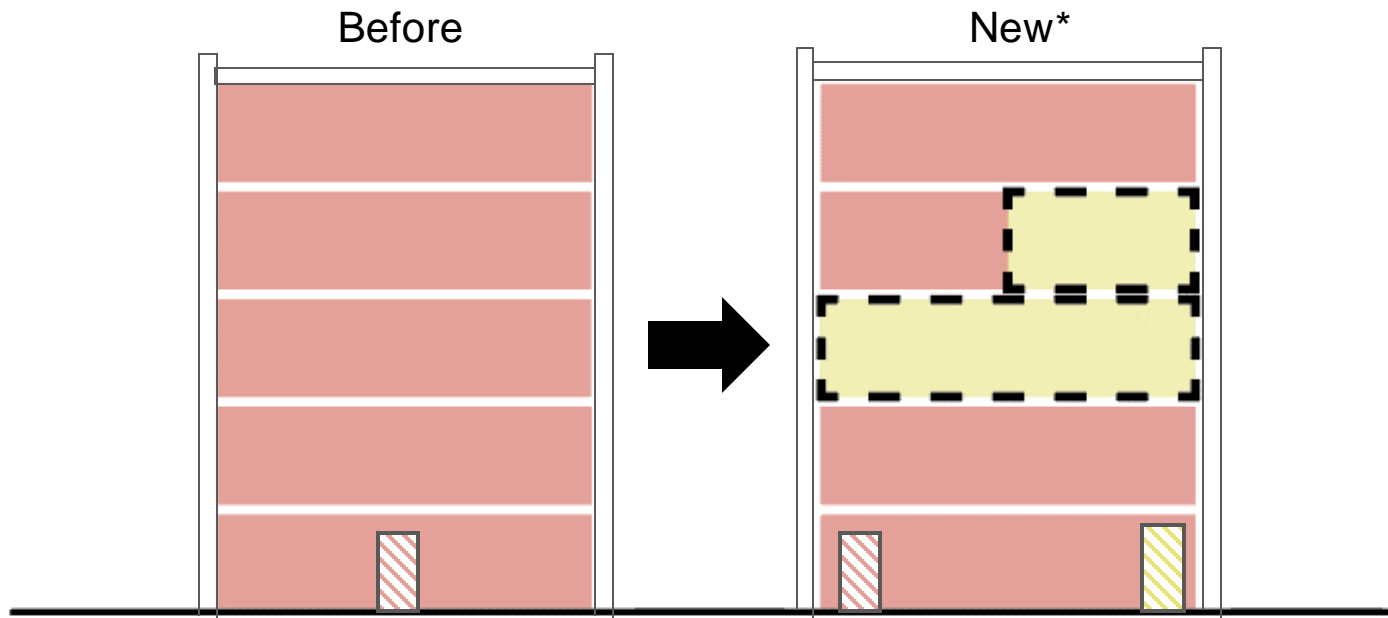
Exceptions: Amusement and Recreation Facilities prohibited at the same level as residences in a residential building in C1-1 to C1-4 and C2-1 to C2-4 overlays.

- New allowances
- 2nd floor commercial allowed before

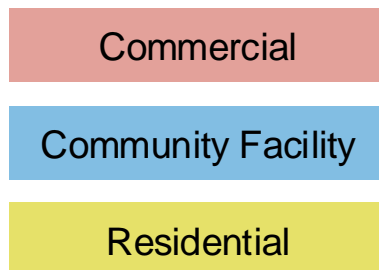


Component 5

Upper floors: C4-C6 districts



Legend:



* For existing buildings, contingent on meeting other applicable regulations for office-to-residential conversion.

Allow commercial uses on same level and above residential dwelling units

- **Issue:** Options for converting or constructing mixed-use buildings were limited in some areas due to “Stacking Rules” that required commercial uses to locate below residences.
- **New:** Allows commercial uses and residential uses on the same floor or on floors above residences.
- Required separate access for floors with commercial and residential (note can have shared lobbies and elevators).
- All commercial uses other than offices must separate by at least 15 feet or provide sound attenuation as specified in ZR 32-423.
- Eating and drinking establishments prohibited above residential outside Manhattan and certain special districts: Downtown BK, LIC, Downtown Jamaica, Gowanus, Stapleton, and St. George.
- Amusement and Recreation Facilities prohibited above residential in a residential building.

Upper floors: Environmental standards

- **Applicability:** Where commercial uses are located either on the same story as dwelling units, or on a higher story, and is a use listed in Use Group VI – Retail and Services, Use Group VIII – Recreation, Entertainment and Assembly Spaces, Use Group IX - Storage, or Use Group X – Production Uses.
- **Air Quality:** Where a #use# listed in Use Group X is required to install an emission stack by Federal, State or Local law, such **stack shall exhaust above the height of #building#** containing such #use#, or above the height of the immediately adjacent #buildings#, whichever is higher.
- **Noise:** Above the level of the first #story#, where the applicable #commercial# #uses# are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall either:
 - (1) be **separated from #dwelling units# by a horizontal or vertical distance of at least 15 feet** and includes at least two wall or ceiling partitions, as applicable; or
 - (2) provide **attenuation that will result in a sound level below 42 dBA for daytime and 35 dBA for nighttime**, as measured from the interior of the closest #dwelling units#. Such measurement shall be verified by an acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.
- **Vibration:** Above the level of the first #story#, where the applicable #commercial# #uses# are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall be **subject to the provisions of Section 42-22 (Performance Standards Regulating Vibration) for an M1 District**, except that the measurements for maximum vibration displacements shall be measured within the #building# instead of at the #lot line#. Such measurement shall be verified by a vibration or acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.

ZR 32-423

Component 6

Simplify and modernize the way businesses are classified in zoning

- **Before:** Zoning relied on a 1960s classification of industries to regulate where businesses can locate and categorizes uses into “Use Groups” of businesses deemed compatible or similar at the time.
- **Issue:** Outdated use terms and inconsistent categorization resulted in a Zoning Resolution that was difficult for businesses to know where they could locate and what they could do in their space.
- **New:**
 - Use Groups reorganized into more coherent categories based on similar sector or business type, using updated terminology based on today’s economy.
 - Modernized how zoning classifies businesses by replacing retail, services, and production use list with simpler definitions based on the North American Industry Classification System (NAICS).
 - Updated Special District rules to refer to these new classifications and other adjustments that brought Special Districts into alignment with changes made to underlying zoning districts.

Before

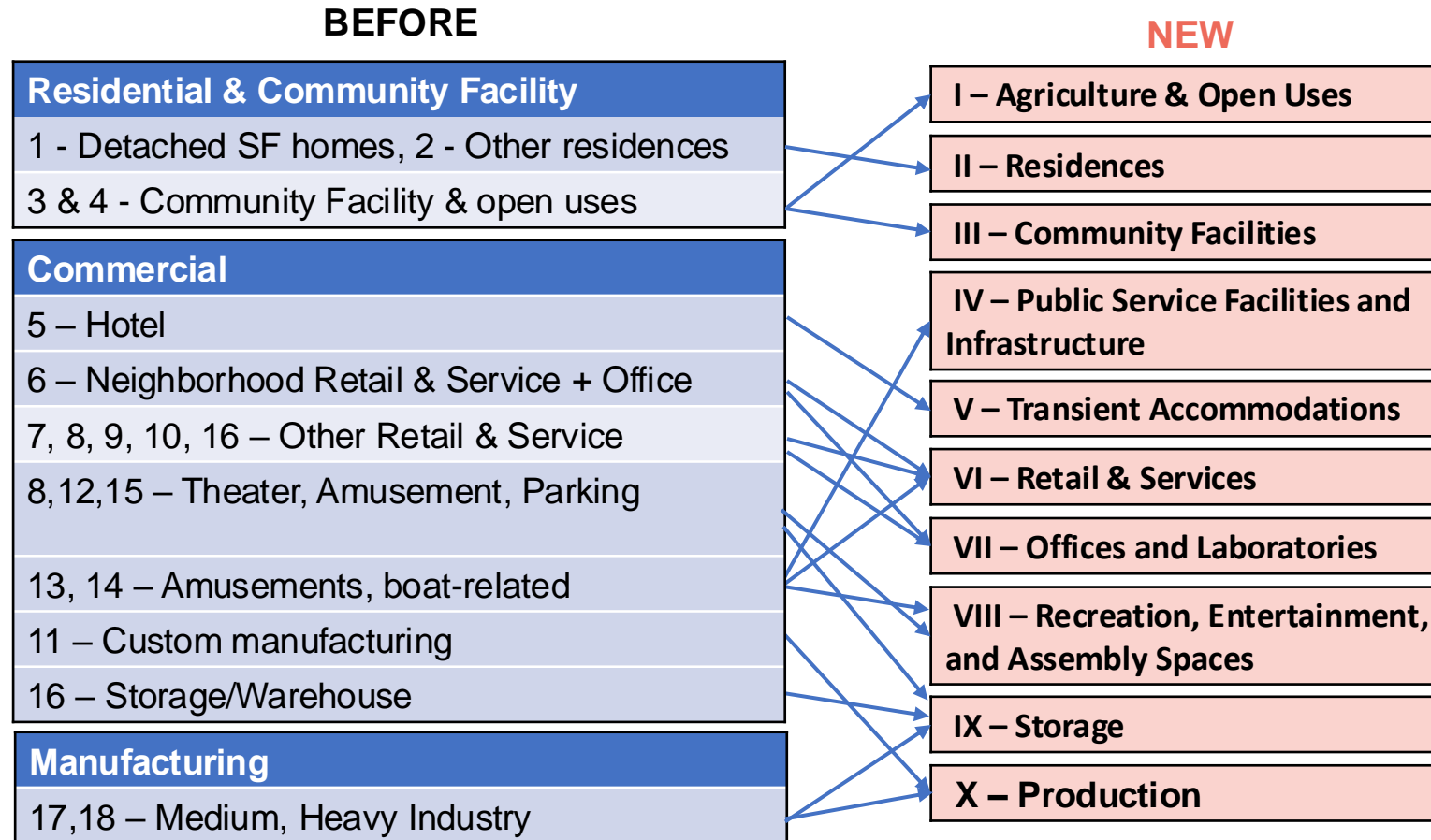
1961 UG #	1961 Use
6	Eating & Drinking Establishments
7	Bike Rental & repair
9	Arts Studio
10	Furniture Stores



New

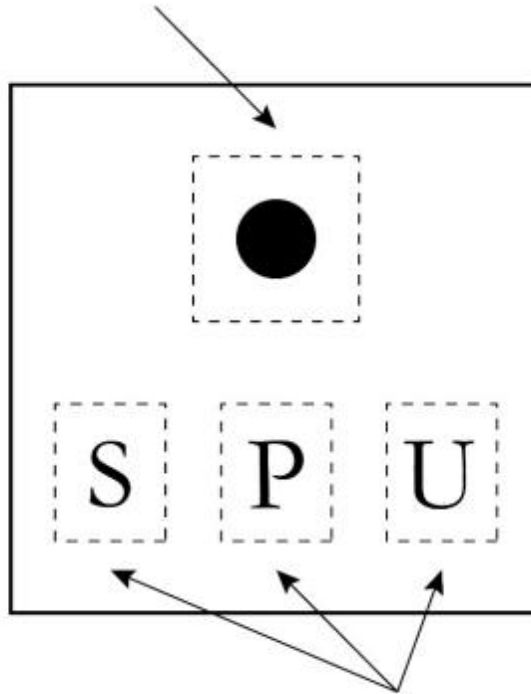
New UG #	New Use Group Name
I	Agriculture and Open Uses
II	Residences
III	Community Facilities
IV	Public Service Facilities and Infrastructure
V	Transient Accommodations
VI	Retail and Services
VII	Offices and Other Workspaces
VIII	Recreation, Entertainment, and Places of Assembly
IX	Storage
X	Production

New Use Group Reorganization



New Zoning: Use Nomenclature

For a given zoning district, #use# allowances are denoted as permitted as-of-right (“●”), with limited applicability (“◆”), by special permit (“○”) or not permitted in such district (“-”)



Additional conditions and requirements are grouped below #use# allowances. Such provisions include size restrictions (“S”), additional conditions (“P”) or open #use# allowances (“U”)

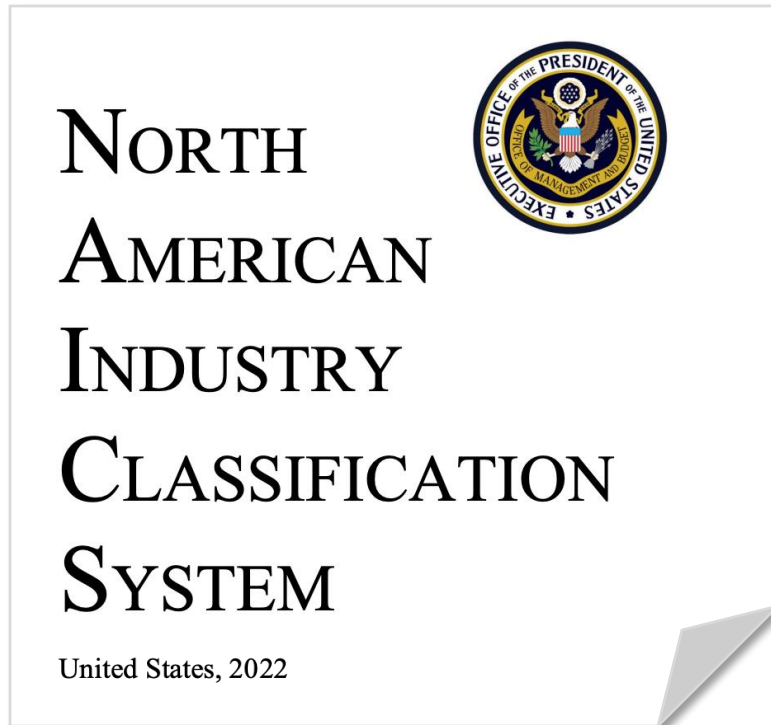
New Zoning: Use Nomenclature

	In C1 and C2 Districts, this use is permitted as-of-right, subject to size restrictions and additional conditions			In C4, C5, C6 and C7 Districts, this use is permitted as-of-right, provided it is within a #completely enclosed building#					Parking Requirement Category
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Category									
Sample Use	• S P	• S P	—	•	•	•	•	○	A1
			In C3 Districts, this use is not permitted					In C8 Districts, this use is permitted by special permit by the City Planning Commission or the Board of Standards and Appeals	

New Use Framework: Use Group VI

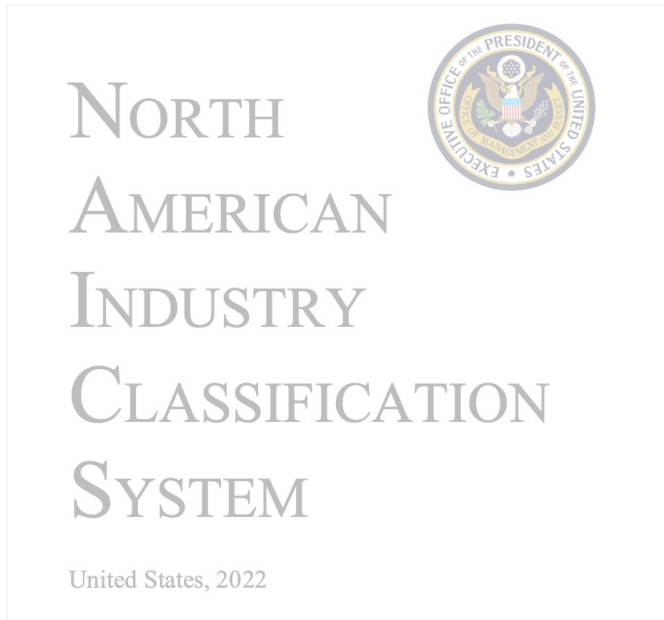
USE GROUP VI – RETAIL TRADE ESTABLISHMENTS										
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances										
Uses (NAICS Code)	C1	C2	C3	C4	C5	C6	C7	C8	PRC	
Motor Vehicle and Parts Dealer (441)										
Automobile dealers (4411)	–	● P	–	● P	● P	● P	● P	● P	● U	A4
Other motor vehicle dealers (4412)	Boat dealers (441222)	–	● P U	● P	● P	● P	● P	● P	● U	A4
	All other motor vehicle dealers (in 4412)	–	● P	–	● P	● P	● P	● P	● U	A4
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)	–	● S	–	●	●	●	●	● U	A3
	All other building material and supplies dealers (in 4441)	● S	● S	–	●	●	●	●	● U	A3
Lawn and garden equipment and supplies retailers (4442)	● U	● U	–	● U	● U	● U	● U	● U	● U	A2

Resources to understand the new use framework: NAICS



- Way of grouping businesses, an industry hierarchy
- Broadest definition (2-digit ID) to most specific (6-digit ID)
- 20 sectors, 1000+ industries
- Updated every 5 years

Resources to understand the new use framework: NAICS



Component 6

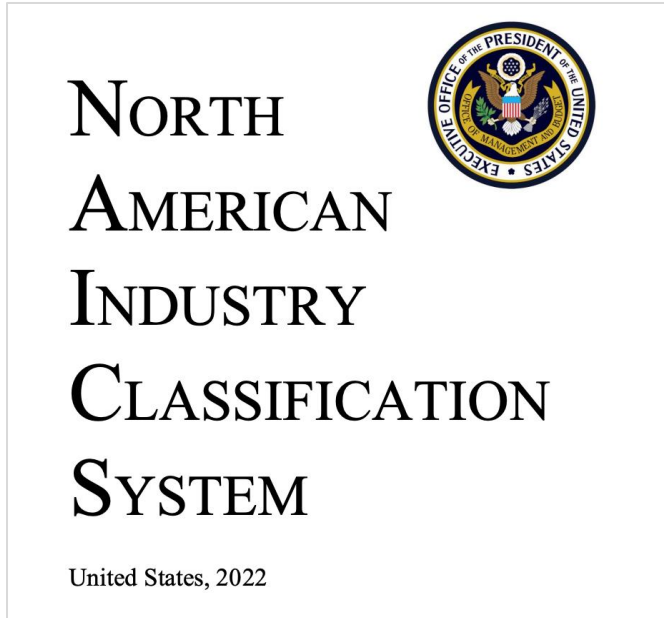
Illustrative Example: Using NAICS to understand detailed industries within a zoning use

BEFORE: Within commercial districts, *Automotive Dealers* were named “Automobile, motorcycle, trailer or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery” under UG 9A and were permitted in C2 and C4-C6 districts.

NEW: Uses within Use Group VI (Retail and Services), Use Group X (Production), and certain use terms (e.g. Amusement and Recreation Facility) reference NAICS as a guide to business activities included within each zoning use.

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	C7	C8	PRC
Motor vehicle and Parts Dealer (441)									
Automobile dealers (4411)	–	● P	–	● P	● P	● P	● P	● U	A4
Other motor vehicle dealers (4412)	Boat dealers (441222)	–	● P U	● P	● P	● P	● P	● U	A4
	All other motor vehicle dealers (in 4412)	–	● P	–	● P	● P	● P	● U	A4
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)	–	● S	–	●	●	●	● U	A3
	All other building material and supplies dealers (in 4441)	● S	● S	–	●	●	●	● U	A3
Lawn and garden equipment and supplies retailers (4442)	● U	● U	–	● U	● U	● U	● U	● U	A2

Illustrative Example



Sector 44-45--Retail Trade^T

441 Motor Vehicle and Parts Dealers

4411 Automobile Dealers

- 44111 New Car Dealers
- 441110 New Car Dealers
- 44112 Used Car Dealers
- 441120 Used Car Dealers

4412 Other Motor Vehicle Dealers

- 44121 Recreational Vehicle Dealers
- 441210 Recreational Vehicle Dealers
- 44122 Motorcycle, Boat, and Other Motor Vehicle Dealers
- 441222 Boat Dealers
- 441227 Motorcycle, ATV, and All Other Motor Vehicle Dealers

4413 Automotive Parts, Accessories, and Tire Retailers

- 44133 Automotive Parts and Accessories Retailers
- 441330 Automotive Parts and Accessories Retailers
- 44134 Tire Dealers
- 441340 Tire Dealers

444 Building Material and Garden Equipment and Supplies Dealers

4441 Building Material and Supplies Dealers

- 44411 Home Centers
- 444110 Home Centers
- 44412 Paint and Wallpaper Retailers
- 444120 Paint and Wallpaper Retailers
- 44414 Hardware Retailers
- 444140 Hardware Retailers
- 44418 Other Building Material Dealers
- 444180 Other Building Material Dealers

4442 Lawn and Garden Equipment and Supplies Retailers

- 44423 Outdoor Power Equipment Retailers
- 444230 Outdoor Power Equipment Retailers
- 44424 Nursery, Garden Center, and Farm Supply Retailers
- 444240 Nursery, Garden Center, and Farm Supply Retailers

The NAICS industry *Automobile Dealers* contains two more specific industries: New Car Dealers (44111) and Used Car Dealers (44112). Both of these more specific business types are understood as being permitted under the zoning use for Automobile Dealers.

www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf

Resources: NAICS

The NAICS Manual contains detailed descriptions of the kinds of business activities contained within each industry as well as *cross-references* to business activities NOT contained within that industry.

For example, businesses that provide automotive repair services without also retailing automotive vehicles are considered Industry Group 8111 and are subject to different zoning regulations.

441 Motor Vehicle and Parts Dealers

Industries in the Motor Vehicle and Parts Dealers subsector retail motor vehicles and parts. Establishments in this subsector often operate from a showroom and/or an open lot where the vehicles are on display. The display of vehicles and the related parts require little by way of display equipment. The personnel generally include both the

sales and sales support staff familiar with the requirements for registering and financing a vehicle as well as a staff of parts experts and mechanics trained to provide repair and maintenance services for the vehicles. Specific industries included in this subsector identify the type of vehicle being retailed.

Sales of capital or durable nonconsumer goods, such as medium- and heavy-duty trucks, are always included in wholesale trade.

4411 Automobile Dealers

This industry group comprises establishments primarily engaged in retailing new and used automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans.

44111 New Car Dealers

See industry description for 441110.

441110 New Car Dealers

This industry comprises establishments primarily engaged in retailing new automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans, or retailing these new vehicles in combination with activities, such as repair services, retailing used cars, and selling replacement parts and accessories.

Illustrative Examples:

Automobile dealers, new only, or new and used Light utility truck dealers, new only, or new and used

Cross-References. Establishments primarily engaged in--

- Retailing used automobiles and light trucks without retailing new automobiles and light trucks--are classified in Industry 441120, Used Car Dealers;
- Providing automotive repair services without retailing new automotive vehicles--are classified in Industry Group 8111, Automotive Repair and Maintenance; and
- Merchant wholesale distribution of new medium- and heavy-duty trucks, buses, and other motor vehicles--are classified in Industry 423110, Automobile and Other Motor Vehicle Merchant Wholesalers.

www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf

Resources: Translation of 1961 uses to new uses and Use Groups

CURRENT USE GROUP	CURRENT USE	NEW USE GROUP	NEW USE
6A	Bakeries, provided that floor area used for production shall be limited to 750 sf	VI (Retail)	Specialty food retailers (4452)
6A	Bakeries, provided that floor area used for production shall be limited to 750 sf	X	All other food manufacturing (in 311)
6A	Barber shops	VI (Service)	All other personal care services (in 8121)
6A	Beauty parlors	VI (Service)	All other personal care services (in 8121)
6A	Drug stores	VI (Retail)	Health and personal care retailers (4561)
6A	Dry cleaning or clothes pressing establishments, limited to 2,000 sf and with restrictions on type of operation	VI (Service)	Personal dry cleaning services (in 8123)
6A	Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime	VI (Service)	Eating or drinking establishments (7224 and 7225)
6A	Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores	VI (Retail)	Grocery and convenience retailers (4451)

<https://www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of->

Resources: Translation of new uses to 1961 uses

NEW USE GROUP	NEW USE	CURRENT USE GROUP	CURRENT USE
VI (Retail)	Automobile dealers (4411)	9A	Automobile, motorcycle, trailer or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery
VI (Retail)	Automobile dealers (4411)	16A	Automobile, motorcycle, trailer or boat sales
VI (Retail)	Boat dealers (441222)	9A	Automobile, motorcycle, trailer or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery
VI (Retail)	Boat dealers (441222)	14A	Boat showrooms or sales
VI (Retail)	Boat dealers (441222)	16A	Automobile, motorcycle, trailer or boat sales
VI (Retail)	All other motor vehicle dealers (in 4412)	None	None
VI (Retail)	Automotive parts, accessories and tire retailers (4413)	6C	Automobile supply stores, with no installation or repair services
VI (Retail)	Lumber yards, retail (in 444180)	8B	Lumber stores, limited to 5,000 sf

www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of-yes/economic-

Example: Tattoo Parlor

BEFORE: No existing defined use, but tattoo parlors considered similar to UG 6 use “beauty parlor” and therefore permitted as UG 6A.

NEW: Tattoo parlors are categorized under “Other Personal Care Services” (81219) by the NAICS manual (page 574) and therefore are permitted as-of-right in C1-C2 and C4-C8 districts.

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											
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	● P U	● P U	● U	A2
	All other personal care services (in 8121)	●	●	–	●	●	●	●	●	●	A2

Example: Bakery

BEFORE: Defined use, subject to 750 SF production size limitation as UG 6A. If above 750 SF, considered UG 17 and permitted only in M districts.

NEW: In NAICS, production bakeries fall under 3118 and *Baked Goods Retailers* are 445291. Depending on whether the bakery has more than 750 SF of production would determine whether it is considered UG VI Retail or UG X Production. Both are now able to locate in Commercial districts (see Component #3).

CURRENT USE GROUP	CURRENT USE	NEW USE GROUP	NEW USE
6A	Bakeries, provided that floor area used for production shall be limited to 750 sf	VI (Retail)	Specialty food retailers (4452)
6A	Bakeries, provided that floor area used for production shall be limited to 750 sf	X	All other food manufacturing (in 311)

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	C7	C8	PRC
Food and Beverage Retailers (445)									
Grocery and convenience retailers (4451)	●	●	–	●	●	●	●	●	*
Specialty food retailers (4452)	●	●	●	●	●	●	●	●	*

USE GROUP X – PRODUCTION									
● = 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	C7	C8	PRC
Food Manufacturing (311)									
All other food manufacturing (in 311)	● S P	● S P	–	● S P	● S P	● S P	● S P	● S P	D1



Goal 1:

Make it easier for businesses to find space and grow

Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 2 Boost growing industries

Life science laboratories faced confusing and outdated rules that slow their growth in NYC.



Dancing and comedy shows were stymied in commercial areas

Businesses with **amusements** -- like mini golf or virtual reality gaming -- needed clearer rules about where they can locate



Businesses with **indoor agriculture** in commercial areas faced too much uncertainty.

Component 7

Clarify rules to permit indoor urban agriculture

- **Before:** Agriculture was allowed outside or in a greenhouse in any zoning district (UG 4B), but indoor agriculture is permitted only in M Districts (UG 17C).
- **New:** Agriculture (UG I) will continue to be allowed as an open use or in a greenhouse in any zoning district. Indoor agriculture is now also permitted in the following districts:
 - C1-1 to C1-4: up to 3,000 SF *
 - C2-1 to C2-4: up to 10,000 SF *
 - Other C1/C2, C4-C8: no SF limitation
 - M1-M3: no SF limitation.

* Cannabis cultivation licensees not permitted in all C1/C2 districts



Source: NYC Mayor's Office of Urban Agriculture

Component 7

Clarify rules to permit passive outdoor spaces

- **Before:** Ambiguity on whether florists and garden supply shops could have passive outdoor space.
- **New:** Open Use Allowances “U” clarify that these uses may be open or enclosed, subject to specified restrictions.

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	C7	C8	PRC	
Building Material and Garden Equipment and Supplies Dealer (444)										
Building material and supplies dealers (4441)	–	• s	–	•	•	•	•	• u	A3	
All other building material and supplies dealers (4441)	• s	• s	–	•	•	•	•	• u	A3	
Lawn and garden equipment and supplies retailers (4442)	• u	• u	–	• u	• u	• u	• u	• u	A2	
Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)										
Florists (4593)	• u	• u	–	• u	• u	• u	• u	• u	A2	

Component 8

Give life sciences companies the certainty to grow

- **Before:** Non-production labs were permitted as Use Group 9 “medical or dental laboratories for research or testing...” A joint memo by EDC, DCP and DOB published in 2016 attempted to clarify the parameters.
- Permitted in C2, C4, C5, C6, C8 and M districts.
- **New:** Laboratories (**UG VII**) are permitted in C1*/C2, C4-C8 and M districts.
- The standards of Building Code Section 427, “Nonproduction chemical laboratories,” apply: must be within building occupancy Group B (Business), not Group H (high-hazard).

ZR 32-173

* Laboratories permitted in C1 districts in Manhattan only



Source: NYC EDC

Component 9

Support nightlife with common-sense dancing and live entertainment rules

- **Before:** Complex set of regulations that prohibited dancing in C1/C2 districts and only allowed in C4-C8 and M districts (UG 10 or 12).
- **Now:** Concerts, comedy, and dancing all now allowed under Eating or Drinking Establishment (UG VI). Limits apply to all types of entertainment if the following occur:
 - Cover charge
 - Specified showtimes
 - Dance floor
- If any of the above occur:
 - Capacity limited to 200 or fewer people in C1, C2, and C3 districts.
 - If capacity exceeds 200 in C4-C6, locational and waiting area requirements apply.

ZR 32-162

ZR 32-163(b)(3)



Source: DCP Staff

Nightlife: Previous Zoning

For an **Eating or Drinking Establishment** in a C1 or C2 overlay district



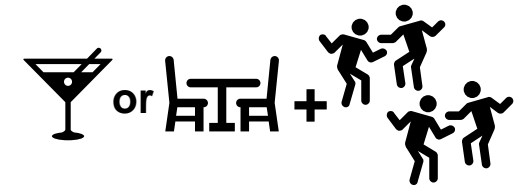
Permitted:
Bar or Restaurant
with live music



Permitted:
Bar with ticketed
musical entertainment
(but not dancing) up
to 200-person
capacity



Ambiguous:
Bar or restaurant with
incidental dancing



Not permitted:
Bar or restaurant
where dancing is
common

Nightlife: New Zoning

For an **Eating or Drinking Establishment** in a C1 or C2 overlay district



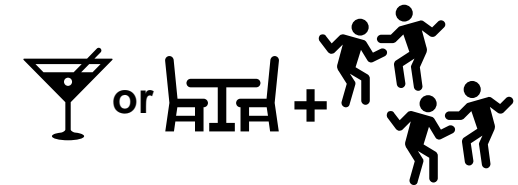
Permitted:
No change



Permitted:
No change



Permitted:
Clarify that incidental dancing is permitted in any business type



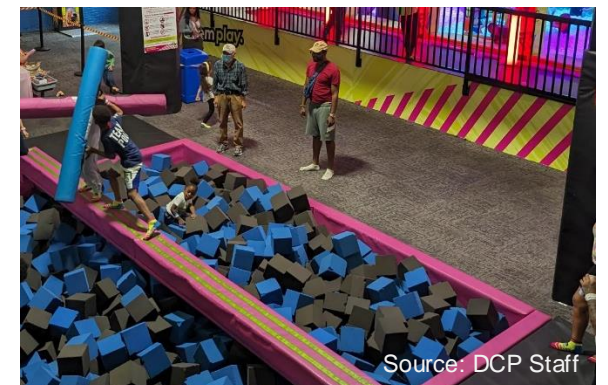
Permitted:
Dancing as a common activity in a bar or restaurant

- Permit non-musical entertainment with posted showtimes or cover charges in bars or restaurants up to 200-person capacity in C1-C3. Discretionary process available to consider capacity increases in certain circumstances.
- Over 200-person capacity businesses allowed in C4-C8, M1-M3, subject to additional regulations in certain C4-C6 districts.

Create more opportunities for amusements to locate

- **Before:** Zoning defined a limited set of amusement and recreation uses based on those popular 60 years ago, creating ambiguity for new types of experiential businesses seeking to locate along neighborhood commercial streets.
- **New:** Zoning-defined uses for **Amusement and Recreation Facilities (UG VIII)** are identified with NAICS Code. They are permitted in the following districts:
 - C1-1 to C1-4: 3,000 SF **ZR 12-10**
 - C2-1 to C2-3 and other C1: 5,000 SF, except **select entertainment facilities*** up to 10,000 SF
 - Other C1 and C2: 10,000 SF **ZR 32-18**
 - C4-C8: no SF limitation
- **Outdoor amusement parks** up to 10,000 SF in C7/C8, M1-M3

* "Select entertainment facilities" are: bowling, billiards/pool, escape rooms, and model car racing.



Component 11

Enable entrepreneurship with modern rules for home-based businesses

- **Before:**
 - Floor area allowance up to 25% of dwelling, but no more than 500 SF
 - List of prohibited home occupations
- **New:**
 - Added: customers may not wait in common spaces.
 - Floor area allowance up to 49% of dwelling, but no more than 1,000 SF.
 - Prohibited uses:
 - kennels
 - animal breeders
 - veterinarian visitation

ZR 12-10



Source: PowerPoint



Goal 1:

Make it easier for businesses to find space and grow

Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 3 Enable more business-friendly streetscapes

Long blank walls and drive-throughs created unpleasant and unsafe conditions for people, and an unfriendly environment for business.



When **auto-related businesses spill out onto the sidewalk**, it created safety concerns for pedestrians and broke up commercial corridors.

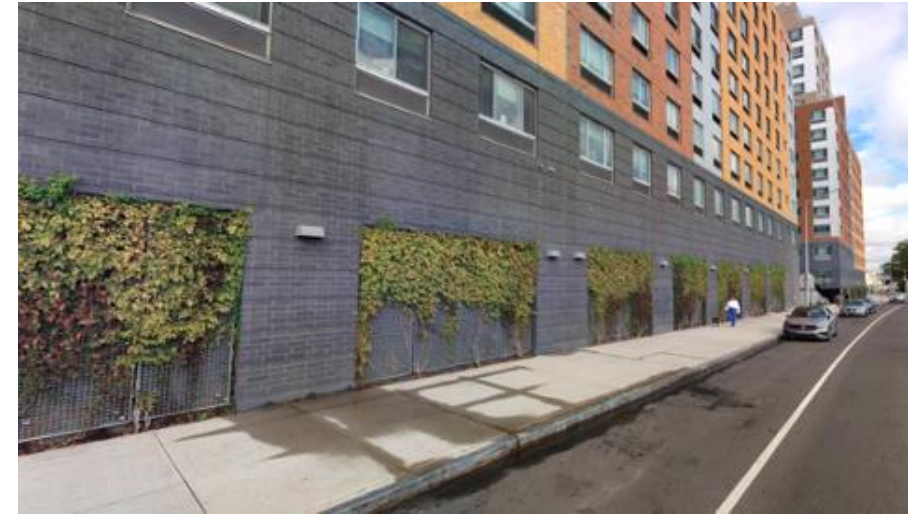
Professional delivery activity frequently resorts to sidewalks because it was not allowed in buildings, except in industrial areas.



Introduce design rules that ensure buildings contribute to surroundings

- **Before:** Dozens of Special Districts had streetscape regulations, but they inconsistently regulated conditions based on time they were adopted. Outside of Manhattan and in some Special Districts, most areas of the city did not have any zoning rules guiding street level design.
- **Issue:** Lack of consistent streetscape regulations diminished economic vibrancy of commercial areas and could create unsafe or unpleasant conditions for pedestrians and customers.
- **New:** A consistent and easy to understand citywide framework for commercial ground floor design requirements that is more stringent in places with greater pedestrian activity and more flexible in auto-oriented corridors.

ZR 32-30



Planting along West Farms Road in the Bronx



Bank with parking to the side on Hylan Boulevard in SI

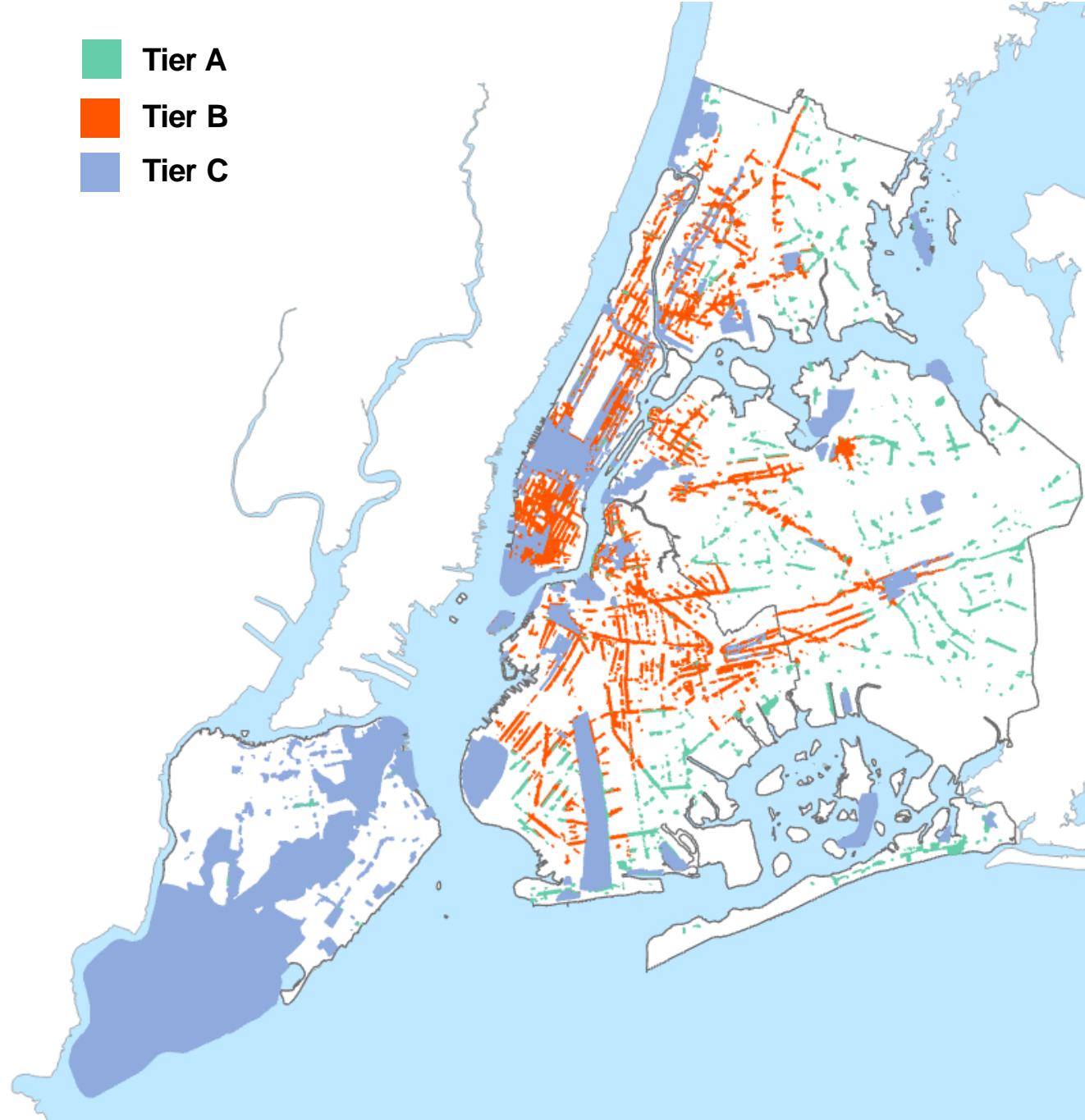
Source: © Cyclomedia 2022

Component 12

Introduce design rules that ensure buildings contribute to surroundings

- Tier A
- Tier B
- Tier C

	Applicable Geographies within C1-C2, C4-C7 and MX Districts	Regulates
Tier A	Not in Expanded Transit Zone	Blank walls, parking enclosure, open parking, curb cut location
Tier B	In Expanded Transit Zone	Ground floor residences, lobby length, minimum transparency, parking enclosure, curb cut location
Tier C	In Special Purpose Districts, high density districts and most Staten Island districts	Tier B rules, plus more robust list of building elements
Excluded	<i>Within 1,000 feet of highway entrance or large shopping center far from transit</i>	

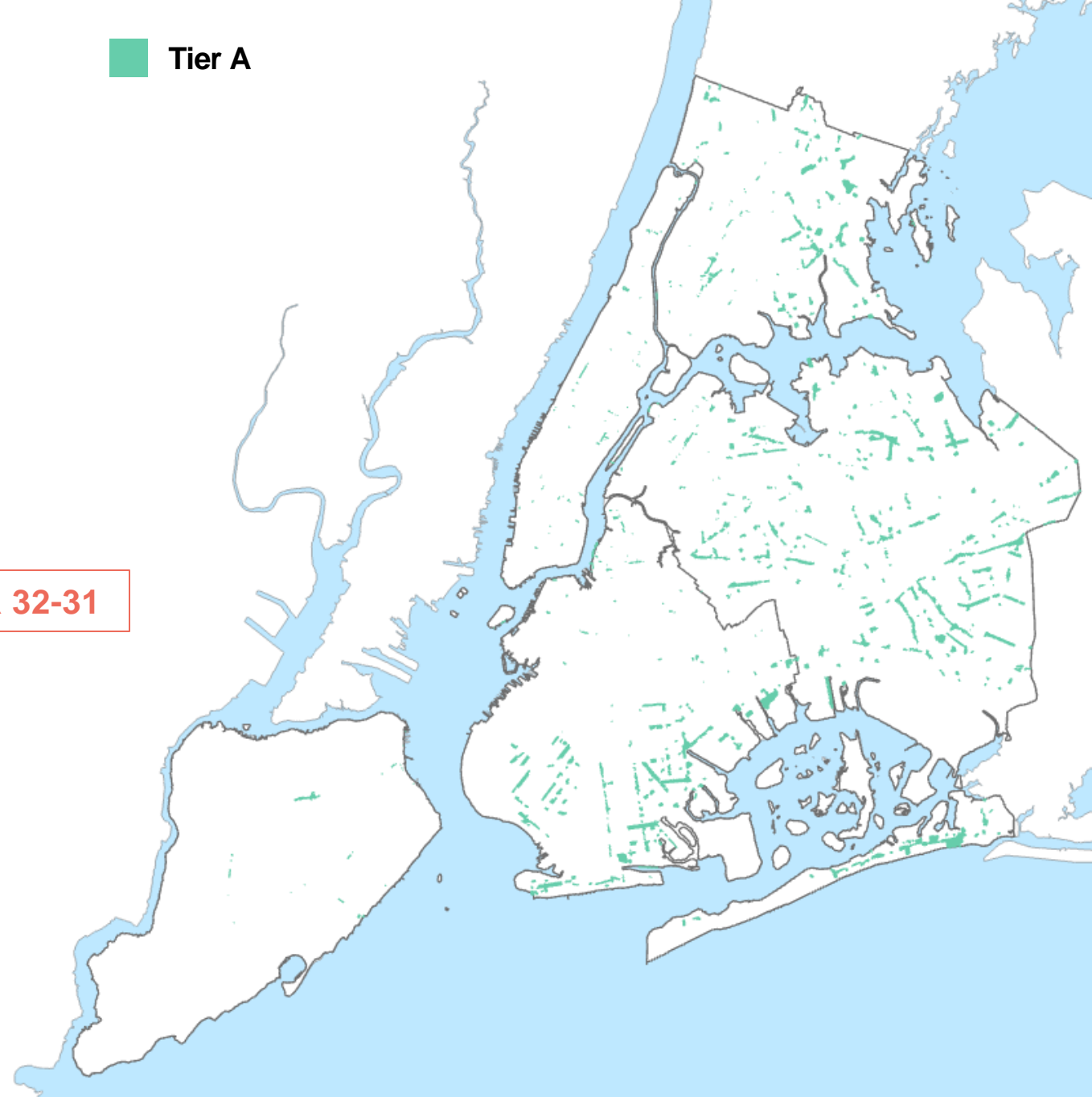


Streetscape framework: Tier A

- **Issue:** Auto-oriented uses and street-facing parking negatively impact the quality of a commercial streetscape by inhibiting pedestrian activity and walkability. Additionally, blank walls lack visual interest and can affect pedestrian feelings of safety.
- **New:** Along streets in Commercial* and MX Districts outside of the Expanded Transit Zone:
 - Parking lots must be placed to the side or rear of a building. For in-building parking, screening must be provided.
 - Blank wall mitigations must be provided.
- **Exceptions:** Rules would not apply to areas near highway entrances that are far from transit or large shopping centers.

* C1-C2, C4-C7

ZR 32-31



Streetscape framework: Tier B

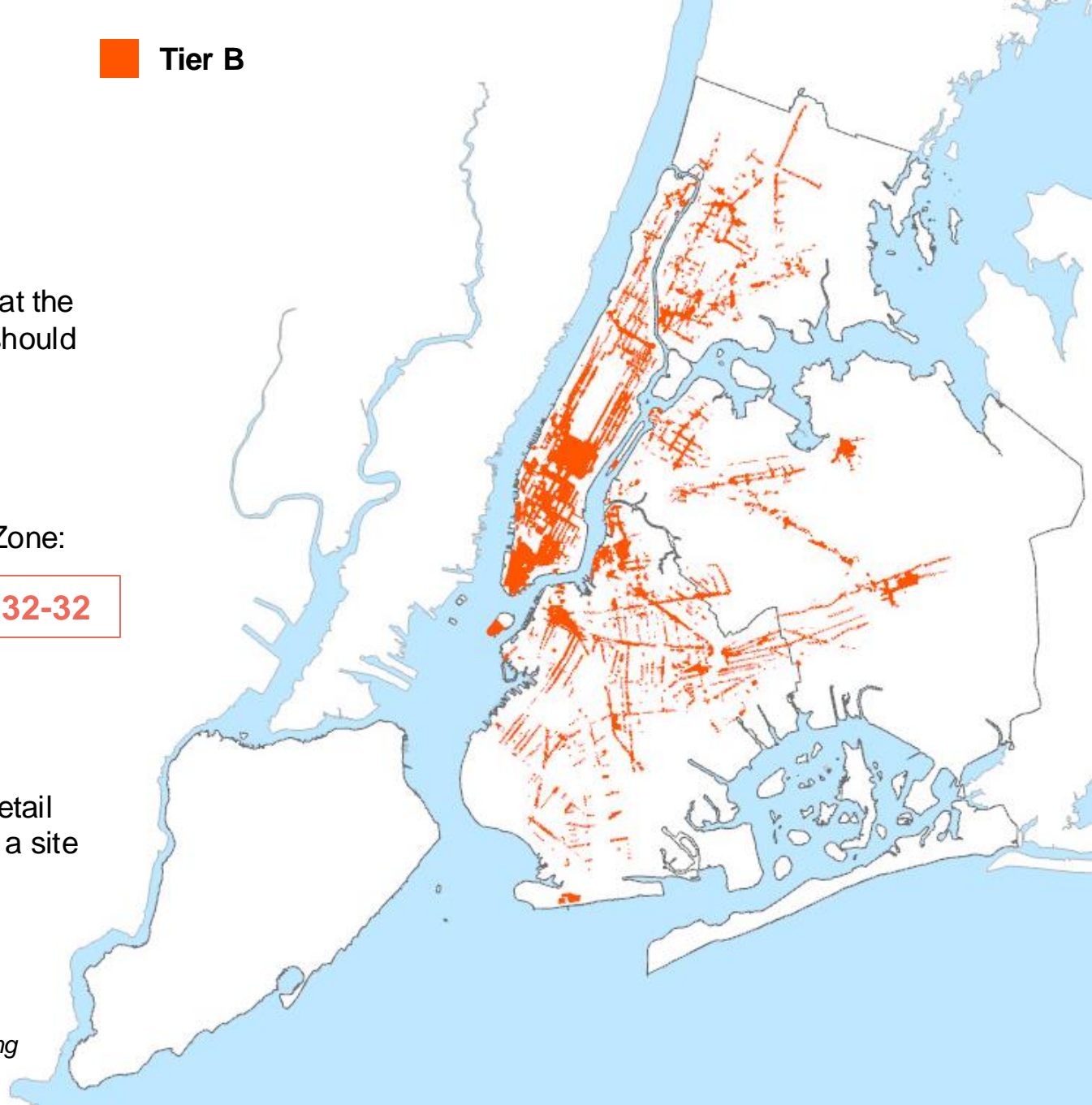
- **Issue:** Curb cuts and open parking tend to attract vehicular activity at the expense of pedestrians. On commercial streets, where walkability should be the priority, the impact of these uses is exacerbated. In addition, inactive ground-floor uses, such as residential dwelling units, can be detrimental to surrounding retail activity and street character.
- **New:** Along streets in Commercial* and MX Districts in the Transit Zone:
 - Active uses with transparency required at grade.
 - Max lobby length of 50'.
 - Curb cuts restricted along qualifying frontage, where feasible.

ZR 32-32

Only parking rules would apply in areas with limited ground floor retail or next to infrastructure or M districts. A Similar rule would apply if a site has multiple frontages.

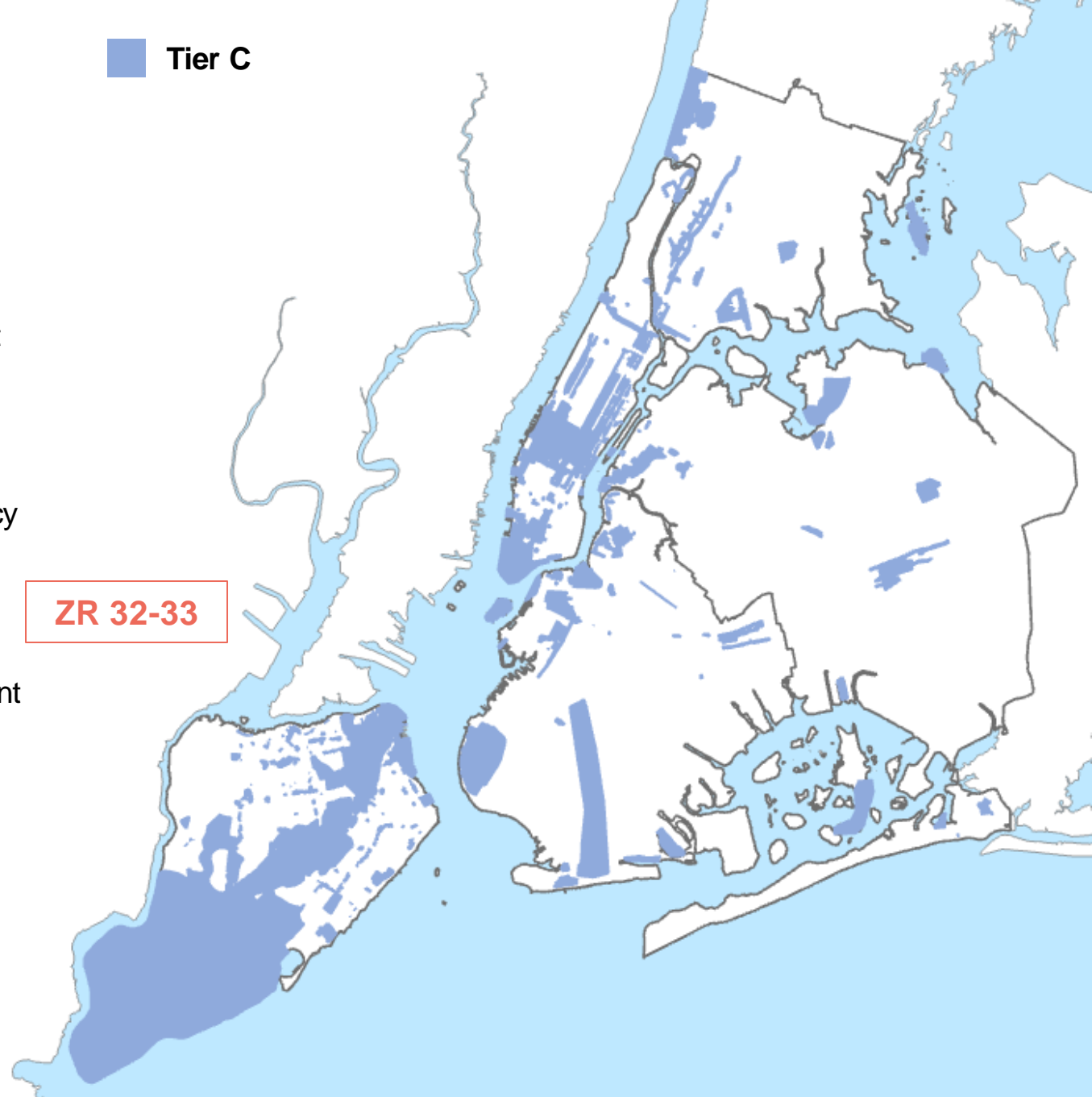
ZR 32-322

* C1-C2, C4-C7. For zoning lots adjacent to or across from Residence, Manufacturing Districts or infrastructure, only parking wrap/location and blank wall rules will apply.



Streetscape framework: Tier C

- **Issue:** Currently, streetscape rules vary greatly across special districts. This lack of consistency makes it hard to understand what types of rules exist and where they should be applied.
- **New:** Along designated streets in Special Purpose Districts and special geographies*:
 - Improved ground floor regulations by bringing more consistency to the range of permitted active uses.
 - Regulations a more robust list of building elements through ground floor streetscape regulations.
 - Unique elements in SD streetscape rules remain (establishment sizes, special design requirements, etc.).



*C Districts mapped in or with a RDE of an R9 or R10 District & C1, C2 and C4s in SI

Reduce conflicts between auto repair shops and pedestrians

- **Before:** Auto repair was UG 16, allowed in C8 and M. Tire and glass repair and installation was UG 7, also allowed in C2 and C6 districts.
- **New:** Heavy repair shops (**UG VI**) must be registered with the New York State DMV, are allowed in C8 and M districts.
- Light auto repair in C2-C7 districts are now only allowed by BSA Special Permit.

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											
Repair and Maintenance (811)											
Automotive repair and maintenance (8111)	#Heavy motor vehicle repair and maintenance shops#	–	–	–	–	–	–	–	–	● P	A4
	#Light motor vehicle repair and maintenance shops#	○	○	–	○	○	○	○	○	● P	A3

Zoning Definitions

- **#Heavy motor vehicle repair and maintenance shop#:** an establishment that provides repair and maintenance services for automotive vehicles that is required to register with the Department of Motor Vehicles as a “motor vehicle repair shop” pursuant to the New York State Motor Vehicle Repair Shop Registration Act.
- **#Light motor vehicle repair and maintenance shops#:** All other establishments that provide repair and maintenance services for automotive vehicles, including those that consist solely of changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades or light bulbs, polishing and washing, repairing, installing or replacing seat safety belts, upholstery, or communications equipment.
- However, these definitions shall not apply to #automotive service stations#.

Component 14

Encourage safe and sustainable deliveries with micro-distribution

- **Before:** Warehouse and distribution (former UG 16) were generally not permitted in Commercial districts. Notable exception for micro-fulfillment centers.
- **New:** “Micro-distribution facility” (**UG IX**) now allowed in the following Commercial districts:
 - C1/C2 districts in Manhattan: 2,500 SF*
 - C4-C7 districts: 5,000 SF on the ground floor and 10,000 SF above the ground floor
- * Not permitted in C1 and C2 outside Manhattan except via BSA Special Permit.
- Larger facilities (warehouses) still permitted in C8 and M districts
- Streetscape rules require 50% transparency on many commercial streets to deter “dark stores.”

ZR 32-193



Source: DCP Staff

Encourage safe and sustainable deliveries with micro-distribution

ZR 32-191

USE GROUP IX(A) – GENERAL STORAGE									
• = Permitted ♦ = Permitted with limitations ◊ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
General Storage									
Building materials or contractors' yard	–	–	–	–	–	–	–	• s u	D2
Depositories for storage of office records, microfilm or computer tapes, or for data processing	–	–	–	• S	• S	• S	• S	•	D2
Micro-distribution facility	♦ S	♦ S	–	• S	• S	• S	• S	–	D2

32-192 Use Group IX – uses permitted with limited applicability

LAST AMENDED 6/6/2024

HISTORY [Download] [Share]

For *uses* denoted with “♦” in Section 32-191 (Use Group IX – general use allowances), the provisions of this Section shall apply.

- (a) In C1 or C2 Districts located outside of the Borough of Manhattan that are *select commercial overlays*, micro-distribution facilities shall not be permitted as-of-right. The Board of Standards and Appeals may permit micro-distribution facilities with a size limit of 5,000 square feet of *floor area* per establishment pursuant to Section 73-191 (Micro-distribution facilities).



Goal 1:

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Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 4 Create new opportunities for businesses to open

Residential campuses like NYCHA should provide residents better **access to goods and services**



Manufacturing districts needed to better reflect needs of current and future businesses



Zoning rules **limited the shape of certain new buildings**, such as film studios



CPC Special Permit for commercial uses on residential campuses

- **Before:** No zoning tools existed to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations.
- **New:** A CPC Special Permit that gives NYCHA and other large-scale residential sites the ability to include commercial up to 15,000 SF.
- Requires environmental review and public review, including City Council vote.



Source: © Cyclomedia 2023

Proposal 16

Create process for allowing new corner stores in residential areas

- **Currently:** Zoning does not have tools to permit small-scale stores in residential areas.
- **Issue:** Residential areas of the city prohibit all new stores, which means new neighborhood services can never open in large swaths of the city.
- **Proposal:** Would have created a CPC Authorization to allow up to 2,500 SF of commercial use within 100 feet of an intersection, subject to both environmental review and Community Board review.
- Was not adopted by the City Council.



Source: © Cyclomedia 2023

Rationalize waiver process for business adaptation and growth

- **Before:** Some kinds of businesses had no size limits, others have size limits but the ability to expand via BSA Special Permit, and others had no pathway for flexibility or adaptation.
- **Issue:** For instance, a restaurant may seek a waiver to expand in size or have an outdoor component of its business, but a clothing store does not have the same ability.
- **New:** Rationalized BSA permits to allow for any business type to seek limited size, enclosure, or location of use modifications via BSA Special Permit.
- Significant (more than double) size increases require public process via CPC Special Permit.
- Created consistency in initial BSA Special Permit term of 10 years; subsequent terms at the discretion of the BSA.

Source: PowerPoint



Rationalize waiver process for business adaptation and growth


- **Before:** Many growing businesses run into physical constraints of zoning that are incompatible with business expansion plans. For instance, a soundstage requires high walls, which conflict with zoning limitations on maximum street-wall heights in many districts.
- **Issue:** These businesses may not have had any path forward other than a full rezoning, unnecessarily adding a lengthy and costly process to make small changes to building shape.
- **New:** New CPC Authorization for bulk modifications, including yard and setback requirements.



Source: © Cyclomedia 2022

Create new kinds of zoning districts for future job hubs

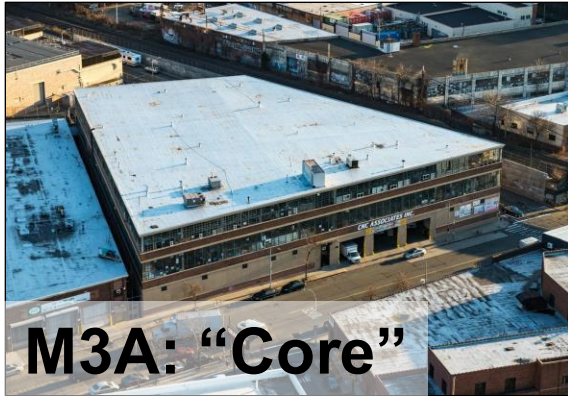
- **Before:** No new zoning tools had been created in 60+ years for non-residential zones, and existing tools were functionally obsolete.
- **Issue:** Zoning in most industrial areas prior to City of Yes favored low-scale warehouse construction, preventing the construction of new multi-story buildings to support growing jobs, particularly near transit.
- **New:** Created a range of new job-intensive zoning districts to allow for modern loft-style buildings by permitting higher densities, more flexibility on permitted building form, and right-sized parking and loading requirements.



Previous zoning made it impossible to replicate the building on the right in new construction.

Source: © Cyclomedia 2023

Create new kinds of zoning districts for future job hubs



For strongly industrial context to allow modest expansion opportunities for legacy industrial and future critical infrastructure.

Allows for **industrial** and **limited commercial** uses.



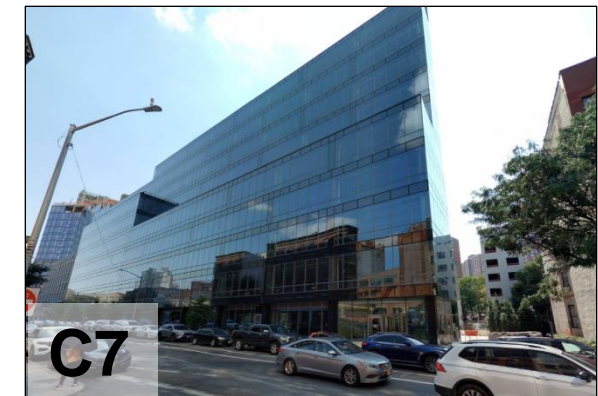
For traditional industrial areas where a balance of mixing and preservation is warranted.

Incentivizes industrial uses via higher FAR.



Suitable near residences & a mix of commercial activity, near transit.

Allows greatest flexibility for mixed use



New type of commercial district with CBD (C4-C6) uses but same bulk regulations as M1A.

- All new zoning district types included long-requested reforms for bulk to allow more loft-like buildings and no parking requirements inside the Expanded Transit Zone.
- New districts were not “mapped” to specific geographies through City of Yes. Existing M districts still exist and would not be affected by these new district options.

New M districts: As Modified by the Council

- M3-A "Core" District:
 - Allowed commercial uses limited to 10k SF per zoning lot.
 - Restricted applicability of some BSA and CPC Special Permits.
- M2-A "Transition" District
 - Reduced allowed commercial FAR to 1 FAR differential (e.g. 4.0 FAR in a 5.0 FAR district)
 - For lots larger than 5k SF, 50% ground floor requirement for industrial uses applies if the site opts for FAR bonus.
 - Reverted to current M1 use allowances and 10k SF retail limits, except for food stores (30k SF).
- M1-A "Growth" District:
 - Reverted to current M1 use allowances and 10k SF retail limits, except for food stores (no limit).
- All districts
 - Require a waterfront yard setback in all new M districts to maintain access for maritime freight.

New Zoning Districts: Use and Bulk Regulations

Overall Assumptions				M1A (“Growth” District) OR C7			M2A (“Transition” District)			M3A “Core” District		
Suffix	District FAR	Base heights	Overall heights	FAR composition			FAR composition			FAR composition		
				M	C	CF*	M	C	CF*	M	C	CF
-1	2.0	45’	65’	2.0	2.0	2.0	2.0	1.0	1.0	2.0	1.0 or 10k SF	N/A
-2	3.0	65’	95’	3.0	3.0	3.0	3.0	2.0	2.0	3.0	1.0 or 10k SF	N/A
-3	4.0	95’	125’	4.0	4.0	4.0	4.0	3.0	3.0			
-4	5.0	125’	155’	5.0	5.0	5.0	5.0	4.0	4.0			
-5	6.5	155’	205’	6.5	6.5	6.5						
-6	8.0	155’	245’	8.0	8.0	8.0						
-7	10.0	155’	325’	10.0	10.0	10.0						
-8	12.0	155’	N/A	12.0	12.0	12.0						
-9	15.0	155’	N/A	15.0	15.0	15.0						

*without sleeping accommodations