



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, Commissioner
312-8100

ISSUANCE # 407

TECHNICAL
POLICY & PROCEDURE NOTICE # 6/93

TO: Borough Commissioners/Superintendents

FROM: Richard C. Visconti, A.I.A. *Richard Visconti*
Acting Deputy Commissioner

DATE: June 15, 1993

SUBJECT: Zoning Use Group Classification of Large
Retail Establishments

EFFECTIVE: Immediately

BACKGROUND: Due to the way that retail chain stores have opened recently throughout the country, the Department of Buildings has been reviewing various proposals to develop as-of-right retail establishments in excess of 10,000 square feet of floor area.

The following guidelines should be used for the review of these establishments within the parameters of the existing Zoning Resolution.

SPECIFICS: Since national retail chains sell a broad variety of merchandise, each establishment may have both primary and accessory uses. Accessory uses which are incidental to, and customarily found in connection with such an establishment when the

use is conducted on the same zoning lot, are permitted in all districts. In all cases, the accessory incidental use shall be equivalent in size to that permitted for a principal use when zoning establishes such a limitation. However, when a principal use is not permitted in a district, the accessory use shall be limited to 5,000 square feet.

Example: A hardware store in a commercial district would be limited to 10,000 square feet for the sale of building materials, and to 20,000 square feet in a manufacturing district.

Some establishments may fall into the general category of a hardware store, however, it may sell other goods such as building materials and lumber. Likewise, certain food stores may sell a large variety of non-food items, such as household goods.

Hardware Stores

Current regulations allow hardware stores to be established without floor area limitations in commercial and manufacturing districts. In the absence of a Zoning Resolution definition of hardware store, the Department defines this use as:

establishments which devote a majority of their gross floor area to the retail sale of a number of basic hardware lines, such as tools, building hardware and supplies, paint and glass, housewares and household appliances, cutlery, garden and work clothing and other accessory items.

Any storage of materials or products in M1 districts within 200' of an R district should be within completely enclosed buildings and in the C districts as per Section 32-40 Z.R. (Supplementary Use Regulations) uses shall be located within completely enclosed buildings.

Food Stores

Current regulations permit food stores without floor area limitations in commercial districts but limit the size to 10,000 square feet in manufacturing districts. The Zoning Resolution does not define food stores per se, therefore, the Department defines the use as:

establishments which devote a majority of their gross floor area to the retail sale of food for home preparation and consumption and other accessory items.

RVC:ap