



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **42-10 - USE ALLOWANCES**

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## 42-10 - USE ALLOWANCES

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LAST AMENDED

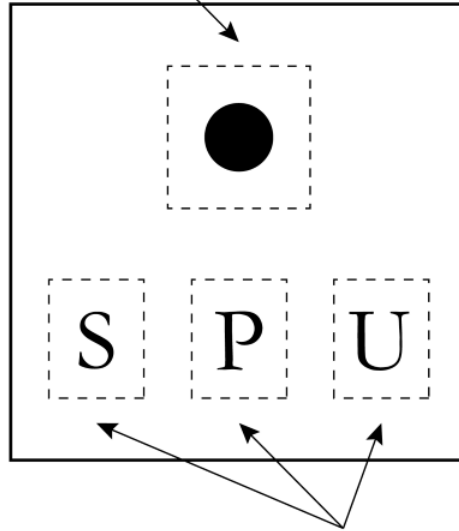
6/6/2024

The provisions of Sections [42-11](#) (Use Group I – Agriculture and Open Uses) through [42-20](#) (Use Group X – Production Uses), inclusive, establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group. For Use Groups I, and III through X, #use# allowances by zoning district are summarized in Use Group tables. For each #use# and zoning district, the tables contain up to two levels of notation in a particular cell:

- (a) The top level will always contain a symbol and denotes:
  - (1) permitted as-of-right (“●”);
  - (2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“◆”);
  - (3) allowed by special permit (“○”) of the Board of Standards and Appeals or the City Planning Commission; or
  - (4) not permitted in the district (“-”).
- (b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:
  - (1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities;
  - (2) additional conditions (“P”), including environmental standards or other measures other than size restrictions or open #use# regulations; or
  - (3) open #use# allowances (“U”), including exemptions from enclosure rules and additional open #use# regulations. Such allowances may be supplemented or superseded by the provisions of Section [42-50](#) (SUPPLEMENTARY USE REGULATIONS), inclusive.

Such notations are illustrated in the following diagram:

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”)

Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions or open #use# allowances. However, all #uses#, where applicable, are subject to the provisions of Sections [42-30](#) (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS), [42-40](#) (PERFORMANCE STANDARDS), and [42-50](#) (SUPPLEMENTARY USE REGULATIONS).

Use Group tables also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# and #manufacturing uses# to determine required accessory off-street parking spaces as set forth in the table in Section [44-21](#) (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as “N/A”, no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions, additional conditions, or permission for unenclosed #uses#. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

### ILLUSTRATIVE EXAMPLE

Uses	M1	M2	M3	PRC
Category				
Sample Use	• P U	–	–	A1

In M2 and M3 Districts, this use is not permitted.

In M1 Districts, this use is permitted as-of-right, subject to additional conditions, and can be unenclosed.

Parking Requirement Category

## 42-11 - Use Group I – Agriculture and Open Uses

LAST AMENDED  
6/6/2024

M1 M2 M3

Use Group I consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth in the following Sections as follows:

- (a) Section [42-111](#) (Use Group I – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [42-112](#) (Use Group I – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (c) Section [42-113](#) (Use Group I – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (d) Section [42-114](#) (Use Group I – uses permitted by special permit) for #uses# permitted only by special permit by the Board of Standards and Appeals, as denoted with “O” in the Use Group table; and
- (e) Section [42-115](#) (Use Group I – 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 table.

### 42-111 - Use Group I – general use allowances

The following table includes #uses# classified as Use Group I and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section [42-10](#) (USE ALLOWANCES). Where permitted as-of-right in a #Manufacturing District#, all #uses# listed as “Open Uses” in the table shall be unenclosed, except for ancillary #buildings or other structures#.

<b>USE GROUP I – AGRICULTURE AND OPEN USES</b>				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required                      – = Not permitted                      S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
<b>Uses</b>	<b>M1</b>	<b>M2</b>	<b>M3</b>	<b>PRC</b>
<b>Agriculture</b>				
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	● P U	● P U	● P U	G
<b>Open Uses</b>				
Cemeteries	●	–	–	N/A
Golf courses	●	–	–	*
Outdoor racket courts	● P	–	–	G
Outdoor skating rinks	●	●	●	G
#Public parks# or playgrounds or private parks	●	–	–	N/A
Sand, gravel, or clay pits	○	○	○	N/A

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**42-112 - Use Group I – uses subject to additional conditions**

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [42-111](#) (Use Group I – general use allowances), the following provisions shall apply:

- (a) Agricultural #uses# in all #Manufacturing Districts# shall conform with the applicable performance standards set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.
- (b) Outdoor racket courts are permitted in M1 Districts provided that all lighting shall be directed away from nearby #residences#.

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## **42-113 - Use Group I – uses subject to open use allowances**

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6/6/2024

For #uses# denoted with a “U” in Section [42-111](#) (Use Group I – general use allowances), a #use# may be open or enclosed without restriction.

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## **42-114 - Use Group I – uses permitted by special permit**

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LAST AMENDED  
6/6/2024

For #uses# denoted with “O” in Section [42-111](#) (Use Group I – general use allowances), the provisions of this Section shall apply. Sand, gravel or clay pits, may be permitted in all #Manufacturing Districts#, by special permit of the Board of Standards and Appeals, in accordance with the provisions of Section [73-111](#) (Sand, gravel or clay pits).

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## **42-115 - Use Group I – additional provisions for parking requirement category**

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LAST AMENDED  
6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [42-111](#) (Use Group I – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

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## **42-12 - Use Group II - Residences**

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LAST AMENDED  
6/6/2024

M1

Use Group II consists of #residences# of various types. In #Manufacturing Districts#, #residences# shall be allowed as follows:

- (a) In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, by authorization of the City Planning Commission, in accordance with Section [42-321](#) (Residential uses in M1-1D through M1-5D Districts);

- (b) In M1-6D Districts, in accordance with Section [42-322](#) (Use regulations in M1-6D Districts);
- (c) In M1-5M and M1-6M Districts, in accordance with Section [42-323](#) (Use regulations in M1-5M and M1-6M Districts); and
- (d) In certain M1-1, M1-5 and M1-6 Districts, in accordance with Section [42-324](#) (Use regulations in certain M1-1, M1-5 and M1-6 Districts).

## 42-13 - Use Group III – Community Facilities

LAST AMENDED  
6/6/2024

M1 M2 M3

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [42-131](#) (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [42-132](#) (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (c) Section [42-133](#) (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “O” in the Use Group tables; and
- (d) Section [42-134](#) (Use Group III – 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.

## 42-131 - Use Group III – general use allowances

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6/6/2024

The following tables include #uses# classified as Use Group III and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section [42-10](#) (USE ALLOWANCES).

### A. Community Facilities with Sleeping Accommodations

USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC

<b>Educational Institutions</b>				
College or school student dormitories and fraternity or sorority student houses	-	-	-	E2
<b>Faith-based Institutions and Facilities</b>				
Monasteries, convents or novitiates	-	-	-	N/A
Rectories or parish houses with sleeping accommodations	-	-	-	N/A
Seminaries with sleeping accommodations	-	-	-	*
<b>Health Institutions and Facilities</b>				
#Long-term care facilities#	-	-	-	E3
#Non-profit hospital staff dwellings #	-	-	-	*
<b>Other Institutions and Facilities</b>				
Philanthropic or non-profit institutions with sleeping accommodations	-	-	-	E3
Settlement houses	-	-	-	N/A

**B. Community Facilities without Sleeping Accommodations**

<b>USE GROUP III(B) – COMMUNITY FACILITIES WITHOUT SLEEPING ACCOMMODATIONS</b>				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
<b>Uses</b>	<b>M1</b>	<b>M2</b>	<b>M3</b>	<b>PRC</b>



<b>Educational Institutions</b>				
Colleges or universities, including professional schools but excluding business colleges or trade schools	–	–	–	*
#Schools#	○	–	–	G
<b>Faith-based Institutions and Facilities</b>				
Houses of worship	●	–	–	G
Parish houses without sleeping accommodations	○	–	–	N/A
Seminaries without sleeping accommodations	○	–	–	*
<b>Health Institutions and Facilities</b>				
Ambulatory diagnostic or treatment health care facilities	● P	–	–	A3
Non-profit or voluntary hospitals and related facilities, except animal hospitals	● P	–	–	E1
Proprietary hospitals and related facilities, except animal hospitals	● P	–	–	E1
<b>Other Institutions and Facilities</b>				
Community centers	○	–	–	B3
Libraries	○	–	–	G
Museums	● P	● P	● P	G
Non-commercial art galleries	○	–	–	G

Non-commercial clubs	○	–	–	B3
Non-commercial recreation centers	○	–	–	B3
Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities	○	–	–	B3
Welfare centers	○	–	–	B3

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### **42-132 - Use Group III – uses subject to additional conditions**

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [42-131](#) (Use Group III – general use allowances), the following provisions shall apply:

- (a) Ambulatory diagnostic or treatment health care facilities in all M1 Districts shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing.
- (b) Non-profit, voluntary or proprietary hospitals and related facilities in M1 Districts, except animal hospitals, shall be limited to facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.
- (c) Museums in all #Manufacturing Districts# are permitted provided that they are ancillary to existing motion picture production studios or radio or television studios, and provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#. However, museums of any type may be permitted by special permit of the City Planning Commission, in accordance with Section [74-134](#) (Other community facility uses in M1 Districts).

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### **42-133 - Use Group III – uses permitted by special permit**

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LAST AMENDED  
6/6/2024

For #uses# denoted with “○” in Section [42-131](#) (Use Group III – general use allowances), the following provisions shall apply:

- (a) #Schools# may be permitted in M1 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-133](#) (Schools).
- (b) #Uses# listed in Use Group III(B), except for educational institutions, may be permitted in M1 Districts by special permit of the City Planning Commission, in accordance with Section [74-134](#) (Other community facility uses in M1 Districts).

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## 42-134 - Use Group III – additional provisions for parking requirement category

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LAST AMENDED

6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [42-131](#) (Use Group III – general use allowances), the provisions of this Section shall apply. For seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

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## 42-14 - Use Group IV – Public Service Facilities and Infrastructure

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LAST AMENDED

6/6/2024

M1 M2 M3

Use Group IV consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [42-141](#) (Use Group IV – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [42-142](#) (Use Group IV – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with a “S” in the Use Group tables;
- (c) Section [42-143](#) (Use Group IV – 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 [42-144](#) (Use Group IV – 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 [42-145](#) (Use Group IV – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “O” in the Use Group tables.

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## 42-141 - Use Group IV – general use allowances

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LAST AMENDED

6/6/2024

The following tables include #uses# classified as Use Group IV and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of this Section. Notations found in the tables are further described in Section [42-10](#) (USE ALLOWANCES).

### A. Public Service Facilities

<b>USE GROUP IV(A) – PUBLIC SERVICE FACILITIES</b>
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<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC
<b>Public Service Buildings</b>				
Court houses	●	●	●	A4
Fire or police stations	●	●	●	A4
<b>Other Facilities</b>				
Prisons	●	●	●	G

**B. Infrastructure**

<p><b>USE GROUP IV(B) – INFRASTRUCTURE</b></p> <p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC
<b>Communication Infrastructure</b>				
Radio or television towers, non-#accessory#	○	○	○	N/A
Telephone exchanges or other communications equipment structures	● P	● P	● P	N/A
<b>Electric and Gas Infrastructure</b>				
Electric power or steam generating plants	● P U	● P U	● P U	D2

Electric utility substations	● P U	● P U	● P U	N/A
Gas utility substations	● S U	● S U	● S U	N/A
Public utility stations for oil or gas metering or regulating	●	●	●	N/A
Terminal facilities at river crossings for access to electric, gas, or steam lines	●	●	●	N/A
<b>Sewage, Storm Water and Waste Infrastructure</b>				
Composting	● P U	● P U	● P U	D2
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	● P U	● P U	● P U	D2
Incineration or reduction of garbage, offal or dead animals	● P	● P	● P	D1
Radioactive waste disposal services involving the handling or storage of radioactive waste	● P	● P	● P	D1
Sewage disposal plants	○	○	● P	D1
Water or sewage pumping stations	●	●	●	N/A
<b>Transportation Infrastructure</b>				
Airports	○	○	○	N/A
Boat launching facilities for non-commercial pleasure boats	● U	● U	● U	N/A
Bus stations	○	○	○	N/A

Docks	● P U	● P U	● P U	G
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	● P U	● P U	● P U	D2
Heliports	○	○	○	N/A
Mooring facilities for non-commercial pleasure boats	● U	● U	● U	N/A
Public transit or railroad electric substations	● P U	● P U	● P U	D2
Public transit yards, including accessory motor fuel pumps	● P U	● P U	● P U	D2
Railroad or transit rights-of-way	● U	● U	● U	N/A
Railroad passenger stations	○	○	○	N/A
Seaplane bases	○	○	○	N/A
Truck weighing stations	● P U	● P U	● P U	D2

### C. Renewable Energy and Green Infrastructure

<b>USE GROUP IV(C) – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE</b>				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required          – = Not permitted          S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
<b>Uses</b>	<b>M1</b>	<b>M2</b>	<b>M3</b>	<b>PRC</b>

Renewable Energy and Green Infrastructure				
#Energy infrastructure equipment#	● U	● U	● U	N/A
Public bicycle and micromobility parking	● U	● U	● U	N/A
Recycling, or organic material, receiving	● U	● U	● U	N/A

## 42-142 - Use Group IV – uses subject to size limitations

LAST AMENDED  
6/6/2024

For #uses# denoted with an “S” in Section [42-141](#) (Use Group IV – general use allowances), the provisions of this Section shall apply. Gas utility substations in all #Manufacturing Districts# shall be limited to a site of not more than 10,000 square feet.

## 42-143 - Use Group IV – uses subject to additional conditions

LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [42-141](#) (Use Group IV – general use allowances), the following provisions shall apply:

- (a) For telephone or other communications equipment structures in all #Manufacturing Districts#, and not existing on December 15, 1961, the height above #curb level# shall not exceed that attributable to #commercial# #buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.
- (b) Docks for any vessels are permitted in all #Manufacturing Districts#, except that docks for #gambling vessels# may be permitted by special permit of the City Planning Commission, in accordance with Section [62-838](#) (Docks for gambling vessels).
- (c) Where permitted, the following #uses# shall conform with the applicable performance standards set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare):

Composting

Docks

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Electric utility substation

Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Incineration or reduction of garbage or slag piles

Public transit or railroad electric substations

Public transit yards

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Truck weighing stations.

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## **42-144 - Use Group IV – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [42-141](#) (Use Group IV – general use allowances), a #use# may be open or enclosed without restriction.

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## **42-145 - Use Group IV – uses permitted by special permit**

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LAST AMENDED

6/6/2024

For #uses# denoted with “O” in Section [42-141](#) (Use Group IV – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by the Board of Standards and Appeals:
- (1) Radio or television towers may be permitted in all #Manufacturing Districts#, in accordance with Section [73-141](#) (Radio or television towers).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:
- (1) Sewage disposal plants may be permitted in M1 or M2 Districts, in accordance with Section [74-143](#) (Sewage pumping stations and sewage disposal plants).
  - (2) Airports may be permitted in all #Manufacturing Districts#, in accordance with Section [74-144](#) (Airports).
  - (3) Bus stations may be permitted in all #Manufacturing Districts#, in accordance with Section [74-145](#) (Bus stations).



- (4) Heliports may be permitted in all #Manufacturing Districts#, in accordance with Section [74-146](#) (Heliports).
- (5) Railroad passenger stations may be permitted in all #Manufacturing Districts#, in accordance with Section [74-148](#) (Railroad passenger stations).
- (6) Seaplane bases may be permitted in all #Manufacturing Districts#, in accordance with Section [74-149](#) (Seaplane).

## 42-15 - Use Group V – Transient Accommodations

LAST AMENDED  
6/6/2024

M1 M2 M3

Use Group V consists of #uses# for transient occupancy of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [42-151](#) (Use Group V – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [42-152](#) (Use Group V – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (c) Section [42-153](#) (Use Group V – uses subject to open use allowances), for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table; and
- (d) Section [42-154](#) (Use Group V – 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 table.

### 42-151 - Use Group V – general use allowances

LAST AMENDED  
6/6/2024

The following table includes #uses# classified as Use Group V and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section [42-10](#) (USE ALLOWANCES).

USE GROUP V – TRANSIENT ACCOMMODATIONS				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC
Transient Accommodations				

#Motels#	● P	–	–	F1
Overnight camps	● U	● U	● U	G
#Tourist cabins#	● P	–	–	F1
#Transient hotels#	● P	–	–	*

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## 42-152 - Use Group V – uses subject to additional conditions

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LAST AMENDED

6/6/2024

For #uses# denoted with a “P” in Section [42-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. For the purposes of this Section, #transient hotels# shall also include #motels# and #tourist cabins#.

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section [74-153](#) (In M1 Districts) shall be applicable to:

- (1) #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 20, 2018, did not contain such #use#; or
- (3) #enlargement# or #extension# of a #transient hotel# that existed prior to December 20, 2018, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

The provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;
- (2) a #transient hotel# located within John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;
- (3) a #transient hotel# in an M1-6D District, a #Special Mixed Use District# or any other Special Purpose District

where an M1 District is paired with a #Residence District#, all of which shall instead be subject to the provisions of Section [32-153](#) (Use Group V – uses subject to additional conditions); or

- (4) in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on December 20, 2018.

(c) Within M1-5B Districts

Within an M1-5B District, a special permit pursuant to Section [74-153](#) (In M1 Districts) shall be required in conjunction with a special permit pursuant to Section [74-781](#) (Modifications by special permit of the City Planning Commission of uses in M1-5B Districts) except that a permit pursuant to Section [74-781](#) shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

(d) Existing #transient hotels#

- (1) Any #transient hotel# existing prior to December 20, 2018, within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section [74-153](#) (In M1 Districts) or other applicable Section of this Resolution.
- (2) The provisions of paragraph (d)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021 to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021 and December 9, 2027.
- (3) In the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of December 20, 2018, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying# #building# may be reconstructed pursuant to Section [54-40](#) (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(e) Vesting

The provisions of Section [11-30](#) (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, if on or before April 23, 2018, a building permit for a #development#, #enlargement# or #conversion# to a #transient hotel#, or a partial permit for a #development# of a #transient hotel# was lawfully issued by the Department of Buildings, such construction may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by December 20, 2021, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section [11-332](#) (Extension of period to complete construction).

Any special permit approved by the City Council for a #transient hotel# prior to December 20, 2018, shall be

permitted and this Section shall not apply to such #transient hotel#, subject to the provisions of Section [11-42](#) (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

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## **42-153 - Use Group V – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [42-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. In all #Manufacturing Districts#, overnight camps may be unenclosed without restriction.

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## **42-154 - Use Group V – additional provisions for parking requirement category**

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LAST AMENDED

6/6/2024

For #uses# denoted with “\*” for parking requirement category (PRC) in Section [42-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. For #transient hotels#, #floor area# used for sleeping accommodations shall be classified as PRC F2. #Floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls or radio or television studios shall be classified as PRC B1.

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## **42-16 - Use Group VI – Retail and Services**

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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).

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## 42-161 - Use Group VI – general use allowances

LAST AMENDED

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				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required                      – = Not permitted                      S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses (NAICS Code)	M1	M2	M3	PRC
<b>Motor Vehicle and Parts Dealer (441)</b>				
Automobile dealers (4411)	● U	● U	● U	A4
Other motor vehicle dealers (4412)	Boat dealers (441222)	● U	● U	C
	All other motor vehicle dealers (in 4412)	● 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
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**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
<b>Postal Service (491) / Couriers and Messengers (492)</b>				
Postal service (4911)	•	•	•	G
Couriers and express delivery services (4921)	•	•	•	A2
Local messengers and local delivery (4922)	•	•	•	A2
<b>Telecommunications (517)</b>				
Wired and wireless telecommunications (5171)	•	–	–	A2
<b>Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)</b>				
Computing infrastructure providers, data processing, web hosting, and related services (5182)	•	•	•	A3
<b>Credit Intermediation and Related Activities (522)</b>				
Savings, loan and other financial services (5221, 5222 and 5223)	•	•	•	A3
<b>Securities, Commodity Contracts, and Other Financial Investments and Related Activities ( 523 )</b>				



Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)		•	•	•	A3
<b>Insurance Carriers and Related Activities (524)</b>					
Insurance carriers and related activities (5241 and 5242)		•	•	•	A3
<b>Funds, Trusts and Other Financial Vehicles (525)</b>					
Funds, trusts and other financial vehicles (5251 and 5259)		•	•	•	A3
<b>Real Estate (531)</b>					
Real estate (5311, 5312, and 5313)		•	•	•	A3
<b>Rental and Leasing Services (532)</b>					
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
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**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	*
<b>Repair and Maintenance (811)</b>					
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	A34
	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
<b>Personal and Laundry Services ( 812 )</b>					
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

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**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.

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

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LAST AMENDED  
6/6/2024

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.

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

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LAST AMENDED

6/6/2024

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.

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

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LAST AMENDED

6/6/2024

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 200 persons or fewer, shall be classified as PRC A2. Such establishments with a capacity of more than 200 persons shall be classified as PRC B1.

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## 42-17 - Use Group VII – Offices and Laboratories

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LAST AMENDED

6/6/2024

M1 M2 M3

Use Group VII consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. The provisions regulating #uses# classified in this Use Group, by #Manufacturing District# are set forth in the table below. Notations found in the table are further described in Section [42-10](#) (USE ALLOWANCES).

USE GROUP VII – OFFICES AND LABORATORIES				
● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions   U = Open use allowances				
Uses	M1	M2	M3	PRC

<b>Laboratories</b>				
Laboratories	•	•	•	A3
<b>Offices</b>				
Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	•	•	•	A3

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## 42-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

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LAST AMENDED  
6/6/2024

M1 M2 M3

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [42-181](#) (Use Group VIII – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [42-182](#) (Use Group VIII – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section [42-183](#) (Use Group VIII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section [42-184](#) (Use Group VIII – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section [42-185](#) (Use Group VIII – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “O” in the Use Group table; and
- (f) Section [42-186](#) (Use Group VIII – 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 table.

The provisions of Sections [42-182](#), [42-183](#) and [42-184](#), except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-181](#) (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section [74-181](#) (Recreation, entertainment and assembly space uses).

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## 42-181 - Use Group VIII – general use allowances

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LAST AMENDED  
6/6/2024

The following table includes #uses# classified as Use Group VIII and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section [42-10 \(USE ALLOWANCES\)](#).

<b>USE GROUP VIII – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES</b>				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
<b>Uses</b>	<b>M1</b>	<b>M2</b>	<b>M3</b>	<b>PRC</b>
<b>Amusement and Recreation Facilities</b>				
#Amusement or recreation facilities#	● U	● U	● U	*
#Select entertainment facilities#	● U	● U	● U	*
#Outdoor amusement parks#	● S U	● S U	● S U	C
<b>Art Galleries and Studios</b>				
Art galleries	●	●	●	A2
Art, music, dancing or theatrical studios	●	●	●	A2
Production or entertainment studios	●	●	●	B1
<b>Entertainment and Sporting Venues</b>				
Arenas or auditoriums	● S	● S	● S	B1
Drive-in theaters	○	○	○	N/A
Racetracks	○	○	○	B1



Stadiums	● S U	● S U	● S U	B1
Theaters	●	●	●	B1
<b>Other Assembly Spaces</b>				
Banquet, function or reception halls	●	●	●	B1
Gaming facilities	● P	● P	● P	B1
Historical exhibits	●	●	●	B1
Meeting halls	●	●	●	B1
Non-commercial clubs	●	●	●	B1
Observation decks	● U	● U	● U	B1
Outdoor day camps	● U	● U	● U	G
Publicly accessible spaces	● U	● U	● U	N/A
Riding academies or stables	● P U	● P U	● P U	A4
Trade expositions	● S	● S	● S	B1

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## 42-182 - Use Group VIII – uses subject to size limitations

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LAST AMENDED

6/6/2024

For #uses# denoted with an “S” in Section [42-181](#) (Use Group VIII– general use allowances), the specific size limitations shall be

as follows:#

- (a) Outdoor amusement parks# in all #Manufacturing Districts# are limited to 10,000 square feet of #lot area#. However, in M1 Districts, such #use# may exceed a lot area of 10,000 square feet by special permit by the Board of Standards and Appeals, in accordance with Section [73-183](#) (Outdoor Amusement Parks).
- (b) Arenas, auditoriums or stadiums in all #Manufacturing Districts# are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section [74-182](#) (Arenas, auditoriums, stadiums or trade expositions).

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## **42-183 - Use Group VIII – uses subject to additional conditions**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “P” in Section [42-181](#) (Use Group VIII – general use allowances), the provisions of this Section shall apply.

- (a) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025, pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023, and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

- (b) In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

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## **42-184 - Use Group VIII – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [42-181](#) (Use Group VIII – general use allowances), a #use# may be open or enclosed without restriction, except that stables in all #Manufacturing Districts# shall be enclosed.

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## **42-185 - Use Group VIII – uses permitted by special permit**

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LAST AMENDED

6/6/2024

For #uses# denoted with “O” in Section [42-181](#) (Use Group VIII – general use allowances), the following provisions shall apply:

- (a) Drive-in theaters may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission as set forth in Section [74-183](#) (Drive-in theaters).
- (b) Racetracks may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission, in accordance with Section [74-184](#) (Racetracks).

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## **42-186 - Use Group VIII – additional provisions for parking requirement category**

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LAST AMENDED  
6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [42-181](#) (Use Group VIII – general use allowances), the following provisions shall apply. #Amusement or recreation facilities# or #select entertainment facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.

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## **42-19 - Use Group IX – Storage**

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LAST AMENDED  
6/6/2024

Use Group IX consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [42-191](#) (Use Group IX – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [42-192](#) (Use Group IX – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “◆” in the Use Group tables;
- (c) Section [42-193](#) (Use Group IX – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables; and
- (d) Section [42-194](#) (Use Group IX – 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.

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## **42-191 - Use Group IX – general use allowances**

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LAST AMENDED  
6/6/2024

The following table includes #uses# classified as Use Group IX and sets forth their allowances by #Manufacturing District#. Such #uses# are categorized as general storage, specialized storage, or vehicle storage, as provided in paragraphs A, B and C of this Section. Notations found in the table are further described in Section [42-10](#) (USE ALLOWANCES).

### **A. General Storage**

## 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	M1	M2	M3	PRC
<b>General Storage</b>				
Building materials or contractors' yard	● P U	● P U	● P U	D2
Depositories for storage of office records, microfilm or computer tapes, or for data processing	●	●	●	D2
Micro-distribution facilities	–	–	–	D2
Moving or storage offices	● P	● P	● P	D2
#Self-service storage facility#	♦ P	♦ P	♦ P	D2
Trucking terminals or motor freight stations	● P U	● P U	● P U	D2
Warehouses	● P	● P	● P	D2
Wholesale establishments	● P	● P	● P	A4

### B. Specialized Storage

## USE GROUP IX(B) – SPECIALIZED STORAGE

● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required

– = Not permitted

S = Size restriction   P = Additional conditions   U = Open use allowances

Uses	M1	M2	M3	PRC
<b>Specialized Storage</b>				
Coal or gas storage	● P U	● P U	● P U	D2
Explosives storage, when not prohibited by other ordinances	● P U	● P U	● P U	D2
Grain storage	● P U	● P U	● P U	D2
Junk or salvage yards, including auto wrecking or similar establishments	● P U	● P U	● P U	D2
Lumber yard	● P U	● P U	● P U	D2
Manure, peat or topsoil storage	● P U	● P U	● P U	D2
Petroleum or petroleum products, storage or handling	● P U	● P U	● P U	D2
Refrigerating plants	● P U	● P U	● P U	D2
Scrap metal, junk, paper or rags storage, sorting, or baling	● P U	● P U	● P U	D2

### C. Vehicle Storage

<b>USE GROUP IX(C) – VEHICLE STORAGE</b>				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC

Vehicle Storage				
Boat storage	● P U	● P U	● P U	A4
Commercial or public vehicle storage, including #accessory# motor fuel pumps	● P U	● P U	● P U	D2
Dead storage of motor vehicles	● P U	● P U	● P U	N/A
#Public parking garages# or #public parking lots#	◆ P U	◆ P U	◆ P U	N/A

## 42-192 - Use Group IX – uses permitted with limited applicability

LAST AMENDED  
6/6/2024

For #uses# denoted with “◆” in Section [42-191](#) (Use Group IX – general use allowances), the provisions of this Section shall apply.

- (a) For #public parking garages# and #public parking lots#, the following provisions shall apply:
- (1) In the #Manhattan Core#, such #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.
  - (2) In M1-1, M1-2, M1-3, M2-1, M2-2, or M3-1 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section [74-194](#) (Public parking garages or public parking lots outside high density areas); and
  - (3) In M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section [74-195](#) (Public parking garages or public parking lots in high density central areas).
- (b) Special provisions for self-storage facilities

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of this Section. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of this paragraph are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section [74-192](#) (Self-service storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

A #self-service storage facility# shall, in Subarea 1 of APPENDIX J of this Resolution, be limited to establishments that provide an #industrial floor space# as defined in Section [12-10](#) (DEFINITIONS) or “business-sized” storage space as specified in paragraph (b)(2)(ii) of this Section.

- (1) On a #zoning lot# greater than or equal to 50,000 square feet in area, a #self-service storage facility# shall provide #industrial floor space# that is:
  - (i) equal in #floor area# or #cellar# space to 25 percent of the #lot area#;
  - (ii) located below the level of the third #story#, with at least 50 percent of such #industrial floor space# located on the ground floor, with such ground floor #story# located within five feet of #curb level#, or #base plane#, as applicable, and the remaining #industrial floor space# located on a level that is immediately above or below such #story#; and
  - (iii) provided with access to freight elevators and the #accessory# off-street loading berth required for such #industrial floor space# in accordance with the provisions of Section [44-566](#) (Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas).
- (2) On a #zoning lot# that on December 19, 2017, is less than 50,000 square feet in area, a #self-service storage facility# shall provide:
  - (i) #industrial floor space# as specified in paragraph (b)(1) of this Section; or
  - (ii) #floor area# or #cellar# space containing securely subdivided space for lease within such #self-service storage facility#, where each subdivided space is not less than 100 square feet in area, and with a minimum clear height of eight feet. Such spaces shall be categorized as “business-sized” for the purposes of this Section and the number and sizes of such spaces shall be shown on plans filed with the Department of Buildings. The total area of such business-sized storage space shall be equal in #floor area# or #cellar# space to 25 percent of the #lot area#.
- (3) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, an information #sign# shall be provided. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building# containing the #industrial floor space#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the #building#, and at a height no less than four feet and no more than 5 feet 6 inches above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain the name and address of the building in lettering no less than three-quarters of an inch in height, and the following statement in lettering no less than one-half inch in height: “This building is subject to Industrial Floor Space regulations which require a minimum amount of space to be provided for specific industrial uses.” The information #sign# shall include an Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b)(4) of this Section is available to the public.
- (4) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, no later than June 30 of each year, beginning in the first calendar year in which a temporary or final certificate of occupancy was issued for the #industrial floor space#, the owner of the #building# subject to the #use# restrictions of this Section shall prepare a report on the existing conditions of the #building#. Such report shall be in a form provided by the Director of the Department of City Planning, and shall provide the following

information at the designated Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public:

- (i) the total #floor area# of the #industrial floor space# in the #building# required by this Section;
- (ii) the name of each business establishment occupying #floor area# reserved for the #industrial floor space#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area# the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;
- (iii) a description of each establishment, using the North American Industry Classification System (NAICS) code and number of employees;
- (iv) the total amount of #industrial floor space# that is vacant, as applicable;
- (v) the average annual rent for the portions of the #building#, in the aggregate, required to be #industrial floor space#; and
- (vi) the number of new leases executed during the calendar year, categorized by lease duration, in five-year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning, by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local Council Member shall be included in such transmission.

A #self-service storage facility# shall, in Subarea 2 of APPENDIX J of this Resolution, be permitted by special permit of the City Planning Commission pursuant to Section [74-192](#) (Self-service storage facility in designated areas within Manufacturing Districts).

Any #self-service storage facility# existing on December 19, 2017, located in a designated area within #Manufacturing Districts#, as shown on the maps in APPENDIX J, shall be considered a conforming #use#, provided that the owner of such #self-service storage facility# has filed documentation satisfactory to the Department of Buildings that it existed on such date and met the definition of #self-service storage facility# set forth in Section [12-10](#). Any #enlargement# or #extension# to an existing conforming facility need not provide #industrial floor space#, business-sized storage, or apply for special permit of the City Planning Commission pursuant to Section [74-192](#), as applicable, provided there is no increase in #lot area# of the #zoning lot# as it existed on December 19, 2017. In the event that a #building# for which satisfactory documentation has been filed with the Department of Buildings is damaged or destroyed by any means, such #building# may be reconstructed on the same #zoning lot# and continue as a #self-service storage facility# without providing #industrial floor space# or business-sized storage, as applicable, provided that the #floor area# of such reconstructed #self-service storage facility# does not exceed the #floor area# permitted pursuant to the provisions of Section [43-10](#) (FLOOR AREA REGULATIONS), inclusive.

Any #self-service storage facility# existing on December 19, 2017, that does not file such documentation satisfactory to the Department of Buildings pursuant to the provisions of this Section shall be considered #non-conforming# and subject to the provisions of Article V (NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) of this Resolution.



For #uses# denoted with a “P” in Section [42-191](#) (Use Group IX – general use allowances), the following provisions shall apply:

- (a) Boat storage shall be restricted to boats less than 100 feet in length.
- (b) #Public parking garages# and #public parking lots# shall be subject to the provisions set forth in Section [44-026](#) (Applicability of regulations to public parking garages and public parking lots).
- (c) All #uses# denoted with a “P” in Section [42-191](#) (Use Group IX – general use allowances), except boat storage, #public parking garages# and #public parking lots#, shall conform to the performance standards set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

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## **42-194 - Use Group IX – uses subject to open use allowances**

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For #uses# denoted with a “U” in Section [42-191](#) (Use Group IX – general use allowances), a #use# may be open or enclosed except that:

- (a) building materials or contractors’ yard, including sales, storage, or handling of building materials, may be open or enclosed provided that any #yard# in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings;
- (b) boat storage may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and
- (c) #public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.