Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

73-53 - Enlargements or Extensions of Certain Manufacturing or Related Uses

File generated by https://zr.planning.nyc.gov on 11/8/2026

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LAST AMENDED
6/6/2024

(a) In all districts, the Board of Standards and Appeals may modify #use# and #bulk# regulations to permit the #enlargement# or #extension# of #floor area# of a conforming or #non-conforming# #referenced commercial and manufacturing use#, provided that:

(1) such #use# is not subject to termination pursuant to Section 52-70, et seq.;

(2) the #use# for which such special permit is being sought has been lawfully located on the #zoning lot# on which the expansion is to occur, or a portion thereof, for five years or more;

(3) the #building# in which such #use# is located has not previously been #enlarged#, pursuant to Sections 11-412, 43-121 or 72-21;

(4) the #use# is not one listed in Use Group X and is permitted only in #Manufacturing Districts#; and

(5) in a #Residence District#, such #enlargement# or #extension# shall be permitted in existing #floor area# or on a vacant portion of a #zoning lot# only when no lawful #residential use# has occupied such #floor area# or vacant portion of a #zoning lot# at any time during the five years prior to the date of application for such special permit.

(b) Any #enlargement# or #extension# permitted pursuant to this Section shall be subject to the following requirements:

(1) the permitted #enlargement# or #extension# may be the greater of:

(i) 45 percent of the #floor area# occupied by such #use# on December 17, 1987; or

(ii) 2,500 square feet additional to the #floor area# occupied by such #use# on December 17, 1987.

In no event shall the amount of #enlargement# or #extension# under paragraph (b)(i) of this Section exceed 10,000 square feet additional to the #floor area# occupied by such #use# on December 17, 1987;

(2) unless the #zoning lot# is located within an M2 or M3 District, more than 300 feet from a #Residence District# boundary, any #enlarged# or #extended# portion, or activity generated by such #enlargement# or #extension#, including storage and processing, shall be in #completely enclosed# #buildings#;

(3) in the case of a #non-conforming# #use#, such #enlarged# or #extended use# shall conform to all performance standards applicable in an M1 District located at the boundary with a #Residence District#; however, conforming #uses# shall conform to the applicable performance standards of the district in which they are located;

(4) no open #uses# of any kind, including storage or processing, shall be permitted within 30 feet of a #rear lot line# that is located within a #Residence District# or within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(5) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(6) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(7) no open #uses# of any kind, including storage or processing, shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(8) no #enlargement# or #extension#, or open #uses# of any kind, including storage or processing, shall be permitted within eight feet of the #lot line# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District; and

(9) no #side yard# shall be required in an R6 through R12 Districts or in a #Commercial District# or #Manufacturing District#; however, if such #side yard# is provided, it must be at least eight feet in width.

(c) In granting such special permit, the Board shall find:

(1) that such #enlargement# or #extension# will not generate significant increases in vehicular or pedestrian traffic nor cause congestion in the surrounding area;

(2) that there will be adequate parking for any vehicles generated by such #enlargement# or #extension#;

(3) that any required #side yard# shall be suitably landscaped or fenced as the Board shall prescribe;

(4) that any #accessory# parking or loading generated by such #enlargement# or #extension# shall be suitably buffered from adjacent #uses# by methods that the Board shall prescribe; and

(5) that the special permit, if granted, will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future use or development of the surrounding area.

The Board may prescribe appropriate conditions and safeguards including, if appropriate, limitations on hours of parking and delivery, requirements for off-street loading, and location of curb cuts to

minimize adverse effects of the #enlargement#, #extension# or existing #uses# on the character of the surrounding area, and to protect #residential# or #commercial zoning lots#.