Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-94 - Industrial Business Incentive Areas

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74-94 - Industrial Business Incentive Areas

LAST AMENDED
12/5/2024

For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the maps in Section 74-948 (Maps of Industrial Business Incentive Areas), the City Planning Commission may increase the maximum permitted #floor area ratio# in accordance with Section 74-943 (Permitted floor area increase). In conjunction with such #floor area# increase, t he Commission may permit modifications to other #bulk# regulations, provisions for publicly accessible open spaces, as well as parking and loading requirements for such #developments# or #enlargements#, pursuant to Section 74-944 (Modifications in conjunction with a floor area increase).

All applications for a special permit pursuant to this Section, inclusive, shall be subject to the requirements, conditions and findings set forth in Section 74-942 (Application requirements), Section 74-945 (Conditions), Section 74-946 (Findings), and Section 74-947 (Compliance, recordation and reporting requirements).

74-941 - Definitions

LAST AMENDED
12/5/2024

For the purposes of Section 74-94 (Industrial Business Incentive Areas), inclusive, a “required industrial use” and an “incentive use” shall be defined as follows:

Incentive Use

An “incentive use” is a #use# permitted by the applicable zoning district, that is allowed to occupy the additional #floor area# generated by a #required industrial use# with the exception of the following #uses#:

From Use Group V

All #uses# listed under Use Group V

From Use Group VI

All #uses# listed under Use Group VI, other than industrial drycleaning and laundry services or #uses# listed under Repair and Maintenance

From Use Group VIII

All #uses# listed under Use Group VIII, other than #uses# listed under Art Galleries and Studios

From Use Group IX

All #uses# listed under Use Groups IX(A) or IX(C).

Required Industrial Use

A “required industrial use” is a #referenced commercial and manufacturing use# that helps achieve a desirable mix of #commercial# and #manufacturing uses# in an Industrial Business Incentive Area, and that generates additional #floor area# pursuant to provisions set forth in Section 74-942.

74-942 - Application requirements

LAST AMENDED

All applications for a special permit pursuant to this Section shall include the following:

(a) site plans and elevations which shall establish distribution of #floor area#, height and #setback#, sidewalk widths, primary business entrances, including parking and loading, #yards# and publicly accessible open space, signage and lighting;

(b) floor plans of all floors which shall establish the location, access plan and dimensions of freight elevators and loading areas and the location of #floor area# dedicated to #required industrial uses# and #incentive uses#;

(c) drawings that show, within a 600-foot radius, the location and type of #uses#, the location, dimensions and elements of off-site open areas including #streets#, waterfront and #upland# parcels, elements of a Waterfront Access Plan, as applicable, and the location of #street# trees and #street# furniture and any other urban design elements. Where applicable, for applications in Industrial Business Incentive Area 1, the plans shall demonstrate that any publicly accessible open space provided meets the requirements of paragraph (f) of Section 74-945 (Conditions); and

(d) for #zoning lots# in #flood zones#, flood protection plans, location of mechanical equipment, areas for storage of any hazardous materials and proposed structural or design elements intended to mitigate the impacts of flood and storm events.

74-943 - Permitted floor area increase

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12/5/2024

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section.

For #developments# or #enlargements# in the district indicated in Column A, for each square foot of #required industrial uses#, the base maximum #floor area ratio# on a #zoning lot#, set forth in Column B may be increased by 3.5 square feet up to the maximum #floor area ratio# for all #uses# on the #zoning lot# as set forth in Column E, provided that such increase in #floor area# is occupied by #required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively. In no event shall such #development# or #enlargement# include a #transient hotel#.

FLOOR AREA INCREASE PERMITTED
IN INDUSTRIAL BUSINESS INCENTIVE AREAS

A	B	C	D	E
District	Base Maximum #Floor Area Ratio#	Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#	Maximum Additional #Floor Area Ratio# for #Incentive Uses#	Maximum #Floor Area Ratio# for All #Uses#
M1-2	2.0	0.8	2.0	4.8
M1-4	2.0	1.3	3.2	6.5

Applications for such #floor area# increases are eligible for modifications set forth in Section 74-944 (Modifications in conjunction with a floor area increase), and are subject to the conditions set forth in Section 74-945 and findings set forth in Section 74-946.

74-944 - Modifications in conjunction with a floor area increase

LAST AMENDED
12/5/2024

In Industrial Business Incentive Areas, the City Planning Commission may modify the following in conjunction with an application for a #floor area# increase pursuant to Section 74-943 (Permitted floor area increase).

(a) Bulk modifications

(1) Yard regulations

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall be modified pursuant to the provisions of paragraph (c) of Section 74-945 (Conditions). In addition, the Commission may modify any other #yard# regulations set forth in Section 43-20, inclusive.

(2) Height and setback regulations

(i) In Industrial Business Incentive Area 1, the height and setback regulations of Section 43-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, shall be modified pursuant to the conditions of paragraph (d) of Section 74-945.

(ii) In Industrial Business Incentive Area 2, the Commission may modify the height and setback regulations of Section 43-40, inclusive.

(b) Modification for publicly accessible open space

In Industrial Business Incentive Area 1, where a publicly accessible open space is provided pursuant to paragraph (f) of Section 74-945, the Commission may modify the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

(c) Parking and loading modifications

In all Industrial Business Incentive Areas, the Commission may reduce or waive the off-street parking requirements set forth in Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section 44-50 (OFF-STREET LOADING REGULATIONS), inclusive.

74-945 - Conditions

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12/5/2024

In Industrial Business Incentive Areas, applications for #floor area# increases pursuant to Section 74-943 (Permitted floor area increase) and modifications pursuant to Section 74-944 (Modifications in conjunction with a floor area increase), are subject to the following conditions:

(a) Minimum amount of #required industrial uses#

#Required industrial uses# shall occupy a minimum horizontally contiguous #floor area# of 5,000 square feet in Industrial Business Incentive Area 1, and 2,500 square feet in Industrial

Business Incentive Area 2, and shall be served by loading areas and freight elevators with sufficient capacity.

(b) Minimum sidewalk width

In all Industrial Business Incentive Areas, all #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall be accessible to the public at all times.

(c) Yards

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall not apply to any #development# or #enlargement# on a #through lot# or the #through lot# portion of a #zoning lot#.

(d) Height and setback

In Industrial Business Incentive Area 1, the #street wall# location requirements and height and setback regulations of this paragraph shall apply to any #development# or #enlargement#. For the purposes of applying the provisions of this paragraph, any sidewalk widening line provided pursuant to the minimum sidewalk width requirement of paragraph (b) shall be considered the #street line#. All heights shall be measured from the #base plane#.

(1) The #street wall# of any #building# shall be located on the #street line# and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the #building#, whichever is less. At least 70 percent of the aggregate width of such #street wall# below 12 feet shall be located at the #street line# and no less than 70 percent of the aggregate area of the #street wall# up to the base height shall be located at the #street line#. However, up to

a width of 130 feet of such #street wall# located on the short end of the #block# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section.

(2) The height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or within 15 feet of a #narrow street# shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 50 percent of the #street wall# and a maximum height of 110 feet. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 110 feet. Where a publicly accessible open space is provided pursuant to paragraph (f) of this Section, such maximum #building# height may be increased to 135 feet.

(3) Along the short dimension of a #block#, up to 130 feet of such #street wall# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section, and a #street wall# located at the #street line# that occupies not more than 40 percent of the short end of the #block# may rise without setback to the maximum #building# height.

(e) Ground floor design

In all Industrial Business Incentive Areas the ground floor level #street walls#, and ground floor level walls fronting on a publicly accessible open space of a #development# or horizontal #enlargement# provided pursuant to paragraph (f) of this Section, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

(f) Publicly accessible open space

In Industrial Business Incentive Area 1, a publicly accessible open space shall be provided where the additional #building# height provision of paragraph (d)(2) of this Section is used. Such publicly accessible open space shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and a minimum of at least 2,000 square feet in area. In addition, such publicly accessible open space shall comply with the provisions set forth in Section 37-70 (PUBLIC PLAZAS), inclusive, except that certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.

(g) Signs

In all Industrial Business Incentive Areas, the following shall apply:

(1) #Signs# shall be subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60 (SIGN REGULATIONS), inclusive. Information #signs# provided pursuant to paragraph (g)(2) of this Section shall not count towards the maximum permitted #surface area# regulations of Section 32-64 (Surface Area and Illumination Provisions), inclusive.

(2) An information #sign# shall be provided for all #buildings# subject to the #use# restrictions of this special permit. 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#. 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 five and a half feet 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 of an inch in height, “This building is subject to Industrial Business Incentive Area regulations which require a minimum amount of space to be provided for specific industrial uses.” The information #sign# shall include the

internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b) of Section 74-947 (Compliance, recordation and reporting requirements) is available to the public.

74-946 - Findings

LAST AMENDED
12/5/2024

In order to grant additional #floor area# and any modifications to #bulk#, publicly accessible open space or parking and loading regulations, the City Planning Commission shall find that:

(a) For all applications with a #floor area# increase, and for any applications with #bulk# modifications, such increase or modification:

(1) will promote a beneficial mix of #required industrial# and #incentive uses#;

(2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;

(3) will result in a #building# that has a better design relationship with surrounding #streets# and adjacent open areas;

(4) will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and

(5) will, for #yard# or height and setback regulations, provide a better distribution of #bulk# on the #zoning lot# and will not unduly obstruct the access to light and air of surrounding #streets# and properties.

(b) Where modifications to publicly accessible open space requirements of paragraph (f) of Section 74-945 (Conditions) are proposed, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.

(c) Where modifications to parking or loading regulations are proposed:

(1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

(2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;

(3) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and

(4) the reduction or waiver of loading berths requirements will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

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

74-947 - Compliance, recordation and reporting requirements

LAST AMENDED
12/5/2024

Applications for #floor area# increases and modifications in Industrial Business Incentive Areas are subject to the following requirements:

(a) Compliance and recordation

Failure to comply with a condition or restriction in a special permit granted pursuant to Section 74-94 (Industrial Business Incentive Areas), inclusive, or with applicable approved plans, or with provisions of paragraphs (a), (b) and (c) of this Section, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the implementation of all other applicable remedies.

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to #use# restrictions or #public plaza# requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lot is located.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the #building# to be occupied by #incentive uses# shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the #building# required to be occupied by #required industrial uses#.

(b) Periodic notification by owner

No later than the 20th day after the lease executed by a new tenant permits occupancy of any #required industrial space#, the owner of a #building# subject to #use# restrictions of this

special permit shall provide the following information at the designated internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to paragraph (g)(2) of Section 74-945 (Conditions). If no new tenant executes a lease for any #required industrial space# within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:

(1) the date of the most recent update of this information;

(2) total #floor area# of the #required industrial uses# in the #development#;

(3) a digital copy of all approved special permit drawings pursuant to Section 74-942 (Application requirements);

(4) the name of each business establishment occupying #floor area# reserved for #required industrial uses#. 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;

(5) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(6) all prior periodic notification information required pursuant to the provisions of this paragraph (b). However, such notification information that is older than four years from the date of the most recent update need not be included.

(c) Annual reporting by qualified third party

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a #building# subject to #use# restrictions of this Section, the owner of a #building# subject to #use# restrictions of this Section shall cause to be prepared a report on the existing conditions of the #building#, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.

The inspection shall be preceded by an annual notification letter from the owner of a #building# subject to #use# restrictions of this Section to all the #required industrial use# tenants of the #building# announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by #required industrial uses#, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.

The owner of a #building# subject to #use# restrictions of this Section shall cause such report to be prepared by an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, or, in Industrial Business Incentive Area 2, by a special inspection agency that is registered with the City as established in Section 28-101.5 of the Administrative Code. Such organization or agency selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the Director of the Department of City Planning, and shall include all of the information required pursuant to the provisions of paragraph (b) of this Section, and additional information as set forth in this paragraph (c):

(1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;

(2) the total amount of #required industrial use# #floor area# that is vacant, as applicable;

(3) the average annual rent for the portions of the #building#, in the aggregate, required to be occupied by #required industrial uses#. However, prior to 36 months from the date of execution of a lease by the first #required industrial use# tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph (c). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the annual average rent for the calendar year two years prior to the year in which the report is due; and

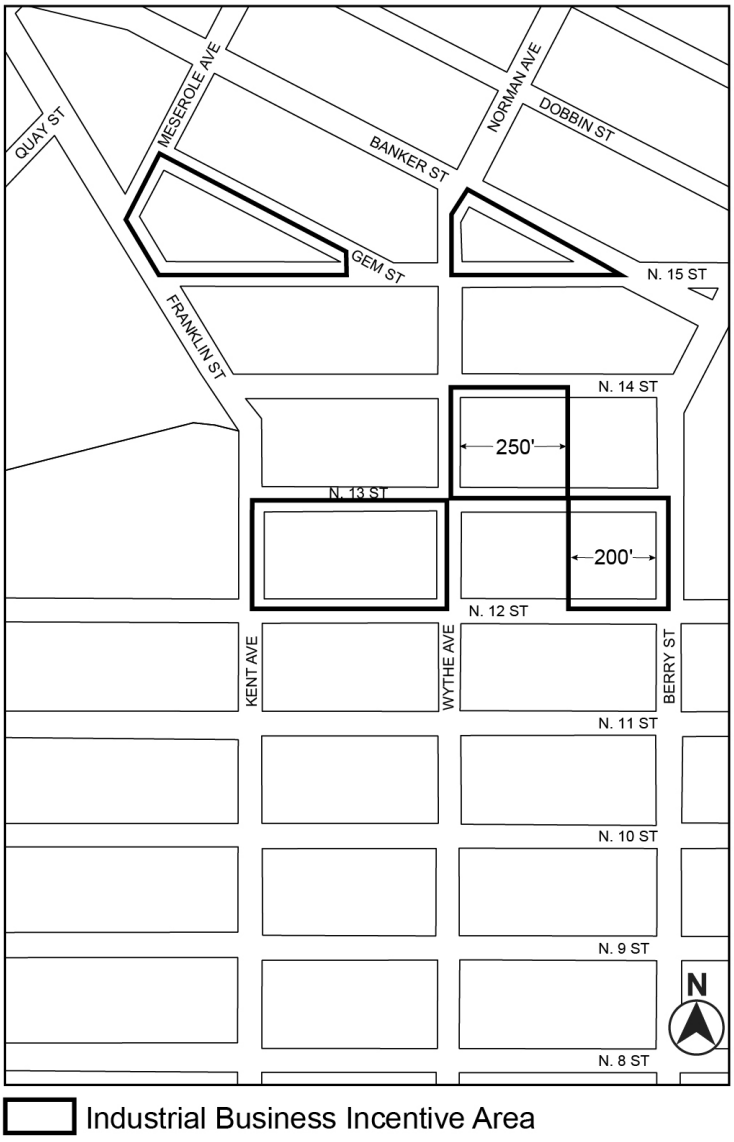
(4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

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 City Council member shall be included in such transmission.

74-948 - Maps of Industrial Business Incentive Areas

LAST AMENDED
3/26/2026

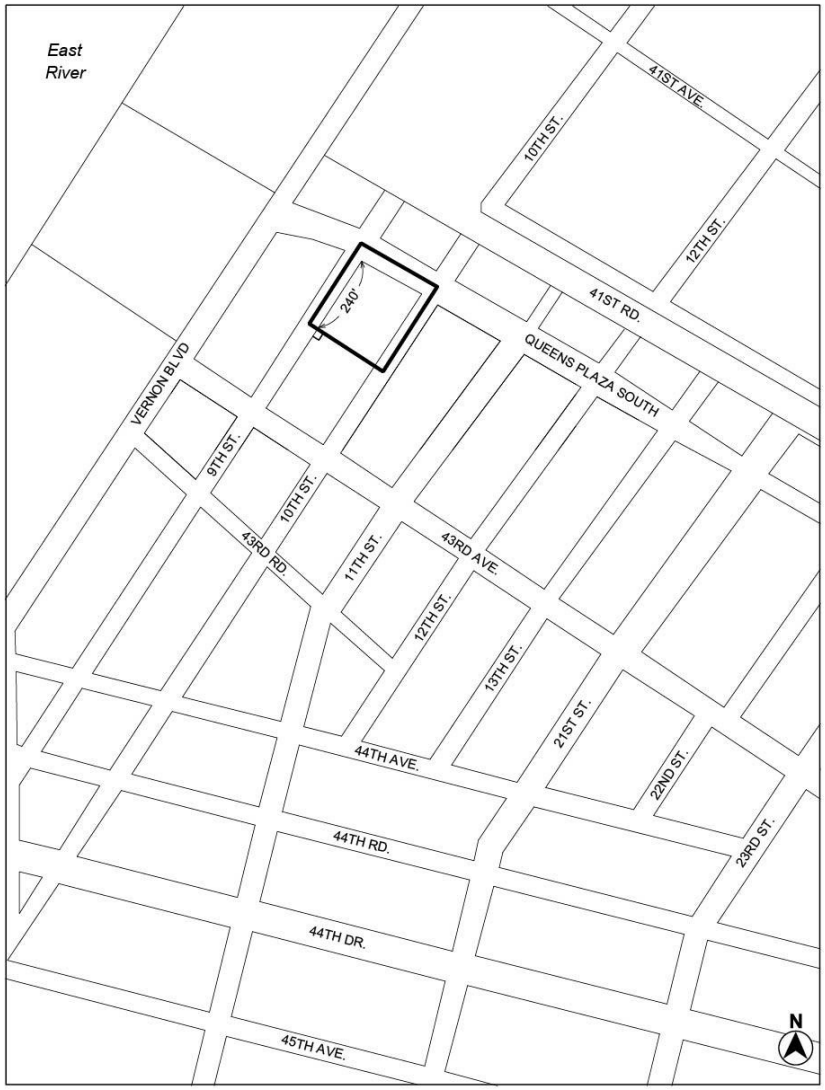
Map 1: Brooklyn



Portion of Community District 1,

Borough of Brooklyn

Map 2: Queens



Portion of Community District 2,

Borough of Queens