



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Article IV - Manufacturing District Regulations**

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## Zoning Resolution

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Eric Adams, Mayor

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# Chapter 1 - Statement of Legislative Intent

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

# Chapter 1 - Statement of Legislative Intent

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## 41-00 - GENERAL PURPOSES OF MANUFACTURING DISTRICTS

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LAST AMENDED

12/21/1989

The Manufacturing Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites.
- (b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by generally prohibiting the use of such space for new residential development.
- (c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are appropriate therefor.
- (e) To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.
- (f) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.
- (g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.
- (h) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

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## 41-10 - PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

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LAST AMENDED

4/9/1981

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### 41-11 - M1 Light Manufacturing Districts (High Performance)

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LAST AMENDED  
9/21/2011

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

- (a) joint living-work quarters for artists in M1-5B Districts;
- (b) dwelling units in M1-5M and M1-6M Districts;
- (c) dwelling units in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, where authorized by the City Planning Commission, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development; and
- (d) dwelling units in M1-6D Districts.

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## **41-12 - M2 Medium Manufacturing Districts (Medium Performance)**

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LAST AMENDED  
6/6/2024

These districts are designed for manufacturing and related activities which can meet a medium level of performance standards. Enclosure of such activities is not normally required except in areas along the boundary of a Residence District. No new residences are permitted.

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## **41-13 - M3 Heavy Manufacturing Districts (Low Performance)**

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LAST AMENDED  
12/15/1961

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences or community facilities are permitted.



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 2 - Use Regulations

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

# Chapter 2 - Use Regulations

## 42-00 - GENERAL PROVISIONS

LAST AMENDED

12/5/2024

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII, VIII, IX and X, are permitted in #Manufacturing Districts# subject to the provisions of the following Sections:

- (a) Sections [42-11](#) (Use Group I – Agriculture and Open Uses) through [42-20](#) (Use Group X – Production Uses) establish general #use# allowances in Use Groups I through X, including each #use# listed separately therein, by #Manufacturing District#, and additional provisions for certain #uses#, where applicable.
- (b) Section [42-30](#) (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS) sets forth special provisions applicable to certain #Manufacturing Districts#, including:
  - (1) M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, as set forth in Section [42-311](#) (Residential uses in M1-1D through M1-5D Districts);
  - (2) M1-6D Districts, as set forth in Section [42-312](#) (Use regulations in M1-6D Districts);
  - (3) M1-5M and M1-6M Districts, as set forth in Section [42-313](#) (Use regulations in M1-5M and M1-6M Districts);
  - (4) M1-1, M1-5 and M1-6 Districts in certain areas, as set forth in Section [42-314](#) (Use regulations in certain M1-1, M1-5 and M1-6 Districts);
  - (5) M1-5B Districts, as set forth in Section [42-315](#) (Use regulations in M1-5B Districts); and
  - (6) #Manufacturing Districts# with an A suffix, as set forth in Section [42-326](#) (Use regulations in Manufacturing Districts with an A suffix).
- (c) Section [42-40](#) (PERFORMANCE STANDARDS) establishes performance standards that are applicable to certain #uses# listed in Use Groups I, IV, VI, VIII, IX and X.
- (d) Section [42-50](#) (SUPPLEMENTARY USE REGULATIONS) sets forth supplementary #use# regulations and special provisions applying along district boundaries, including:
  - (1) enclosure of commercial or manufacturing activities, as set forth in Section [42-51](#);
  - (2) enclosure or screening of storage, as set forth in Section [42-52](#); and
  - (3) limitations on business entrances, show windows or #signs#, as set forth in Section [42-53](#).
- (e) Section [42-60](#) (SIGN REGULATIONS), inclusive, sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (General Provisions), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

## 42-01 - Special Provisions for Adult Establishments

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LAST AMENDED  
10/13/2010

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.
- (b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.
- (c) No #adult establishment# shall be established less than 500 feet from another #adult establishment#.
- (d) No more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.
- (e) #Adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.
- (f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d) and (e) of this Section, shall not be subject to the provisions of Section [52-77](#) (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

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## 42-10 - USE ALLOWANCES

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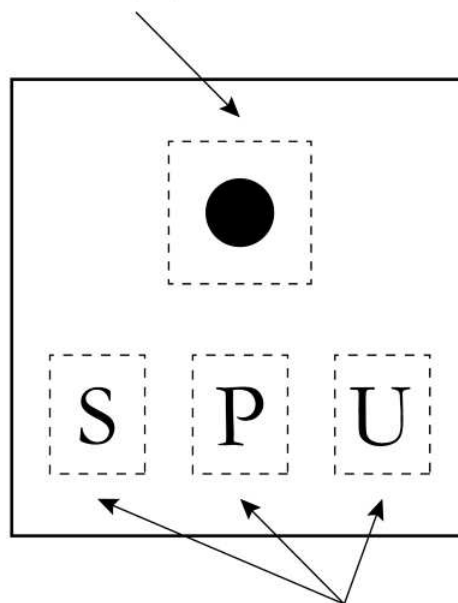
LAST AMENDED  
6/6/2024

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”)



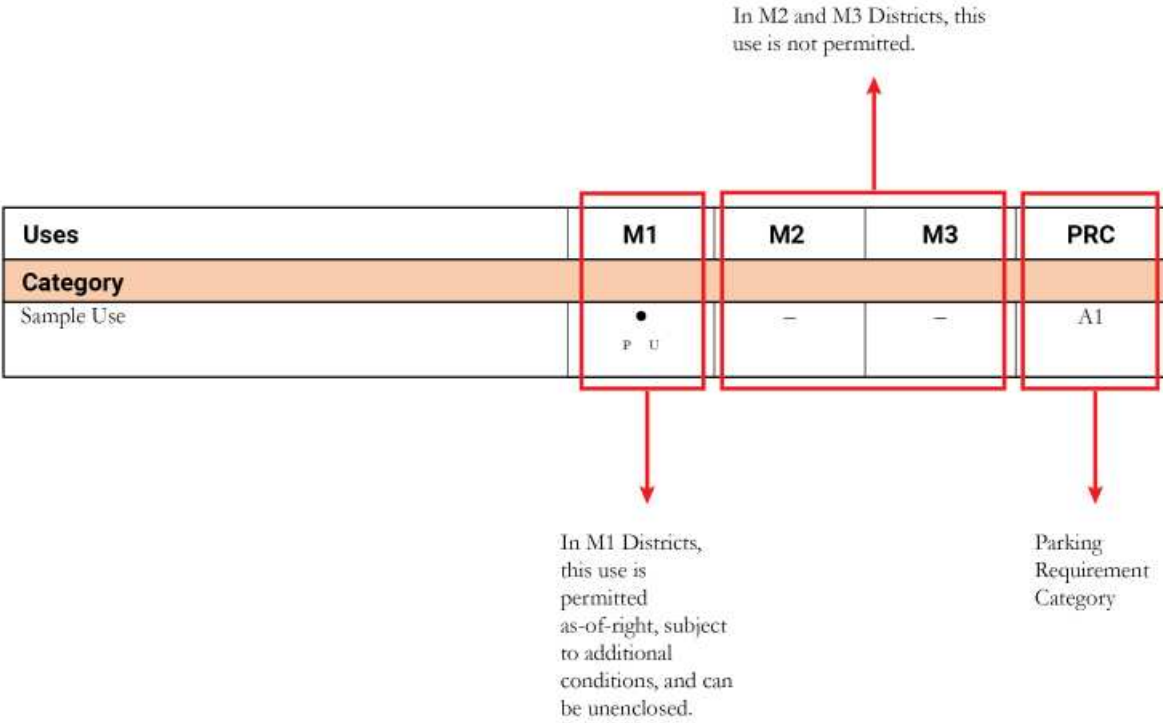
Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions or open #use# allowances. However, all #uses#, where applicable, are subject to the provisions of Sections [42-30](#) (SPECIAL PROVISIONS APPLICABLE TO CERTAIN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



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

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

LAST AMENDED  
6/6/2024

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#.

USE GROUP I – AGRICULTURE AND OPEN USES				
<div>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required</div> <div>– = Not permitted</div> <div>S = Size restriction   P = Additional conditions   U = Open use allowances</div>				
Uses	M1	M2	M3	PRC
Agriculture				
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	● P U	● P U	● P U	G
Open Uses				

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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LAST AMENDED

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 “○” 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 [73-112](#) (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

12/5/2024

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, in accordance with Section [42-311](#) (Residential uses in M1-1D through M1-5D Districts);
- (b) In M1-6D Districts, in accordance with Section [42-312](#) (Use regulations in M1-6D Districts);
- (c) In M1-5M and M1-6M Districts, in accordance with Section [42-313](#) (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 [42-314](#) (Use regulations in certain M1-1, M1-5 and M1-6 Districts).

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

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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

LAST AMENDED

12/5/2024

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				
● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions   U = Open use allowances				
Uses	M1	M2	M3	PRC
Educational Institutions				
College or school student dormitories and fraternity or sorority student houses	–	–	–	E2
Faith-based Institutions and Facilities				
Monasteries, convents or novitiates	–	–	–	N/A
Rectories or parish houses with sleeping accommodations	–	–	–	N/A
Seminaries with sleeping accommodations	–	–	–	*
Health Institutions and Facilities				

#Long-term care facilities#	–	–	–	E3
#Non-profit hospital staff dwellings #	–	–	–	*
<b>Other Institutions and Facilities</b>				
Community centers or settlement houses with sleeping accommodations	–	–	–	B3
Non-commercial clubs with sleeping accommodations	–	–	–	B3
Philanthropic or non-profit institutions with sleeping accommodations	–	–	–	E3

#### 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</p> <p>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	●	–	–	N/A
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 or settlement houses without sleeping accommodations	○	—	—	B3
Libraries	○	—	—	G
Museums	● P	● P	● P	G
Non-commercial art galleries	○	—	—	G
Non-commercial clubs without sleeping accommodations	○	—	—	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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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 “O” 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.

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

LAST AMENDED  
12/5/2024

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

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

Prisons	●	●	●	G
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## B. Infrastructure

USE GROUP IV(B) – INFRASTRUCTURE				
● = 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>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 right-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

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

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

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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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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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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).

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

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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				
<div>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required</div> <div>– = Not permitted</div> <div>S = Size restriction   P = Additional conditions   U = Open use allowances</div>				
Uses	M1	M2	M3	PRC
Transient Accommodations				
#Motels#	● P	–	–	F1
Overnight camps	● U	● U	● U	G
#Tourist cabins#	● P	–	–	F1
#Transient hotels#	● P	–	–	*

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

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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## 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**

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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

● = 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>Motor Vehicle and Parts Dealer (441)</b>					
Automobile dealers (4411)		● U	● U	● U	A4
Other motor vehicle dealers (4412)	Boat dealers (441222)	● U	● U	● U	C
	All other motor vehicle dealers (in 4412)	● U	● U	● U	C
Automotive parts, accessories and tire retailers (4413)		●	●	●	A2
<b>Building Material and Garden Equipment and Supplies Dealer (444)</b>					
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
<b>Food and Beverage Retailers (445)</b>					
Grocery and convenience retailers (4451)		● S	● S	● S	*
Specialty food retailers (4452)		● S	● S	● S	*

Beer, wine and liquor retailers (4453)		●	●	●	A2
<b>Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)</b>					
Furniture and home furnishing retailers (4491)		● S	—	—	A3
Electronics and appliance retailers (4492)		● S	—	—	A3
<b>General Merchandise Retailers (455)</b>					
Department stores (4551)		● S	—	—	A2
Warehouse clubs, supercenters, and other general merchandise retailers (4552)		● S	—	—	A2
<b>Health and Personal Care Retailers (456)</b>					
Health and personal care retailers (4561)		●	●	●	A2
<b>Gasoline Stations and Fuel Dealers (457)</b>					
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
<b>Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)</b>					

Clothing and clothing accessories retailers (4581)		● S	–	–	A2
Shoe retailers (4582)		●	–	–	A2
Jewelry, luggage, and leather goods retailers (4583)		●	–	–	A2
<b>Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)</b>					
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
<b>Professional, Scientific, and Technical Services (541)</b>					
Veterinary services (54194)		● P	● P	● P	A3
All other professional, scientific, and technical services (in 541)		●	●	●	A3
<b>Management of Companies and Enterprises (551)</b>					
Management of companies and enterprises (5511)		●	●	●	A3
<b>Administrative and Support Services (561)</b>					
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
<b>Educational Services (611)</b>					
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
<b>Food Services and Drinking Places (722)</b>					
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	A4
	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
Personal and Laundry Services ( 812 )					
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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LAST AMENDED  
6/6/2024

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 more than 200 persons, shall be classified as PRC B1. All other eating or drinking establishments shall be classified as PRC A2.

42-17 - Use Group VII – Offices and Laboratories

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
Laboratories				
Laboratories	●	●	●	A3
Offices				
Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	●	●	●	A3

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

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).

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

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).

USE GROUP VIII – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES				
<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
Amusement and Recreation Facilities				
#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



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.

42-191 - Use Group IX – general use allowances

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				
<div>● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required</div> <div>– = Not permitted</div> <div>S = Size restriction   P = Additional conditions   U = Open use allowances</div>				
Uses	M1	M2	M3	PRC
General Storage				
Building materials or contractors' yard	<div>●</div> <div>P   U</div>	<div>●</div> <div>P   U</div>	<div>●</div> <div>P   U</div>	D2
Depositories for storage of office records, microfilm or computer tapes, or for data processing	<div>●</div>	<div>●</div>	<div>●</div>	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				
<p>● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required</p> <p>– = Not permitted</p> <p>S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC
Specialized Storage				
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

USE GROUP IX(C) – VEHICLE 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
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

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.

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## **42-193 - Use Group IX – uses subject to additional conditions**

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LAST AMENDED

6/6/2024

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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LAST AMENDED

6/6/2024

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#.

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## 42-20 - Use Group X – Production Uses

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LAST AMENDED  
6/6/2024

M1 M2 M3

Use Group X consists of #uses# engaged in the mechanical, physical, or chemical transformation of materials into new goods. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [42-201](#) (Use Group X – general use allowances) which includes the compilation of #uses# in the Use Group table; and
- (b) Section [42-202](#) (Use Group X – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

The provisions of Section [42-202](#), except as otherwise specified in such Sections, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-211](#) (Production uses), or by special permit of the City Planning Commission, in accordance with Section [74-211](#) (Production uses).

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## 42-201 - Use Group X - general use allowances

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LAST AMENDED  
6/6/2024

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

Included in the #use# table, for reference purposes only, are the three-digit subsector categories from the manufacturing sector (sectors [31-33](#)) of the 2022 North American Industry Classification System (NAICS). For each #use# under the three-digit subsector categories in manufacturing, 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 X – PRODUCTION

● = 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>Food Manufacturing (311)</b>					
Animal food manufacturing (3111)		● P	● P	● P	D1
Sugar and confectionary product manufacturing (3113)	Sugar manufacturing (31131)	● P	● P	● P	D1
	All other sugar and confectionary product manufacturing (in 3113)	● P	● P	● P	D1
Animal slaughtering and processing (3116)		● P	● P	● P	D1
Seafood product preparation and packaging (3117)		● P	● P	● P	D1
All other food manufacturing (in 311)		● P	● P	● P	D1
<b>Beverage and Tobacco Product Manufacturing (312)</b>					
Beverage manufacturing (3121)	Distilleries (31214)	● P	● P	● P	D1
	All other beverage manufacturing (in 3121)	● P	● P	● P	D1
Tobacco manufacturing (3122)		● P	● P	● P	D1
<b>Textile &amp; Textile Product Mills (313–314)</b>					



Textile mills (313)	● P	● P	● P	D1
Textile product mills (314)	● P	● P	● P	D1
<b>Apparel Manufacturing (315)</b>				
Apparel manufacturing (315)	● P	● P	● P	D1
<b>Leather and Allied Product Manufacturing (316)</b>				
Leather and hide tanning and finishing (3161)	● P	● P	● P	D1
Footwear manufacturing (3162)	● P	● P	● P	D1
Other leather and allied product manufacturing (3169)	● P	● P	● P	D1
<b>Wood Product Manufacturing (321)</b>				
Sawmills and wood preservation (3211)	● P	● P	● P	D1
Veneer, plywood, and engineered wood product manufacturing (3212)	● P	● P	● P	D1
Other wood product manufacturing (3219)	● P	● P	● P	D1
<b>Paper Manufacturing (322)</b>				
Pulp, paper, and paperboard mills (3221)	● P	● P	● P	D1

Converted paper product manufacturing (3222)	Stationary product manufacturing (32223)	● P	● P	● P	D1
	All other converted paper product manufacturing (in 3222)	● P	● P	● P	D1
<b>Printing and Related Support Activities (323)</b>					
Printing and related support activities (3231)		● P	● P	● P	D1
<b>Petroleum and Coal Products Manufacturing (324)</b>					
Petroleum and coal products manufacturing (3241)		● P	● P	● P	D1
<b>Chemical Manufacturing (325)</b>					
Pharmaceutical and medicine manufacturing (3254)		● P	● P	● P	D1
Soap, cleaning compound, and toilet preparation manufacturing (3256)	Soap and other detergent manufacturing (325611)	● P	● P	● P	D1
	All other soap, cleaning compound and toilet preparation manufacturing (in 3256)	● P	● P	● P	D1
All other chemical manufacturing (in 325)		● P	● P	● P	D1
<b>Plastics and Rubber Products Manufacturing (326)</b>					
Plastics and rubber products manufacturing (326)		● P	● P	● P	D1
<b>Nonmetallic Mineral Product Manufacturing (327)</b>					
Clay product and refractory manufacturing (3271)	Clay building material and refractories manufacturing (32712)	● P	● P	● P	D1

	All other clay product and refractory manufacturing (in 3271)	● P	● P	● P	D1
Glass and glass product manufacturing (3272)	Flat glass manufacturing (327211)	● P	● P	● P	D1
	Other pressed and blown glass and glassware manufacturing (327212)	● P	● P	● P	D1
	All other glass and glass product manufacturing (in 3272)	● P	● P	● P	D1
All other nonmetallic mineral product manufacturing (in 327)		● P	● P	● P	D1
<b>Primary Metal Manufacturing and Fabricated Metal Product Manufacturing (331–332)</b>					
Primary metal manufacturing (331)		● P	● P	● P	D1
Fabricated metal product manufacturing (332)	Cutlery and Handtool manufacturing (3322)	● P	● P	● P	D1
	All other fabricated metal product manufacturing (in 332)	● P	● P	● P	D1
<b>Machinery Manufacturing (333)</b>					
Agriculture, construction, and mining machinery manufacturing (3331)		● P	● P	● P	D1
All other machinery manufacturing (in 333)		● P	● P	● P	D1
<b>Computer and Electronic Product Manufacturing (334)</b>					
Computer and peripheral equipment manufacturing (334)		● P	● P	● P	D1
<b>Electrical Equipment, Appliance, and Component Manufacturing (335)</b>					

Electric lighting equipment manufacturing (3351)		● P	● P	● P	D1
Household appliance manufacturing (3352)	Small electrical appliance manufacturing ( 33521)	● P	● P	● P	D1
	Major household appliance manufacturing (33522)	● P	● P	● P	D1
All other electrical equipment and component manufacturing (in 335)		● P	● P	● P	D1
<b>Transportation Equipment Manufacturing (336)</b>					
Transportation equipment manufacturing (336)		● P	● P	● P	D1
<b>Furniture and Related Product Manufacturing (337)</b>					
Furniture and related product manufacturing (337)		● P	● P	● P	D1
<b>Miscellaneous Manufacturing (339)</b>					
Medical equipment and supplies manufacturing (3391)		● P	● P	● P	D1
Other miscellaneous manufacturing (3399)		● P	● P	● P	D1

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## 42-202 - Use Group X – uses subject to additional conditions

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [42-201](#) (Use Group X – general use allowances), the provisions of this Section shall apply. Permitted #uses# in all #Manufacturing Districts# 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. However, beverage manufacturing establishments shall not be subject to the provisions of Section [42-47](#) (Performance Standards Regulating Fire and Explosive Hazards).

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## 42-30 - SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS

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## 42-31 - Special Regulations Applicable to Certain Districts

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### 42-311 - Residential uses in M1-1D through M1-5D Districts

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In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, #residential uses# shall be permitted on #zoning lots# that include existing #residences# and are not located in either a designated area shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution or within 100 feet of Third Avenue in Brooklyn. Such #residential use# shall be subject to the regulations of Sections [43-61](#) (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and [44-022](#) (Applicability of regulations in M1-1D through M1-5D Districts)

For all other #zoning lots#, new #residences# or #enlargements# of existing #residences# may be permitted by authorization of the City Planning Commission provided the #zoning lot# existing on June 20, 1988, meets the criteria of paragraphs (a), (b) or (c) of this Section.

- (a) On #zoning lots# containing #residential# or #community facility# #uses#, new #residences# or #enlargements# of existing #residences# may be authorized, provided:
  - (1) the #zoning lot# contains a #building# that has one or more #stories# of lawful #residential# or #community facility# #uses# and no more than one #story# of #commercial# or #manufacturing# #uses# therein;
  - (2) the #zoning lot# contains no other #commercial# or #manufacturing# #uses#; and
  - (3) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.
- (b) On vacant #zoning lots#, new #residences# may be authorized, provided:
  - (1) the #zoning lot# has been vacant continuously since June 20, 1988, or has been vacant continuously for five years prior to the date of application for such authorization;
  - (2) a #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by a #community facility building# or a #building# containing #residences#; and
  - (3) either of the following conditions exist:
    - (i) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 10,000 square feet of #lot area#, and 50 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#; or
    - (ii) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 5,000 square feet of #lot area#, and 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is

occupied by #zoning lots# containing #residential# or #community facility# #uses#.

- (c) On #land with minor improvements#, new #residences# may be authorized provided such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (b) of this Section, except that new #residential use# shall not be authorized on #land with minor improvements# that:
- (1) is used for parking, storage or processing in connection with a conforming, enclosed #commercial# or #manufacturing# #use# within the district; or
  - (2) has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.
- (d) In determining eligibility for #residential use#, pursuant to paragraphs (a), (b) or (c) of this Section, the following regulations shall be applicable:
- (1) In order to determine whether a #corner lot# meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses# may be measured along any #block# front upon which such #corner lot# has frontage.
  - (2) In determining the percent of the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses#, the length along the #block# front of every #zoning lot#, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the #block# fronts occupied by #zoning lots# containing lawful #residential# or #community facility# #uses#. Vacant #zoning lots# and #land with minor improvements# shall not be counted as #residential# or #community facility# frontage.
- For the purpose of this Section, the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and no more than one #story# of #commercial# or #manufacturing# #use# shall be considered as a frontage of #residential# or #community facility# #uses#, and the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and more than one #story# of #commercial# or #manufacturing# #uses# shall be considered as a frontage of #commercial# or #manufacturing# #uses#.
- (3) New #residential use# shall not be authorized on any #floor area# that is vacant or that is occupied by a #commercial# or #manufacturing# #use#, except that in a #building designed for residential use# where at least 50 percent of the #floor area# is occupied by #residential use#, the #residential use# may be #extended#.
  - (4) In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#.
  - (5) For the purposes of this Section, a #through lot# fronting on no more than two #streets# shall be treated as if it consisted of two separate #zoning lots# with #abutting# #rear lot lines# at a line midway between the two #street lines# upon which such #through lot# fronts. In the case of a #through lot# that fronts on more than two #streets#, the #through lot# portion shall first be considered as if it were so divided, and then any remaining portion shall be considered as if it were a separate #zoning lot#. Notwithstanding, in no event shall contiguous portions of a #through lot# that front on the same #street# be treated as if they were separate #zoning lots#.

Each resulting portion of such #through lot# on each #street# frontage shall be considered separately to determine whether it meets the criteria for new #residences# set forth in paragraphs (a), (b) or (c) of this Section, and only on such portion may new #residences# or #enlargements# of existing #residences# be authorized. Only

the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

- (6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (b)(3).

(e) In authorizing such #residential uses#, the Commission shall find that:

- (1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing# #uses#;
- (2) there are no open #uses# listed under Sewage, Storm Water and Waste Infrastructure in Use Group IV(B) or Specialized Storage in Use Group IX(B) within 400 feet of the #zoning lot#;
- (3) the #residential uses# will not adversely affect #commercial# or #manufacturing# #uses# in the district; and
- (4) the authorization 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 #commercial# and #manufacturing# #zoning lots#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections [43-61](#) (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and [44-022](#) (Applicability of regulations in M1-1D through M1-5D Districts).

Regulations governing other #residential uses# in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section [52-46](#) (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts) or of this Section.

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## 42-312 - Use regulations in M1-6D Districts

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LAST AMENDED

12/5/2024

All permitted #uses# in M1-6D Districts, as set forth in Sections [42-11](#) (Use Group I – Agriculture and Open Uses) through [42-20](#) (Use Group X – Production Uses) shall comply with the provisions set forth in this Section, inclusive.

(a) #Residential use#

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (1) #Residential use# as-of-right#

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(2) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential# #floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:

- (i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area# #converted# to #residential# vertical circulation and lobby space need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

(b) #Community facility# #uses#

The regulations for Use Group III that are applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #uses# listed in Use Group III shall be permitted, except that #uses# listed in Use Group III(A) shall only be permitted in accordance with paragraphs (b)(1) or (b)(2) of this Section, as applicable.

For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (1) #Uses# listed in Use Group III(A) shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (2) #Uses# listed in Use Group III(A) shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential# #floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:
  - (i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
  - (ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward



meeting the requirements of this certification.

However, non-#residential# #floor area# converted to vertical circulation and lobby space associated with a #use# listed in Use Group III(A) need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #uses# listed in Use Group III(A), or for a new #building# containing such a #use#.

(c) #Commercial# and #manufacturing# #uses#

The regulations applicable in #Special Mixed Use Districts#, as set forth in Section [123-21](#) (Modifications to M1 use regulations) and Section [123-22](#) (Additional conditions for certain uses), shall apply except that the size limitations for #uses# listed in Use Group VI, shall not apply.

(d) Streetscape provisions

For the purposes of applying the underlying #ground floor level# streetscape provisions set forth in Section [32-30](#) (STREETSCAPE REGULATIONS) to this Section, the streetscape regulations for C6 Districts shall apply in M1-6D Districts.#Ground floor level# #street frontages# along #wide streets# shall be considered #Tier C street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #Tier B street frontage#. Such #Tier B# provisions shall apply regardless of the zoning district designations on the same or an adjoining #block#, notwithstanding the exemptions within the definition of #Tier B street frontage#. Defined terms in this Section include those in Sections [12-10](#) and 32-301.

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## 42-313 - Use regulations in M1-5M and M1-6M Districts

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LAST AMENDED  
12/5/2024

In M1-5M and M1-6M Districts, the #conversion# of non-#residential buildings#, or portions thereof, erected prior to December 31, 1990, to #dwellimng units# or #community facilities# with sleeping accommodations, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).

In M1-5M and M1-6M Districts, eating or drinking establishments, where such establishments provide entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, are permitted only by special permit of the Board of Standards and Appeals in accordance with Section [73-162](#) (Eating or drinking establishments).

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## 42-314 - Use regulations in certain M1-1, M1-5 and M1-6 Districts

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LAST AMENDED  
12/5/2024

(a) In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed

subject to the #bulk# regulations of Section [43-01](#) (Applicability of This Chapter) and the #accessory# off-street parking regulations of Section [44-024](#) (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

- (b) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

Such #dwelling units# shall comply with the requirements of Section [15-024](#) (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists). For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

- (c) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#;
  - (2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this Section shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued; and
  - (3) in M1-6D Districts, #residential use# shall be permitted as-of-right subject to the #use# regulations set forth in Section [42-312](#) (Use regulations in M1-6D Districts).

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## 42-315 - Use regulations in M1-5B Districts

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LAST AMENDED  
12/5/2024

The regulations governing M1 Districts shall apply in M1-5B Districts except where the special #use# regulations set forth in paragraphs (a) and (b) of this Section, provide otherwise.

- (a) #Joint living-work quarters for artists# in #buildings# in M1-5B Districts, provided:
- (1) Such #building# was erected prior to December 15, 1961.
  - (2) The #lot coverage# of such #building# does not exceed 5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in

cooperative ownership by #artists# on September 15, 1970. #Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by minor modification of the Chairperson of the City Planning Commission pursuant to paragraph (c)(5) of this Section or by authorization of the Commission pursuant to paragraph (d) of this Section.

- (3) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section, Section [74-781](#) (Modification by special permit of the Commission of uses in M1-5B Districts), or by authorization of the Commission pursuant to paragraph (d) of this Section.
  - (4) In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section, [74-781](#) or by authorization of the Commission pursuant to paragraph (d) of this Section.
  - (5) At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be provided for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet of additional roof area shall be provided for recreational use up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to paragraph (c) of this Section.
  - (6) In any #building# which, as a result of #zoning map# change CP-23167 is zoned M1-5B, any existing occupant of a #joint living-work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.
  - (7) In a #building# for which an alteration permit for #joint living-work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.
- (b) #Uses# permitted in M1 Districts, pursuant to Sections [42-11](#) (Use Group I – Agriculture and Open Uses) through [42-20](#) (Use Group X – Production Uses), inclusive, shall be allowed below the floor level of the second #story# except that all eating or drinking establishments, as listed in Use Group VI, shall be limited to 5,000 square feet of floor area per establishment. Such #use# provisions may be modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section or by the Commission pursuant to Section [74-781](#) (Modifications by special permit of the Commission of uses in M1-5B Districts).
- (c) Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts

In M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3), (a)(4) and (a)(5) or paragraph (b) of this Section may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

- (1) The provisions of paragraphs (a)(3) or (a)(4) or paragraph (b) of this Section may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.

- (2) The provisions of paragraphs (a)(3) or (a)(4) of this Section may be modified, provided that:
- (i) the #floor area# below the level of the second #story# was occupied by #joint living-work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building#, or the occupant of a #joint living-work quarters for artists# in the #building#, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living-work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as-of-right for such quarters; or
  - (ii) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.
- (3) The provisions of paragraph (b) of this Section may be modified provided a #use# not otherwise permitted occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.
- (4) The requirements of paragraph (a)(5) of this Section may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.
- (5) The requirements of paragraph (a)(2) of this Section relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:
- (i) such #floor area# was occupied on September 1, 1980, as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;
  - (ii) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and
  - (iii) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.
- (d) Modification by authorization of the City Planning Commission of use regulations in M1-5B DistrictsIn M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3) and (a)(4) of this Section may be modified by authorization of the City Planning Commission, provided that:such #non-residential building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;any alterations to the subject #building# required in connection with such #conversion# to #joint living-work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; anda program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.In order to grant an authorization, the City Planning Commission shall find that such modification of #use# requirements shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.The City Planning Commission may prescribe appropriate

additional conditions and safeguards in order to enhance the character of the subject #building# and to minimize adverse effects on the character of the surrounding area.

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## 42-316 - Use regulations in Manufacturing Districts with an A suffix

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LAST AMENDED

6/6/2024

In Manufacturing Districts with an A suffix, the applicable #use# regulations shall be modified as follows:

- (a) In M1 Districts with an A suffix:
  - (1) all retail and service #uses# listed in Use Group VI shall be permitted, and no associated size limitations shall apply to grocery and convenience retailers and specialty food retailers;
  - (2) all recreation, entertainment and assembly space #uses# listed in Use Group VIII shall be permitted;
  - (3) all #community facility uses# without sleeping accommodations listed in Use Group III(B) shall be permitted.
- (b) In M2 Districts with an A suffix, the #use# regulations for an M1 District without an A suffix shall apply, inclusive of performance standards, supplementary use regulations, and #sign# regulations. However, grocery and convenience retailers and specialty food retailers listed in Use Group VI shall be limited to 30,000 square feet of #floor area# per establishment.
- (c) In M3 Districts with an A suffix, the following special permits by the Board of Standards and Appeals or the City Planning Commission shall not be applicable:
  - Section [73-161](#) (Retail and service uses)
  - Section [73-162](#) (Eating or drinking establishments)
  - Section [73-181](#) (Recreation, entertainment and assembly space uses)
  - Section [74-161](#) (Retail and service uses)
  - Section [74-181](#) (Recreation, entertainment, and assembly space uses)
  - Section [74-182](#) (Arenas, auditoriums, stadiums or trade expositions)
  - Section [74-183](#) (Drive-in theaters)
  - Section [74-184](#) (Racetracks).
- (d) In all Manufacturing Districts with an A suffix, for #public parking garages# and #public parking lots#, as listed in Use Group IX, the following provisions shall apply:
  - (1) outside the #Greater Transit Zone#, #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
  - (2) inside the #Greater Transit Zone#, #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-](#)

## 42-40 - PERFORMANCE STANDARDS

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LAST AMENDED

6/6/2024

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group I, IV, VI, VIII, IX or X, and every #building or other structure# or open area of a #zoning lot# thereafter #developed#, constructed, or used for any #use# listed in Use Group I, IV, VI, VIII, IX or X, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to the district in which such #use#, #building or other structure# or open area is located.

If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after December 15, 1961, the applicable district regulations for each and every performance standard shall apply with respect to such #extended#, #enlarged#, or reconstructed portion or portions of such #use# or #building or other structure#.

In case of any conflict between the Use Groups and the performance standards, the latter shall control.

In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

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## 42-41 - Performance Standards Regulating Noise

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LAST AMENDED

6/6/2024

### 42-411 - Definitions

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LAST AMENDED

6/6/2024

For the purposes of this Section, the following terms are defined:

Decibel

A “decibel” is a unit of measurement of the intensity of sound (the sound pressure level).

Impact noise analyzer

An “impact noise analyzer” is an instrument used in conjunction with the #sound level meter# to measure the peak intensities of short duration sounds.

Octave band

An “octave band” is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such #octave bands# serve to define the sound in terms of its pitch components.

Octave band analyzer

An “octave band analyzer” is an instrument used in conjunction with a #sound level meter# to measure sound in each of eight #octave bands#.

Sound level meter

A “sound level meter” is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in #decibels#.

42-412 - Method of measurement

LAST AMENDED  
6/6/2024

The “C” network and the “slow” meter response of the #sound level meter# shall be used. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the #sound level meter#, shall be measured with the #impact noise analyzer# as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth in Section [42-413](#) (Maximum permitted decibel levels) may be increased by six #decibels#.

42-413 - Maximum permitted decibel levels

LAST AMENDED  
6/6/2024

In all #Manufacturing Districts#, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any #lot line#, the maximum permitted #decibel# levels for the designated #octave band# as set forth in the following table for the district indicated.

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted #decibel# levels.

MAXIMUM PERMITTED SOUND PRESSURE LEVEL  
(in #decibels#)

	District		
#Octave Band#  (cycles per second)	M1	M2	M3
20 to 75	79	79	80

75 to 150	74	75	75
150 to 300	66	68	70
300 to 600	59	62	64
600 to 1,200	53	56	58
1,200 to 2,400	47	51	53
2,400 to 4,800	41	47	49
Above 4,800	39	44	46

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## 42-414 - Special provisions applying along district boundaries

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LAST AMENDED  
6/6/2024

Whenever a #Manufacturing District# adjoins a #Residence District#, at any point at the district boundary or within the #Residence District#, the maximum permitted #decibel# levels in all #octave bands# shall be reduced by six #decibels# from the maximum levels set forth in the table in Section [42-413](#) (Maximum permitted decibel levels).

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## 42-42 - Performance Standards Regulating Vibration

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LAST AMENDED  
6/6/2024

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### 42-421 - Definitions

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LAST AMENDED  
6/6/2024

For the purposes of this Section, the following terms are defined:

Frequency

A "frequency" is the number of oscillations per second of a vibration.

Impact vibrations

"Impact vibrations" are earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.

Steady state vibrations

"Steady state vibrations" are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be #steady state vibrations#.

Three-component measuring system



A "three-component measuring system" is a device for recording the intensity of any vibration in three mutually perpendicular directions.

42-422 - Method of measurement

LAST AMENDED  
6/6/2024

For the purpose of measuring vibration, a #three-component measuring system# approved by the Commissioner of Buildings shall be employed.

42-423 - Maximum permitted steady state vibration displacement

LAST AMENDED  
6/6/2024

In all #Manufacturing Districts#, no activity shall cause or create a #steady state vibration# at any point on any #lot line#, with a displacement in excess of the permitted #steady state vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT  
(in inches)

#Frequency# (cycles per second)	District		
	M1	M2	M3
10 and below	.0008	.0020	.0039
10 - 20	.0005	.0010	.0022
20 - 30	.0003	.0006	.0011
30 - 40	.0002	.0004	.0007
40 - 50	.0001	.0003	.0005
50 - 60	.0001	.0002	.0004
60 and over	.0001	.0001	.0004

42-424 - Maximum permitted impact vibration displacement

In all #Manufacturing Districts#, no activity shall cause or create an #impact vibration#, at any point on any #lot line#, with a displacement in excess of the permitted #impact vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED IMPACT VIBRATION DISPLACEMENT  
 (in inches)

#Frequency#  (cycles per second)	District		
	M1	M2	M3
10 and below	.0016	.0040	.0078
10 - 20	.0010	.0020	.0044
20 - 30	.0006	.0012	.0022
30 - 40	.0004	.0008	.0014
40 - 50	.0002	.0006	.0010
50 - 60	.0002	.0004	.0008
60 and over	.0002	.0002	.0008

42-425 - Special provisions applying along district boundaries

Whenever an M2 or M3 District adjoins a #Residence District#, the #steady state# and #impact vibration# displacement, measured at the district boundary, shall not exceed the maximum permitted for an M1 District for the #frequencies# as set forth in the tables in Section [42-423](#) (Maximum permitted steady state vibration displacement) or Section [42-424](#) (Maximum permitted impact vibration displacement).

42-43 - Performance Standards Regulating Smoke, Dust and Other Particulate Matter

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## 42-431 - Definitions

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LAST AMENDED

6/6/2024

For the purposes of this Section, the following terms are defined:

Combustion for indirect heating

"Combustion for indirect heating" is the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.

Dust

"Dust" is solid #particulate matter# capable of being air- or gas-borne.

Particulate matter

"Particulate matter" is any finely divided liquid or solid matter capable of being air- or gas-borne.

Process weight

"Process weight" is the total weight of all materials used in any process which discharges #dust# into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.

Smoke

"Smoke" is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.

Smoke unit

A "smoke unit" is a measure of the quantity of #smoke# being discharged and is the number obtained by multiplying the #smoke# density in a #Standard Smoke Chart number# by the time of emission in minutes. For example, the emission of #Standard Smoke Chart number# 1 for one minute equals one #smoke unit#.

Standard Smoke Chart numbers

"Standard Smoke Chart numbers" are the numbers on the Standard Smoke Chart of the Department of Air Pollution Control that coincide most nearly with the grids on the Standard Smoke Chart indicating graduations of light-obscuring capacity of #smoke#.

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## 42-432 - Maximum permitted emission of smoke

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LAST AMENDED

6/6/2024

In all #Manufacturing Districts#, the density of emission of #smoke# during normal operations shall not exceed #Standard Smoke Chart number# 2, and the quantity of #smoke# shall not exceed a maximum of 10 #smoke units# per hour per stack in M1 Districts, 20 such units in M2 Districts, and 30 such units in M3 Districts. The method of measurement, additional limitations on the emission of #smoke# of a density not exceeding #Standard Smoke Chart number# 2, and the maximum permitted density and quantity of #smoke# during special operations such as building new fires, banking, or cleaning fires, soot blowing, or process purging, shall be determined in accordance with rules and regulations adopted by the Department of Environmental Protection.

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## 42-433 - Maximum permitted emission of dust

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LAST AMENDED

6/6/2024

(a) Related to #combustion for indirect heating#

In all #Manufacturing Districts#, the emission into the atmosphere of #dust# related to #combustion for indirect heating# from any source shall not exceed the maximum number of pounds of #dust# per million British thermal units heat input per hour as set forth herein:

(1) In M1 Districts

In M1 Districts, the maximum permitted emission shall be 0.50 pounds for minimum-size plants producing a heat input of 10 million or less British thermal units per hour and 0.15 for maximum size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

(2) In M2 or M3 Districts

In M2 or M3 Districts, the maximum permitted emission for such minimum-size plants shall be 0.60 in M2 Districts and 0.70 in M3 Districts, and for such maximum-size plants shall be 0.16 in M2 Districts and 0.18 in M3 Districts. All intermediate values shall be determined from a straight line plotted on log graph paper.

(b) Related to processes

In all #Manufacturing Districts#, the emission into the atmosphere of process #dust# or other #particulate matter# which is unrelated to #combustion for indirect heating# or incineration shall not exceed 0.50 pounds per hour for 100 pounds of #process weight# or 50 pounds per hour for 100,000 pounds of #process weight#. All intermediate values shall be determined from a straight line plotted on log graph paper.

(c) Total limit on emission of #dust# or other #particulate matter# in M1 or M2 Districts

In M1 or M2 Districts the maximum amount of #dust# or other #particulate matter# from all sources including #combustion for indirect heating#, process #dust#, or combustion for incineration which may be emitted from a single stack or vent shall not exceed 33 pounds per hour in M1 Districts, nor 250 pounds per hour in M2 Districts.

(d) Method of measurement and #dust# from incineration

In all #Manufacturing Districts#, the method of measurement and permitted emission of #dust# related to combustion for incineration shall not exceed the maximum allowances established under rules and regulations adopted by the Department of Environmental Protection.

(e) Prevention of wind-blown air pollution

In all #Manufacturing Districts#, all storage areas, yards, service roads, or other untreated open areas within the boundaries of a #zoning lot# shall be improved with appropriate landscaping or paving, or treated by oiling or any other means as specified in rules and regulations adopted by the Department of Environmental Protection, so that #dust# or other types of air pollution borne by the wind from such sources shall be minimized.

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## 42-434 - General control over smoke and other particulate matter

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In addition to the performance standards of regulating #smoke# and other #particulate matter#, the emission of such matter shall be so controlled in manner and quantity of emission as not to be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.

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## **42-44 - Performance Standards Regulating Odorous Matter**

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LAST AMENDED

6/6/2024

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### **42-441 - In M1 or M2 Districts**

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LAST AMENDED

6/6/2024

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In M1 or M2 Districts, the emission of odorous matter shall be in accordance with limits established by the Department of Environmental Protection. In addition to such limits, the emission of odorous matter in such quantities as to be readily detectable at any point along #lot lines# or to produce a public nuisance or hazard beyond #lot lines# is prohibited.

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### **42-442 - In M3 Districts**

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LAST AMENDED

6/6/2024

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In M3 Districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard at or beyond #lot lines# is prohibited.

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## **42-45 - Performance Standards Regulating Toxic Noxious Matter**

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LAST AMENDED

6/6/2024

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### **42-451 - Definitions**

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LAST AMENDED

6/6/2024

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For the purposes of this Section, the following term is defined:

Toxic or noxious matter

"Toxic or noxious matter" is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, #dusts#, fumes, and mists, containing properties which by chemical means are:

- (a) inherently harmful and likely to destroy life or impair health; or
  - (b) capable of causing injury to the well-being of persons or damage to property.
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### **42-452 - Regulation of toxic or noxious matter**

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LAST AMENDED  
6/6/2024

In all #Manufacturing Districts#, the emission of #toxic or noxious matter# into the atmosphere shall be in accordance with limits established by the Department of Environmental Protection. In addition to such emission limits, the emission of such matter shall be so controlled that no concentration at or beyond #lot lines# shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.

**42-46 - Performance Standards Regulating Radiation Hazards**

LAST AMENDED  
6/6/2024

**42-461 - Definitions**

LAST AMENDED  
11/19/1987

For the purposes of this Section, the following term is defined:

Fireproof containers

"Fireproof containers" shall include steel or concrete containers and shall not include lead or other low-melting metals or alloys, unless the lead or low-melting metal or alloys are completely encased in steel.

**42-462 - Maximum permitted quantities of unsealed radioactive material**

LAST AMENDED  
6/6/2024

In M1 Districts, unsealed radioactive materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of one million times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

In M2 Districts, such materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of 10 million times the quantities set forth in Column 1 of the table cited in this Section. In M3 Districts no limits as to such permitted quantities shall apply.

**42-463 - Maximum permitted quantities of fissionable materials**

LAST AMENDED  
6/6/2024

In M1 or M2 Districts, no one of the following fissionable materials shall be assembled at any one point, place, or work area on a #zoning lot# in a quantity equal to or in excess of the amount set forth herein:

Material	Quantity

Uranium-233	200 grams
Plutonium-239	200 grams
Uranium-235	350 grams

In addition, any establishment which provides radiation waste disposal services in the nature of collection or storage of radioactive waste from other #manufacturing uses# shall be prohibited in M1 or M2 Districts.

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## 42-464 - Administration and appeal

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LAST AMENDED

6/6/2024

The Department of Health shall have exclusive jurisdiction to enforce and administer these hazards in accordance with the rules and regulations promulgated by the Board of Health. An appeal may be made to the Board of Health to permit the manufacture, utilization, or storage of unsealed radioactive materials or fissionable materials, in excess of the quantities set forth in Section [42-462](#) (Maximum permitted quantities of unsealed radioactive material) or Section [42-463](#) (Maximum permitted quantities of fissionable materials). In any case where the Board of Health determines that the radiation hazard on or beyond any #lot line# is remote and minimal, even in the event of an accident, the Board may permit such additional quantity.

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## 42-47 - Performance Standards Regulating Fire and Explosive Hazards

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LAST AMENDED

6/6/2024

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### 42-471 - Definitions

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LAST AMENDED

6/6/2024

For the purposes of this Section, the following terms are defined:

Flammable or explosive

"Flammable or explosive" materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with an #open cup flash point# of less than 100 degrees F.

Free burning

"Free burning" materials are materials constituting an active fuel.

Intense burning

"Intense burning" materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.

#### Moderate burning

"Moderate burning" materials are materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.

#### Open cup flash point

The "open cup flash point" is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.

#### Original sealed containers

"Original sealed containers" are containers with a capacity of not more than 55 gallons.

#### Slow burning

"Slow burning" materials are materials which will not ignite or actively support combustion during an exposure for five minutes to a temperature of 1,200 degrees F. and which, therefore, do not constitute an active fuel.

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## 42-472 - Classifications

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LAST AMENDED  
6/6/2024

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified #open cup flash points# as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

- (a) Class I includes #slow burning# to #moderate burning# materials. This shall include all liquids with an #open cup flash point# of 182 degrees F. or more.
- (b) Class II includes #free burning# to #intense burning# materials. This shall include all liquids with an #open cup flash point# between 100 and 182 degrees F.
- (c) Class III includes materials which produce #flammable or explosive# vapors or gases under ordinary weather temperature. This shall include all liquids with an #open cup flash point# of less than 100 degrees F.
- (d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides;



and strong oxidizing agents such as perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

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## **42-473 - Regulations applying to Class I materials or products**

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LAST AMENDED

6/6/2024

In all #Manufacturing Districts#, Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.

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## **42-474 - Regulations applying to Class II materials or products**

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LAST AMENDED

6/6/2024

Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class II materials or products shall be stored, manufactured, or utilized subject to the following limitations:

- (1) such storage, manufacture or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;
- (2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot lines# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code; and
- (3) the storage of Class II materials or products shall be limited to 100,000 gallons.

(b) In M2 Districts

In M2 Districts, Class II materials or products may be manufactured or utilized without limitation. The storage of Class II materials or products shall be limited to 200,000 gallons, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

(1) Special provisions applying along district boundaries

In M2 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section [42-474](#), paragraph (a), for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class II materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

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## 42-475 - Regulations applying to Class III materials or products

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LAST AMENDED

6/6/2024

Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class III materials or products shall not be manufactured in any event, and shall be stored or utilized subject to the following limitations:

- (1) such storage or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;
- (2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot line# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code;
- (3) the final manufactured product shall have a rating of Class I; and
- (4) the storage of Class III materials or products shall be limited to 50,000 gallons.

(b) In M2 Districts

In M2 Districts, Class III materials or products shall not be manufactured in any event and shall be stored or utilized subject to the following limitations:

- (1) the final manufactured product shall have a rating of Class II; and
- (2) the storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in #original sealed containers#.
- (3) In M2 Districts, and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class III materials or products shall be stored or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class III materials or products may be stored, manufactured, or utilized without limitation.

- (1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a #Residence District#, a #Commercial District# or an M1 District, the provisions set forth in paragraph (a) of this Section for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

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## **42-476 - Regulations applying to Class IV materials or products**

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LAST AMENDED  
6/6/2024

Class IV materials or products shall not be manufactured in any #Manufacturing District# and may be utilized in manufacturing processes or other production in any #Manufacturing District# only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. No storage of Class IV materials or products is permitted in any #Manufacturing District# except such #accessory# storage as may be authorized by such special permit for the utilization of such materials or products in manufacturing processes or other production.

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## **42-477 - Regulations applying to oxygen manufacture, storage, or utilization**

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LAST AMENDED  
6/6/2024

Oxygen, gaseous or liquid, shall not be manufactured in any #Manufacturing District# except when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. Oxygen, gaseous or liquid, may be stored or utilized in all #Manufacturing Districts# in accordance with the provisions set forth in the Administrative Code and subject to the following limitations:

(a) In M1 Districts

In M1 Districts, the total quantity of such oxygen stored shall not exceed 150,000 cubic feet at standard temperature and pressure.

(b) In M2 Districts

In M2 Districts, the total quantity of such oxygen stored shall not exceed 500,000 cubic feet at standard temperature and pressure.

(c) In M3 Districts

In M3 Districts, the total quantity of such oxygen stored is unlimited.

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## **42-48 - Performance Standards Regulating Humidity, Heat or Glare**

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LAST AMENDED  
6/6/2024

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## **42-481 - Regulation applying to M1 Districts**

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LAST AMENDED  
6/6/2024

In M1 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any #lot line#.

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**42-482 - Regulation applying to M2 Districts**

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LAST AMENDED  
6/6/2024

In M2 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any #lot line#.

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**42-483 - Regulation applying to M3 Districts**

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LAST AMENDED  
6/6/2024

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond the district boundary.

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**42-50 - SUPPLEMENTARY USE REGULATIONS**

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LAST AMENDED  
6/6/2024

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**42-51 - Enclosure of Commercial or Manufacturing Activities**

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise specifically provided in the Use Groups permitted in the district, and in Sections [44-11](#) (General Provisions) and [44-51](#) (Permitted Accessory Off-street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#. The storage of materials or products shall be subject to the provisions of Section [42-52](#) (Enclosure of Screening or Storage).

#Accessory uses# may be open or enclosed, notwithstanding any limitations on the principal #use#, provided that any open #accessory uses# are customarily found in connection with such principal #use#.

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**42-511 - In M1 Districts**

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LAST AMENDED  
6/6/2024

M1

In the district indicated, all such activities shall be located within #completely enclosed buildings#, provided, however, that #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

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## 42-512 - In M2 or M3 Districts

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LAST AMENDED  
6/6/2024

M2 M3

In the districts indicated, all such activities within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#, provided, however, that #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. All such activities beyond 300 feet of a #Residence District# boundary may be conducted outside a #completely enclosed building#, and any enclosure requirements set forth in Sections [42-11](#) through [42-20](#) need not apply.

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## 42-513 - Drive-through facilities

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LAST AMENDED  
6/6/2024

In all districts, as indicated, #accessory# drive-through facilities shall be permitted for any #use# listed in Use Group VI, as set forth in Section [42-16](#) (Use Group VI – Retail and Services).

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## 42-52 - Enclosure or Screening of Storage

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, all storage of materials or products established by #development#, #enlargement#, #extension#, change of #use#, or any new open storage or any increase in the portion of a #zoning lot# used for open storage, shall conform to the provisions of this Section. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

With respect to the #enlargement# or #extension# of existing storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such storage.

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## 42-521 - In M1 Districts

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LAST AMENDED  
6/6/2024

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located

within #completely enclosed buildings#.

Beyond 200 feet of a #Residence District# boundary, open storage of materials or products may be conducted outside a #completely enclosed building#, and any enclosure requirements set forth in Sections [42-11](#) through [42-20](#) need not apply.

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## 42-522 - In M2 or M3 Districts

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LAST AMENDED

6/6/2024

M2 M3

In the districts indicated, and within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height. Beyond 200 feet of a #Residence District# boundary, open storage of materials or products need not be screened. In either instance, any enclosure requirements set forth in Sections [42-11](#) through [42-20](#) need not apply.

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## 42-53 - Limitations on Business Entrances, Show Windows or Signs

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, the location of primary business entrances, #show windows#, or #signs# shall be subject to the provisions of this Section. For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto, shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot#, notwithstanding the 100 foot limitation in the definition of #corner lots# in Section [12-10](#) (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

- (a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;
- (b) service entrances, or other entrances less than 3 feet, 6 inches in width;
- (c) windows other than #show windows#; or
- (d) ventilators, fire escapes or other appurtenances required by law.

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## 42-531 - For zoning lots with single frontage

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall

be located on that portion of the #street# frontage within 20 feet of frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof located within the #Manufacturing District# is less than 30 feet in length, such minimum distance shall be reduced to 10 feet.

For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section [73-50](#) (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

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## 42-532 - For corner lots

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows#, or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

- (a) if the total length of the #block# face containing such frontage is less than 220 feet; or
- (b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or
- (c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

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## 42-533 - Exceptions for integrated developments divided by district boundaries

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Manufacturing District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

- (a) is divided by a boundary between the #Manufacturing District# and a #Residence District#; or
- (b) is presently in the same ownership as adjoining property located in a #Residence District#, and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Manufacturing District#, as evidenced by deed restrictions filed in an office of record binding the owner and his heirs and assigns.

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## 42-60 - SIGN REGULATIONS

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LAST AMENDED

6/6/2024

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## 42-61 - Definitions

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LAST AMENDED  
6/6/2024

Words in *italics* are defined in Section [12-10](#) or, if applicable exclusively to this Chapter, in this Section.

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## 42-62 - Permitted Signs

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, *signs* are permitted subject to the provisions of the following Sections:

Section [42-63](#) (Surface Area and Illumination Provisions)

Section [42-64](#) (Permitted Projection or Height of Signs)

Section [42-65](#) (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section [42-66](#) (Special Provisions Applying Along District Boundaries)

Section [42-67](#) (Additional Sign Regulations for Adult Establishments)

Section [42-68](#) (Signs Erected Prior to December 13, 2000).

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are *advertising signs*, located on any *zoning lot* used primarily for *community facility uses* of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

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## 42-63 - Surface Area and Illumination Provisions

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted *signs* shall be subject to the restrictions on *surface area* and illumination as set forth in this Section, provided that the following *signs* shall be exempted from such restrictions on *surface area*:

*Illuminated non-flashing signs*, other than *advertising signs*, located in a window within a *building*, with a total *surface area* not exceeding eight square feet on any *zoning lot* and limited to not more than three such *signs* in any window.

For the purpose of determining permitted *surface area* of *signs* for *zoning lots* occupied by more than one establishment, any portion of such *zoning lot* occupied by a *building* or part of a *building* accommodating one or more establishments on the ground floor may be considered as a separate *zoning lot*.

No *illuminated sign* shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any *illuminated sign* does not project or reflect on *residences* or *joint living-work quarters for artists* so as to interfere with



the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences# or #joint living-work quarters for artists#.

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## 42-631 - Total surface area of signs

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#, shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 42-632.

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## 42-632 - Non-illuminated signs

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding six times the #street# frontage of the #zoning lot#, in feet, but in no event more than 1,200 square feet for each #sign#, are permitted.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed six times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

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## 42-633 - Illuminated or flashing signs

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, #illuminated# or #flashing# #advertising signs# are not permitted.

#Illuminated# or #flashing signs#, other than #advertising signs#, and #accessory# or #advertising# #signs with indirect illumination# are permitted, provided that the total #surface area# of all such #signs#, in square feet, shall not exceed:

- (a) for #illuminated# or #flashing signs# other than #advertising signs#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet; and
- (b) for #accessory# or #advertising# #signs with indirect illumination#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet.

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## 42-64 - Permitted Projection or Height of Signs

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section, inclusive.

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### 42-641 - Permitted projection

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section [42-642](#) (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

- (a) in M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.
  - (b) for #zoning lots# occupied by more than two theaters designed, arranged and used for live performances of drama, music or dance and located within the area bounded by West 34th Street, Eighth Avenue, West 42nd Street and Tenth Avenue, permitted #signs# may project across a #street line# no more than 4 feet, 6 inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.
- 

### 42-642 - Additional regulations for projecting signs

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

- (a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.
  - (b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# shall project more than 48 inches above nor more than 12 inches below such marquee.
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### 42-643 - Height of signs

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 75 feet.

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## 42-65 - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, the provisions of paragraphs (a), (b) and (c), or paragraph (d), of this Section, shall apply for #signs# near designated arterial highways or certain #public parks#.

- (a) Within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, #signs# that are within view of such arterial highway or #public park# shall be subject to the following provisions:
  - (1) no permitted #sign# shall exceed 500 square feet of #surface area#; and
  - (2) no #advertising sign# shall be allowed; nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed.
- (b) Beyond 200 feet from such arterial highway or #public park#, the #surface area# of such #signs# may be increased one square foot for each linear foot such sign is located from the arterial highway or #public park#.
- (c) The more restrictive of the following shall apply:
  - (1) any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming# #use# status pursuant to Section [52-83](#) (Non-conforming Advertising Signs), to the extent of its size existing on May 31, 1968; or
  - (2) any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968, and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section [52-83](#), to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.
- (d) Within one-half mile of any boundary of the City of New York, permitted #signs# and #advertising signs# may be located along any designated arterial highway that is also:
  - (1) a "principal route" or "toll crossing" that prohibits direct vehicular access to abutting land and provides complete separation of conflicting traffic flows; and
  - (2) a through truck route designated by the New York City Department of Transportation; and
  - (3) that crosses a boundary of the City of New York, without regard to the provisions of paragraphs (a), (b) and (c) of this Section, provided any such permitted or #advertising sign# otherwise conforms to the regulations of this Chapter including, with respect to an #advertising sign#, a location not less than 500 feet from any other

#advertising sign#, except that, in the case of any such permitted or #advertising sign# erected prior to August 7, 2000, such #sign# shall have #non-conforming# #use# status pursuant to Sections [52-82](#) (Non-conforming Signs Other Than Advertising Signs) and [52-83](#) with respect to all other regulations of this Chapter to the extent of the degree of #non-conformity# of such #sign# as of August 7, 2000, including, with respect to an #advertising sign#, its location within 500 feet of any other such #advertising sign#.

Upon application, the requirements of paragraphs (a), (b) and (c) of this Section shall be waived, provided that the Chairperson of the City Planning Commission certifies that such waiver is limited to a single non-#flashing sign# other than an #advertising sign#, located on a #zoning lot# not less than one and one-half acres and, all other permitted #signs#, other than #advertising signs# located on such #zoning lot#, that are subject to the provisions of this Section, conform with all the #sign# regulations applicable in C1 Districts.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

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## **42-651 - Advertising signs on waterways**

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LAST AMENDED

6/6/2024

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Manufacturing Districts# and within view from an arterial highway.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

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## **42-66 - Special Provisions Applying Along District Boundaries**

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LAST AMENDED

6/6/2024

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### **42-661 - Restrictions along district boundary located in a street**

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, #advertising signs# that face at an angle of less than 165 degrees away from such #Residence District# or park boundary shall not be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections [32-61](#) to [32-68](#), inclusive, relating to Sign Regulations.

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## 42-662 - Restriction on angle and height above curb level

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, and within 500 feet of the boundary of a #Residence District# or #Commercial District#, except C7 or C8 Districts, any illuminated portion of any #sign# shall face at an angle of more than 90 degrees away from such boundary line and a #sign with indirect illumination# may extend only to a height of 58 feet above #curb level#.

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## 42-67 - Additional Sign Regulations for Adult Establishments

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with the provisions of this Chapter, except that the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# and no portion thereof may be #flashing#.

No #signs# for #adult establishments# shall be permitted on the roof of any #building#, nor shall such #signs# extend above #curb level# at a height greater than 25 feet.

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## 42-68 - Signs Erected Prior to December 13, 2000

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, a #sign# erected prior to December 13, 2000, shall have #non-conforming use# status pursuant to Sections [52-82](#) (Non-conforming Signs Other Than Advertising Signs) or [52-83](#) (Non-conforming Advertising Signs) with respect to the extent of the degree of #non-conformity# of such #sign# as of such date with the provisions of Sections [42-52](#), [42-53](#) and [42-54](#), where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. In all such districts, as indicated, a #sign# other than an #advertising sign# erected prior to December 13, 2000, shall also have #non-conforming use# status pursuant to Section [52-82](#) with respect to the degree of #non-conformity# of such #sign# as of such date with the provisions of Section [42-55](#), paragraphs (a)(1) and (b), where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. Nothing herein shall be construed to confer #non-conforming use# status upon any #advertising sign# located within 200 feet of an arterial highway or of a #public park# with an area of one-half acre or more, and within view of such arterial highway or #public park#, or where such #advertising sign# is located at a distance from an arterial highway or #public park# with an area of one-half acre or more which is greater in linear feet than there are square feet of #surface area# on the face of such #sign#, contrary to the requirements of Section [42-55](#), paragraph (b). The #non-conforming use# status of signs subject to Section [42-55](#), paragraphs (c)(1), (c)(2) and (d), shall remain unaffected by this provision.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City

Planning Commission as arterial highways to which the provisions of this Section shall apply.

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## **42-69 - Sign Regulations in M1-6D Districts**

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LAST AMENDED

6/6/2024

In M1-6D Districts, #signs# are permitted subject to the #sign# regulations applicable in C6-4 Districts, as set forth in Section [32-60](#), inclusive.



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 3 - Bulk Regulations

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# Chapter 3 - Bulk Regulations

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## 43-00 - APPLICABILITY AND GENERAL PROVISIONS

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LAST AMENDED  
12/15/1961

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### 43-01 - Applicability of This Chapter

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LAST AMENDED  
12/5/2024

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#. The #bulk# regulations of this Chapter shall also apply to any portion of a #zoning lot# in a #Manufacturing District# that is #developed# or #enlarged# with an open #use#. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

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### 43-02 - Applicability in Special Situations

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LAST AMENDED  
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section [74-74](#).

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section [75-41](#). In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to [74-61](#).

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.



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## 43-03 - Street Tree Planting in Manufacturing Districts

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LAST AMENDED

12/5/2024

M1 M2 M3

In all districts, as indicated, all #developments#, or #enlargements# of 20 percent or more in #floor area#, excluding #developments# or #enlargements# in Use Groups IV(B), IX(B) or X, shall provide #street# trees in accordance with Section [26-41](#) (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# from a #manufacturing# #use# to a #commercial# or #community facility# #use# shall provide #street# trees in accordance with Section [26-41](#). The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving:

From Use Group VI

Automotive repair and maintenance#

Automotive service stations#

Industrial drycleaning and laundry services

From Use Group IX

All #uses# listed under Use Group IX(A) and IX(C).

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## 43-04 - Outdoor Table Service Areas

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LAST AMENDED

12/5/2024

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

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## 43-10 - FLOOR AREA REGULATIONS

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LAST AMENDED

12/15/1961

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## 43-11 - Definitions

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LAST AMENDED

11/19/1987

Words in italics are defined in Section [12-10](#) (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

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## 43-12 - Maximum Floor Area Ratio

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M1 M2 M3

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

- Section [43-121](#) (Expansion of existing manufacturing buildings)
- Section [43-122](#) (Maximum floor area ratio for community facilities)
- Section [43-13](#) (Floor Area in Manufacturing Districts With an A Suffix)
- Section [43-14](#) (Floor Area Bonus for Public Plazas and Arcades)
- Section [43-15](#) (Existing Public Amenities for which Floor Area Bonuses Have Been Received)
- Section [43-16](#) (Special Provisions for Zoning Lots Divided by District Boundaries)
- Section [43-61](#) (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts)
- Section [43-62](#) (Bulk Regulations in M1-6D Districts)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	1.00
M1-2* M1-4 M2-1 M2-3 M3	2.00
M1-3 M1-5 M2-2 M2-4	5.00
M1-6	10.00

\* In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to 4.0 provided that such additional #floor area# is limited to #referenced commercial and manufacturing uses#

For #zoning lots# containing both #community facility use# and #manufacturing# or #commercial# #use#, the total #floor area# used for #manufacturing# or #commercial# #use# shall not exceed the amount permitted in the table in this Section or by the bonus provisions in Sections [43-13](#) or [43-14](#).

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount

set forth in this Section, or Section [43-13](#), as applicable, by more than 20 percent.

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## 43-121 - Expansion of existing manufacturing buildings

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LAST AMENDED

5/29/2019

M1 M2 M3

In all districts, as indicated, where a #building or other structure# used for a conforming #manufacturing# #use# was in existence prior to December 15, 1961, such #building or other structure# may be expanded for a #manufacturing# #use#. Such expansion may consist of an #enlargement#, or additional #development#, on the same #zoning lot#, provided that:

- (a) the resulting total #floor area# shall not be greater than:
  - (1) 150 percent of the #floor area# existing on December 15, 1961; or
  - (2) 110 percent of the maximum #floor area# otherwise permitted under the provisions of Section [43-12](#) (Maximum Floor Area Ratio).
- (b) the resulting #floor area ratio# shall not exceed the highest of:
  - (1) 150 percent of the maximum #floor area ratio# otherwise permitted under the provisions of Section [43-12](#);
  - (2) 110 percent of the #floor area ratio# existing on December 15, 1961; or
  - (3) a #floor area ratio# of 2.4, provided that in the event this paragraph, (b)(3), is utilized, the City Planning Commission shall administratively certify and the City Council approve, that such expansion will not adversely affect the surrounding area.

Within M3-2 Districts in the portion of Queens Community District 2 located within a Subarea 2 Designated Area (as set forth in APPENDIX J of this Resolution), the provisions of this Section shall also apply where a #building or other structure# on a #zoning lot# larger than two acres used for a conforming #manufacturing# #use# was in existence prior to December 31, 1965.

The parking reduction provisions of Section [44-27](#) (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

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## 43-122 - Maximum floor area ratio for community facilities

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LAST AMENDED

9/21/2011

M1

In the districts indicated, for any #community facility# #use# on a #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	2.40

M1-2	4.80
M1-3 M1-4 M1-5	6.50
M1-6	10.00

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, for any #zoning lot# containing both #residential use# and #community facility# #use#, the total #floor area# used for #residential use# shall not exceed the amount permitted in Section [43-61](#) (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts).

## 43-123 - Floor area increase for an industrial space within a self-service storage facility

LAST AMENDED

6/6/2024

In M1-1 Districts in designated areas in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, for any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (1) or (2)(i) of Section [42-192](#) (Use Group IX – uses permitted with limited applicability), the maximum permitted #floor area# for #commercial# or #manufacturing# #uses# on the #zoning lot# pursuant to the provisions of Section [43-12](#) (Maximum floor area ratio), inclusive, may be increased by a maximum of 25 percent of the #lot area# or up to 20,000 square feet, whichever is less.

## 43-13 - Floor Area in Manufacturing Districts With an A Suffix

LAST AMENDED

6/6/2024

## 43-131 - Definitions

LAST AMENDED

6/6/2024

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS), except where explicitly stated otherwise in individual provisions in this Chapter.

### Qualifying uses

“Qualifying uses” shall include certain #commercial# and #manufacturing uses# eligible for higher permitted #floor area ratio# in M2 and M3 Districts with an A suffix.

In M2 Districts with an A suffix such #uses# shall include #referenced commercial and manufacturing uses#.

In M3 Districts with an A suffix, such #uses# shall include #qualifying uses# in M2 Districts with an A suffix, as well as the following;

From Use Group IV

All #uses# listed under Use Group IV(B) and IV(C)

From Use Group IX

All #uses# listed under Use Group IX, other than #self-service storage facilities#.

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### 43-132 - Floor area regulations in M1 Districts with an A suffix

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LAST AMENDED

6/6/2024

In M1 Districts with an A suffix, the maximum #floor area ratio# for all permitted #uses# shall be as set forth in the following table.

District	Maximum Permitted #Floor Area Ratio#
M1-1A	2.00
M1-2A	3.00
M1-3A	4.00
M1-4A	5.00
M1-5A	6.50
M1-6A	8.00
M1-7A	10.00
M1-8A	12.00
M1-9A	15.00

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### 43-133 - Floor area regulations in M2 or M3 Districts with an A suffix

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LAST AMENDED

6/6/2024

In M2 and M3 Districts with an A suffix, the maximum #floor area ratio# for #qualifying uses#, and for all other all permitted #uses# shall be as set forth in the respective columns of the following tables.

Districts	Maximum permitted #floor area ratio# for #qualifying uses#	Maximum permitted #floor area ratio# for other #uses#
M2-1A	2.00	1.00
M2-2A	3.00	2.00
M2-3A	4.00	3.00
M2-4A	5.00	4.00

On a #zoning lot# greater than or equal to 5,000 square feet in #lot area#, where the #floor area ratio# exceeds that permitted for other #uses#, at least 50 percent of the #floor area# on the ground floor level shall be allocated to #qualifying uses# and provided with access to any required #accessory# off-street loading berths. The ground floor level shall refer to a #building's# lowest #story# where the level of the finished floor is located within five feet of the adjoining sidewalk.

Districts	Maximum permitted #floor area ratio# for #qualifying uses#	Maximum permitted #floor area ratio# for other #uses#

M3-1A	2.00	1.00 or 10,000 square feet of #floor area#, whichever is less
M3-2A	3.00	1.00 or 10,000 square feet of #floor area#, whichever is less

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## 43-14 - Floor Area Bonus for Public Plazas and Arcades

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LAST AMENDED

6/6/2024

M1-6 M1-7A M1-8A M1-9A

(a) Public Plazas

In the districts indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section [37-70](#), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [43-12](#) (Maximum Floor Area Ratio) may be increased by six square feet.

(b) Arcades

In the districts indicated, except for M1-6D Districts, for each square foot of #arcade# provided on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section [43-12](#) may be increased by three square feet. However, the provisions of this Section shall not apply to #zoning lots# that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan.

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## 43-15 - Existing Public Amenities for which Floor Area Bonuses Have Been Received

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LAST AMENDED

10/17/2007

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification, pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing #publicly accessible open areas#

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a

#floor area# bonus has been received, during certain nighttime hours pursuant to Section [37-727](#) (Hours of access).

(d) Elimination or reduction of existing public amenities

No existing #arcade#, #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit, pursuant to Section [74-761](#) (Elimination or reduction in size of bonused public amenities).

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## 43-16 - Special Provisions for Zoning Lots Divided by District Boundaries

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LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different maximum #floor area ratios#, the provisions set forth in Article VII, Chapter 7 shall apply.

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## 43-17 - Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts

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LAST AMENDED

12/5/2024

M1-5B

In the district indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the district indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified pursuant to Section [43-171](#) (Minor modifications).

However, the minimum size requirement may be replaced by the requirements of Section [15-024](#) (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) for #joint living-work quarters for artists#:

- (a) for which a determination of #residential# or #joint living-work quarters for artists# occupancy on September 1, 1980, has been made pursuant to paragraphs (a)(6) or (c) of Section [42-315](#) (Use regulations in M1-5B Districts); or
- (b) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (c) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

#Joint living-work quarters for artists# existing on September 1, 1980, may not be divided subsequently into quarters of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the

implementation of Article 7C of the New York State Multiple Dwelling Law.

In the districts indicated, two or more #buildings# which are separated by individual load-bearing walls and contain #joint living-work quarters for artists#, each of which #building# conforms to the regulations set forth in Section [42-325](#) may be combined to produce a #lot area# covered by #buildings# in excess of 3,600 square feet.

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## 43-171 - Minor modifications

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LAST AMENDED

2/2/2011

On application, the Chairperson of the City Planning Commission may grant minor modifications to the requirements of Section [43-17](#) relating to #joint living-work quarters for artists# size, provided that the Chairperson of the City Planning Commission had administratively certified to the Department of Buildings that the division of one or more #stories# into #joint living-work quarters for artists# with an area of at least 1,200 square feet cannot be accomplished without practical difficulties because the #floor area# of such #story#, exclusive of exterior walls and common areas, is within five percent of a multiple of 1,200 square feet.

The applicant must send a copy of any request for a modification pursuant to this Section to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting.

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## 43-20 - YARD REGULATIONS

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LAST AMENDED

1/28/1971

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## 43-21 - Definitions

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LAST AMENDED

11/19/1987

Words in italics are defined in Section [12-10](#) or, if applicable exclusively to this Section, in this Section.

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## 43-22 - Level of Yards

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LAST AMENDED

12/15/1961

In all #Manufacturing Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section [43-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

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## 43-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

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LAST AMENDED

12/5/2024

In all #Manufacturing Districts#, the obstructions set forth in Sections [23-211](#) (Permitted obstructions in all yards, courts and



In all #Manufacturing Districts#, the obstructions set forth in Sections [23-311](#) (Permitted obstructions in all yards, courts and open areas) and [23-341](#) (Permitted obstructions in required rear yards or rear yard equivalents), as well as the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
  - (1) Fences;
  - (2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
  - (3) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that the height of all equipment shall not exceed a height of 23 feet above #curb level#;
  - (4) Steps;
  - (5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:
  - (1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. However, in M Districts with an A suffix, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. In addition, in all districts, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section [43-42](#) (Permitted Obstructions);
  - (2) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#; or
  - (3) Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

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## 43-24 - Measurement of Yard Width or Depth

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LAST AMENDED

12/15/1961

In all #Manufacturing Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

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## 43-25 - Minimum Required Side Yards

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LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided, it shall be at least eight feet wide.

**43-26 - Minimum Required Rear Yards**

LAST AMENDED  
4/30/2008

M1 M2 M3

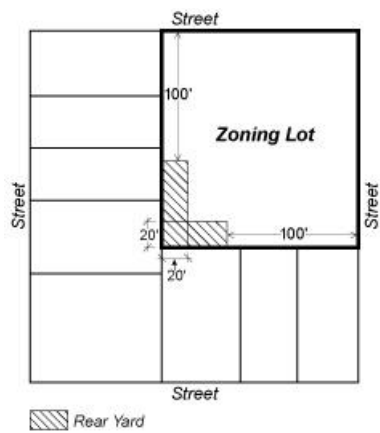
In all districts, as indicated, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections [43-27](#) (Special Provisions for Shallow Interior Lots), [43-28](#) (Special Provisions for Through Lots) or [43-31](#) (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section [43-261](#) (Beyond one hundred feet of a street line).

**43-261 - Beyond one hundred feet of a street line**

LAST AMENDED  
4/30/2008

M1 M2 M3

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT  
(33-261.1, 43-261.1)



ZONING LOT BOUNDED BY TWO OR MORE STREETS  
(NEITHER A CORNER LOT NOR A THROUGH LOT)  
(33-261.2, 43-261.2)

## 43-262 - Minimum rear yards for Manufacturing Districts with an A suffix

LAST AMENDED  
6/6/2024

In Manufacturing Districts with an A suffix, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

### REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10
Above 65 feet	15
Above 125 feet	20

In addition, where a portion of a #side lot line# beyond 100 feet of the #street line# coincides with a #rear lot line# of an adjoining #zoning lot#, such #side lot line# shall be considered a #rear lot line# and a #rear yard# shall be required with a minimum depth in accordance with the provisions of this Section.

## 43-27 - Special Provisions for Shallow Interior Lots

LAST AMENDED  
6/6/2024

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, if an #interior lot#:

- (1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of a #zoning lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of less than 50 feet.

(b) For districts with an A suffix

For districts with an A suffix, if an #interior lot#, or portion thereof, has a depth of less than 95 feet at any point, and such shallow condition was in existence on December 15, 1961, the depth of a required #rear yard#, or portion thereof, may be reduced by six inches for each foot by which the depth of such #zoning lot# is less than 95 feet. No #rear yard# is required on any such #interior lot#, or portion thereof, with a maximum depth of less than 50 feet.

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## 43-28 - Special Provisions for Through Lots

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LAST AMENDED

6/6/2024

M1 M2 M3

(a) In all districts, other than districts with an A suffix, no #rear yard# regulations shall apply on any #through lot# which extends less than 110 feet in maximum #lot depth# from #street# to #street#. However, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided, except that in the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required:

- (1) an open area with a minimum #lot depth# of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;
- (2) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; or
- (3) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section [43-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(b) For districts with an A suffix

For districts with an A suffix, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

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## 43-29 - Special Provisions Applying Along Railroad Right-of-way

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LAST AMENDED

12/5/2024

M1 M2 M3

In all districts, as indicated, along such portion of a #rear lot line# which coincides with a boundary of a #railroad right-of-way#, no #rear yard# shall be required.

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## 43-30 - SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

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LAST AMENDED

12/5/2024

M1 M2 M3

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts#, except where such district boundaries are also the boundaries of #railroad rights-of-way# or cemeteries.

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### 43-301 - Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

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LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, along such portion of the boundary of a #Manufacturing District# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such an open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

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### 43-302 - Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

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LAST AMENDED

6/6/2024

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, along such portion of the #rear lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 30 feet in depth shall be provided within the #Manufacturing District#. Such an open area shall not be used for storage or processing of any kind.

(b) For districts with an A suffix

For districts with an A suffix, where the portion of a #rear lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than 30 feet above #curb level# and at least 20 feet in depth shall be provided.

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### 43-303 - Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District

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LAST AMENDED

6/6/2024

M1 M2 M3

- (a) For districts without an A suffix

In all districts, other than districts with an A suffix, along such portion of a #side lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street loading or for storage or processing of any kind.

- (b) For districts with an A suffix

For districts with an A suffix, where the portion of a #side lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than #curb level# and at least eight feet in depth shall be provided.

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## 43-304 - Required front yards along district boundary located in a street

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LAST AMENDED  
10/25/1967

M1-1 M1-2 M1-3 M1-4 M2 M3

In the districts indicated, if the boundary of an adjoining #Residence District# is located at the center line of a #street# less than 60 feet wide, a #front yard# not higher than #curb level# and at least 20 feet in depth shall be provided along any #front lot line# forming the boundary between a #zoning lot# located within the #Manufacturing District# and that portion of the #street# in which the district boundary is located.

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## 43-31 - Other Special Provisions for Rear Yards

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LAST AMENDED  
12/15/1961

M1 M2 M3

In all districts, as indicated, the #rear yard# requirements set forth in Section [43-26](#) (Minimum Required Rear Yards) shall be modified as set forth in this Section.

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## 43-311 - Within 100 feet of corners

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LAST AMENDED  
12/15/1961

M1 M2 M3

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

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## 43-312 - Along short dimension of block

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LAST AMENDED  
12/5/2024

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

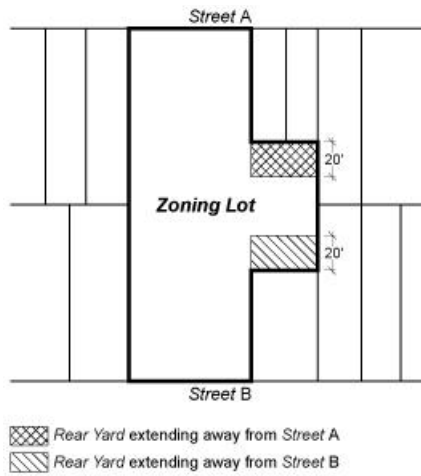
LAST AMENDED  
4/30/2008

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

- 
- Diagram illustrating a Zoning Lot with a 20-foot rear yard extension. The lot is bounded by a Street on the top, bottom, and left. The extension is shown as a shaded area, with a 20-foot dimension indicated for the extension away from the Street Line and another 20-foot dimension indicated for the extension toward the Street Line.
- Legend:
- Rear Yard extending away from Street Line
  - Rear Yard extending toward Street Line

(b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c, 43-313c)

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## 43-32 - Special Provisions for Zoning Lots Divided by District Boundaries

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LAST AMENDED  
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different #yard# regulations, the provisions set forth in Article VII, Chapter 7, shall apply.

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## 43-33 - Modifications of Rear Yard Regulations

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LAST AMENDED  
4/30/2008

M1 M2 M3

In all districts, as indicated, the regulations set forth in Section [43-313](#) (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section [73-69](#) (Rear Yard Modifications).

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## 43-40 - HEIGHT AND SETBACK REGULATIONS

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LAST AMENDED  
12/15/1961

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## 43-41 - Definitions

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LAST AMENDED  
11/19/1987

Words in *italics* are defined in Section [12-10](#) (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.



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## 43-42 - Permitted Obstructions

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LAST AMENDED

12/5/2024

In all #Manufacturing Districts#, the obstructions set forth in Section [23-411](#) (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) or [43-44](#) (Alternate Front Setbacks), or [43-46](#) (Height and Setback Provisions for Districts With an A Suffix).

- (a) Elevator or stair bulkheads (including shafts and vestibules, roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
  - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
  - (2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;
  - (3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed:
    - (i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
    - (ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
  - (4) all equipment shall be subject to the applicable provisions of Section [37-20](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (b) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (c) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;
- (d) Spires or belfries;
- (e) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
- (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
- (3) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

43-43 - Maximum Height of Front Wall and Required Front Setbacks

LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, other than districts with an A suffix, if the front wall or any other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# as set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table.

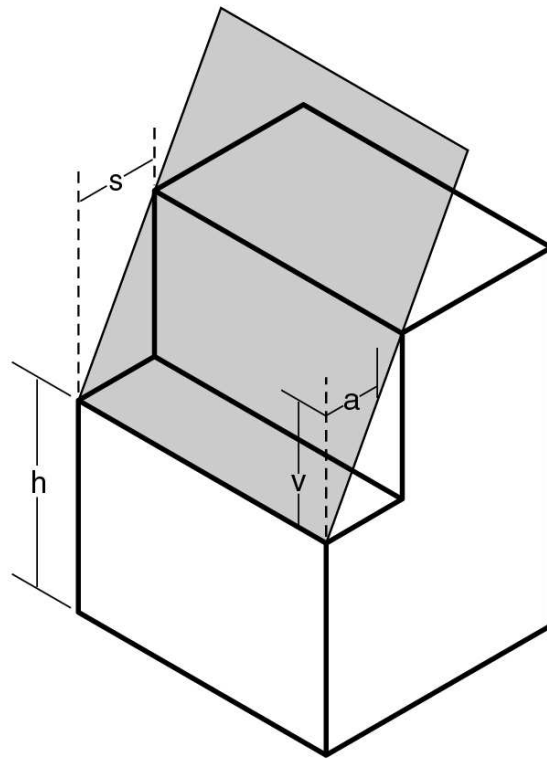
The regulations of this Section shall apply, except as otherwise provided in Sections [43-42](#) (Permitted Obstructions), [43-44](#) (Alternate Front Setbacks) or [43-45](#) (Tower Regulations). In M1-1 Districts, for #community facility buildings#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above the #street line# shall be 35 feet, and in M1-4 Districts, for #community facility buildings#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.


For #zoning lots# in M1-6 Districts that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan, the following #street wall# regulations shall apply to #street# frontages not occupied by a #public plaza#. The #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to a minimum height of 125 feet or the height of the #building#, whichever is less, and a maximum height of 150 feet. Above a height of 150 feet, no portion of a #building# may penetrate a #sky exposure plane# except for towers, pursuant to Section [43-45](#). The #sky exposure plane# shall begin at a height of 150 feet above the #street line# and rise over the #zoning lot# at a slope of 5.6 feet of vertical distance for each foot of horizontal distance on a #wide street#, and at a slope of 2.7 feet of vertical distance for each foot of horizontal distance on a #narrow street#. The provisions of Section [43-44](#) shall not apply. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)	Maximum Height of a Front Wall, or other Portion of a #Building or other	#Sky Exposure Plane#	
		Height above #Street Line#	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)

		structure# within the #Initial Setback Distance#	(in feet)	On #Narrow Street#		On #Wide street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts							
20	15	30 feet or 2 #stories#, whichever is less	30	1 to	1	1 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts							
20	15	60 feet or 4 #stories#, whichever is less	60	2.7 to	1	5.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts							
20	15	85 feet or 6 #stories#, whichever is less	85	2.7 to	1	5.6 to	1



a - Horizontal distance  
 h - Height of sky exposure plane above street line  
 s - Initial setback distance  
 v - Vertical distance  
 Sky Exposure Plane

## SKY EXPOSURE PLANE

(23 - 641, 24 - 522, 33 - 432, 43 - 43)

## 43-44 - Alternate Front Setbacks

LAST AMENDED

6/6/2024

M1 M2 M3

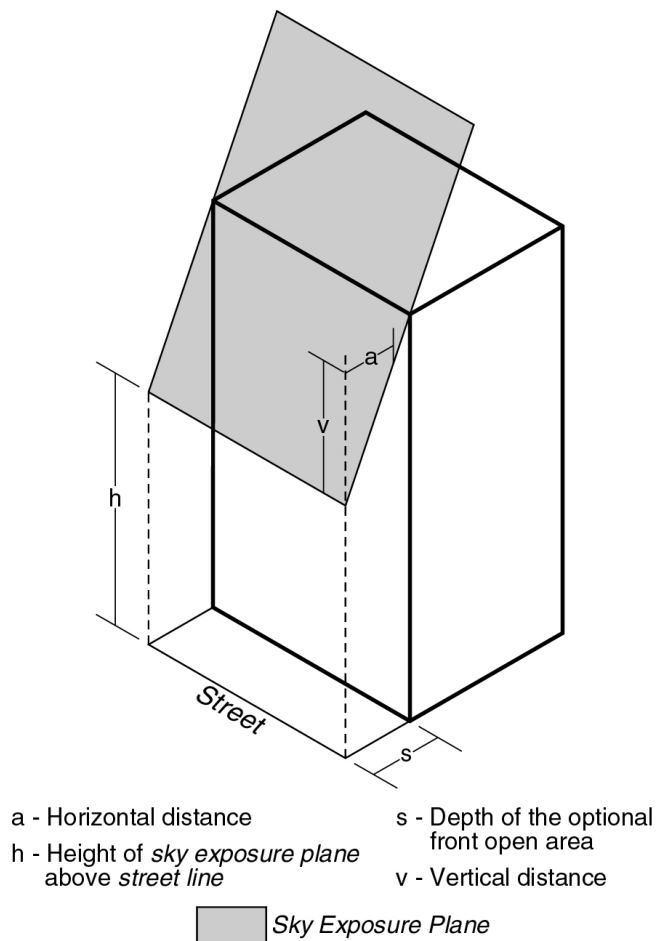
In all districts, other than districts with an A suffix, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in this Section or in Sections [43-42](#) (Permitted Obstructions) or [43-45](#) (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table in this Section. The #sky exposure plane# shall be measured from a point above the #street line#.

In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to Section [43-14](#) (Floor Area Bonus for Public Plazas and Arcades).

In M1-1 Districts, for #community facility buildings# the height above the #street line# shall be 35 feet.

## ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts						
15	10	30	1.4 to	1	1.4 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts						
15	10	60	3.7 to	1	7.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts						
15	10	85	3.7 to	1	7.6 to	1



## ALTERNATE SKY EXPOSURE PLANE

(23 - 64, 24 - 53, 33 - 442, 43 - 44)

## 43-45 - Tower Regulations

LAST AMENDED  
6/6/2024

M1-3 M1-4 M1-5 M1-6

In the districts indicated, other than districts with an A suffix, any #building# or #buildings#, or portion thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section [43-451](#) (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section [43-451](#) for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

43-451 - Towers on small lots

LAST AMENDED  
12/15/1961

M1-3 M1-4 M1-5 M1-6

In the districts indicated, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

43-46 - Height and Setback Provisions for Districts With an A Suffix

LAST AMENDED  
6/6/2024

For M Districts with an A suffix, a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback is required for all portions or #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph

(b). In districts without a maximum height limit, the tower provisions set forth in paragraph (c) shall apply.

(a) Maximum base heights and maximum #building# heights

The table below sets forth the maximum base heights and maximum #building or other structure# heights.

#### MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
M1-1A M2-1A M3-1A	65	
M1-2A M2-2A M3-2A	95	
M1-3A M2-3A 95	125	
M1-4A M2-4A 125	155	
M1-5A 155	205	
M1-6A 155	245	
M1-7A 155	325	
M1-8A M1-9A 155	N/A	

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum building heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

- (1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;
- (2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level;
- (3) these setback provisions are optional for any #building# that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#; and
- (4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height#. Such dormers need not decrease in width as the height above the maximum base height increases.



(c) Towers

For #buildings# in M1-8A and M1-9A Districts, no maximum height limit shall apply. However, any portion of a #building# above a height of 350 feet shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

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## 43-47 - Modification of Height and Setback Regulations

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LAST AMENDED  
6/6/2024

(a) For #zoning lots# adjoining #public parks#

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) For #zoning lots# containing certain #community facility uses#

M1

In the district indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections [43-41](#) to [43-45](#), inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section [73-64](#) (Modifications for Community Facility Uses).

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## 43-48 - Special Provisions for Zoning Lots Divided by District Boundaries

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LAST AMENDED  
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section [43-45](#) (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7 shall apply.

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## 43-50 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

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LAST AMENDED  
12/15/1961

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## 43-51 - Minimum Dimensions of Courts for Buildings

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LAST AMENDED  
2/2/2011

## M1

In the district indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section [24-61](#) (General Provisions and Applicability)

Section [24-62](#) (Minimum Dimensions of Courts)

Section [24-63](#) (Outer Court Regulations)

Section [24-64](#) (Inner Court Regulations)

Section [24-65](#) (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section [24-66](#) (Modifications of Court Regulations or Distance Requirements)

Section [24-68](#) (Permitted Obstructions in Courts).

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## 43-60 - SUPPLEMENTARY REGULATIONS

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LAST AMENDED  
12/21/1989

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### 43-61 - Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts

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LAST AMENDED  
12/5/2024

In M1-1D through M1-5D Districts, where #residential# #uses# are permitted pursuant to Article IV, Chapter 2, the #bulk# regulations of a C2 District mapped within an R5 District shall apply.

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### 43-62 - Bulk Regulations in M1-6D Districts

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LAST AMENDED  
12/5/2024

In M1-6D Districts, the #bulk# regulations of a C6-4A District shall apply except that the maximum height of a #building or other structure# within 100 feet of a #wide street# shall be 290 feet



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 4 - Accessory Off-Street Parking and Loading Regulations**

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# Chapter 4 - Accessory Off-Street Parking and Loading Regulations

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## 44-00 - GENERAL PURPOSES AND DEFINITIONS

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LAST AMENDED  
12/15/1961

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### 44-01 - General Purposes

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LAST AMENDED  
12/15/1961

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the high density central areas, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect public health, safety, and general welfare.

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### 44-02 - Applicability

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LAST AMENDED  
12/6/2023

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility# #uses#, as set forth in the provisions of the various Sections. In limited instances certain regulations also apply to #public parking garages# and #public parking lots#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

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### 44-021 - Applicability of regulations in the Manhattan Core and the Long Island City area

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LAST AMENDED  
12/5/2024

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), are set forth in Article I, Chapter 6.

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### 44-022 - Applicability of regulations in M1-1D through M1-5D Districts

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LAST AMENDED  
12/5/2024

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility# #uses#, and the parking regulations applicable to R5 Districts, as set forth in Article II, Chapter 5, shall apply to #residences#.

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## 44-023 - Applicability of regulations in M1-6D Districts

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LAST AMENDED  
12/5/2024

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to *#commercial#* and *#manufacturing#* *#uses#*. For *#residential#* and *#community facility#* *#uses#*, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), as applicable.

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## 44-024 - Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens

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LAST AMENDED  
12/5/2024

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the *#accessory#* off-street parking regulations of an M1 District shall apply, except that the *#accessory#* off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to *#residential uses#*.

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## 44-025 - Applicability of regulations to public parking garages and public parking lots

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LAST AMENDED  
12/5/2024

The following provisions of this Chapter shall apply to *#public parking garages#* and *#public parking lots#* in addition to *#accessory#* off-street parking facilities:

Section [44-352](#) (Restrictions on the use of parking spaces in public parking garages and public parking lots)

Section [44-423](#) (Calculating floor area in parking facilities with lift systems, or in automated parking facilities)

Section [44-43](#) (Location of Access to the Street)

Section [44-44](#) (Surfacing)

Section [44-45](#) (Screening)

Section [44-47](#) (Parking Lot Maneuverability and Curb Cut Regulations)

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## 44-03 - Definitions

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LAST AMENDED  
11/19/1987

Words in *italics* are defined in Section [12-10](#) (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

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## 44-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

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LAST AMENDED  
12/15/1961

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## 44-11 - General Provisions

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LAST AMENDED  
6/23/1966

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section [44-12](#) (Maximum Size of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Section [73-49](#) (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

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## 44-12 - Maximum Size of Accessory Group Parking Facilities

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LAST AMENDED  
6/23/1966

M1 M2 M3

In all districts, as indicated, no #accessory# #group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section [44-13](#) (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section [44-46](#) (Accessory Off-street Parking Spaces in Public Parking Garages).

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## 44-13 - Modification of Maximum Size of Accessory Group Parking Facilities

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LAST AMENDED  
6/23/1966

M1 M2 M3

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section [44-12](#) (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

- (a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (b) is located on a street not less than 60 feet in width; and
- (c) if #accessory# to a #commercial# or #manufacturing# #use#, has adequate reservoir space at the entrances to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section [44-46](#) (Accessory Off-street Parking Spaces in Public Parking Garages).

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## 44-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

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LAST AMENDED

6/23/1966

M1 M2 M3

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory # #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section [73-48](#) (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section [44-46](#) (Accessory Off-street Parking Spaces in Public Parking Garages).

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## 44-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES

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LAST AMENDED

12/5/2024

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## 44-21 - General Provisions

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LAST AMENDED

12/5/2024

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility# #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section [44-232](#) (Waiver of Requirements for Spaces Below Minimum Number) or, for certain #uses#, below the #lot area# or establishment size thresholds set forth in Section [44-233](#) (Waiver of requirements

for certain small zoning lots or establishments);

- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section [44-24](#) (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section [44-43](#) (Location of Access to the Street).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

Parking Requirement Category	Type of Requirement
PRC-A	square feet of #floor area#
PRC-B	person-rated capacity
PRC-C	square feet of #lot area#
PRC-D	square feet of #floor area#, or number of employees
PRC-E	number of beds
PRC-F	guest rooms or suites
PRC-G	other

#### REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

Parking Requirement Category	PRC - A				PRC - B			C
	A1	A2	A3	A4	B1	B2	B3	
Unit of Measurement	per square feet of #floor area# <sup>1</sup>				per persons-rated capacity			per square feet of #lot area# 3,4
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix  M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 200	1 per 300	1 per 300 2	1 per 600	1 per 8	1 per 8	1 per 10	1 per 500



M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix  M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required	None required	None required	None required	None required	None required	None required
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- 1 For ambulatory diagnostic or treatment facilities listed in Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.
- 2 Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section [73-44](#).
- 3 In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.
- 4 In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements.

Parking Requirement Category	PRC - D		PRC - E			PRC - F	
	D1	D2	E1	E2	E3	F1	F2
Unit of Measurement	per square feet of #floor area# or per employees <sup>5</sup>		per bed			per guest room or suites	

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix  M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 2,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 5 6				1 per 8
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix  M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required	1 per 10 6	n/a	n/a	1 per 1	None required

5 For predominantly open storage of miscellaneous #uses# or predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

6 Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

Parking Requirement Category	PRC - G					
	Agricultural #uses#	Outdoor racket courts	Outdoor skating rinks	Seminaries	#Schools#	Museums or non-commercial art galleries

Unit of Measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per square feet of #floor area#		
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix  M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 1,000	1 per 2	1 per 800	1 per 1,000	None required	None required		
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix  M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required	None required	None required				
Parking Requirement Category	PRC - G (continued)							
	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post Offices	Funeral Establishments	Riding academies or stables

Unit of Measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section <a href="#">62-43</a>	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per square feet of #floor area#
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix  M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 600		1 per 10			1 per 1,200	1 per 400	
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix  M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required		see Section <a href="#">62-43</a>	1 per 2,000 or 1 per 3	None required	None required	None required

## 44-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED  
12/5/2024

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section [44-21](#) (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

44-23 - Waiver of Requirements for Spaces Below Minimum Number or Certain Small Zoning Lots, Developments or Enlargements

LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, the requirements for accessory off-street parking spaces shall be subject to the waiver provisions of this Section.

44-231 - Exceptions to application of waiver provisions

LAST AMENDED  
12/5/2024

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section [44-232](#) (Waiver of requirements for spaces below minimum number) shall not apply to the following types of #uses#:

- (a) #Uses# within parking requirement category D;
- (b) The following #commercial# #uses# in parking requirement categories F or G:

Camps, overnight or day

#Motels# or #tourist cabins#

44-232 - Waiver of requirements for spaces below minimum number

LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section [44-231](#) (Exceptions to application of waiver provisions), the parking requirements set forth in Sections [44-21](#) (General Provisions) or [44-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial# #uses#, or #community facility# #uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

District	Number of Spaces
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	15
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	40

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## 44-233 - Waiver of requirements for certain small zoning lots or establishments

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, the parking requirements of Section [44-21](#) (General Provisions) for certain #uses# shall be waived in accordance with this Section:

- (a) For #uses# in PRC-D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;
- (b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15; and
- (c) For camps, overnight or day, parking requirements, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10.

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## 44-24 - Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

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LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections [44-21](#) (General Provisions) or [44-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section [44-43](#) (Location of Access to the Street).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

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## 44-25 - Special Provisions for Zoning Lots Divided by District Boundaries

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LAST AMENDED

12/5/2024

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

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## 44-26 - Special Provisions for Expansion of Existing Manufacturing Buildings

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LAST AMENDED

12/5/2024

M1 M2 M3

In all districts, as indicated, whenever an existing #manufacturing# #building# is expanded pursuant to the provisions of Section [43-121](#) (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections [44-21](#) (General Provisions) or [44-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Regulations), provided the Commission certifies:

- (a) that because of site limitations such a reduction is necessary for the proper design and operation of the #manufacturing# #building#; and
- (b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.

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## **44-27 - Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in Designated Areas**

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LAST AMENDED  
12/5/2024

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Section [44-21](#) (General Provisions) are modified as set forth in this Section for all #uses# within the #industrial floor space#.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (d)(1) or (d)(2)(i) of Section [42-193](#) (Use Group IX – use subject to additional conditions), #accessory# off-street parking spaces, open or enclosed, shall not be required for #uses# within #industrial floor space#, where all such #uses# occupy less than 10,000 square feet of #floor area# or have fewer than 15 employees. For #industrial floor space# on such #zoning lots# where such #uses#, in total, occupy at least 10,000 square feet of #floor area# or have 15 or more employees, #accessory# off-street parking spaces, open or enclosed, shall be required for all #uses# within the #industrial floor space# at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require fewer spaces.

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## **44-30 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES**

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LAST AMENDED  
12/15/1961

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## **44-31 - General Provisions**

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LAST AMENDED  
9/9/2004

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section [44-32](#) (Off-site Spaces for All Permitted Uses)

Section [44-33](#) (Joint and Shared Facilities)

Section [44-34](#) (Additional Regulations for Required Spaces When Provided Off-site)

Section [73-45](#) (Modification of Off-site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section [44-46](#) (Accessory Off-street Parking Spaces in Public Parking Garages).

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## 44-32 - Off-site Spaces for All Permitted Uses

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LAST AMENDED  
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

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## 44-33 - Joint and Shared Facilities

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LAST AMENDED  
9/9/2004

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### 44-331 - Joint facilities

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LAST AMENDED  
9/9/2004

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section [44-21](#) (General Provisions)

Section [44-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements).

- (b) all such spaces conform to the provisions of Section [44-32](#) (Off-site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

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## 44-34 - Additional Regulations for Required Spaces When Provided Off-Site

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LAST AMENDED  
9/9/2004

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections [44-32](#) (Off-site Spaces for All Permitted Uses) or [44-33](#) (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section [12-10](#)) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

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## **44-35 - Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots**

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LAST AMENDED  
12/6/2023

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### **44-351 - Restrictions on use of accessory off-street parking spaces**

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LAST AMENDED  
12/5/2024

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

In all districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

- (a) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section [44-37](#) (Electric Vehicle Charging), including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed;
- (b) #car sharing vehicles#;
- (c) vehicles stored by automobile rental establishments; or
- (d) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

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### **44-352 - Restrictions on use of parking spaces in public parking garages and public parking lots**

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LAST AMENDED  
12/5/2024

M1 M2 M3

In all districts, as indicated, off-street parking spaces in #public parking garages# and #public parking lots# may be made available for electric charging, or allocated to #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking, only as follows:

- (a) In all districts, all spaces within a #public parking garage# or #public parking lot# may be allocated to publicly available electric vehicle charging facilities, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed.
- (b) In all districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to:
  - (1) #car sharing vehicles#;
  - (2) vehicles stored by automobile rental establishments; or
  - (3) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

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## **44-36 - Restrictions on Automotive Repairs and Sale of Motor Fuel**

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LAST AMENDED

12/6/2023

M1 M2 M3

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However where such parking spaces are provided in a #building or other structure#, minor automotive repairs (not including body work) are permitted.

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## **44-37 - Electric Vehicle Charging**

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LAST AMENDED

12/5/2024

In all districts, as indicated, electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces.

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## **44-40 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES**

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LAST AMENDED

12/15/1961

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## **44-41 - General Provisions**

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LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section [44-40](#), inclusive.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

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## **44-42 - Size and Identification of Spaces**

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LAST AMENDED

12/6/2023

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### **44-421 - Size of spaces**

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LAST AMENDED

12/6/2023

M1 M2 M3

(a) Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space, except as follows:

(1) Standard attended facilities

An area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of the Department of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one parking space. The term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in an #automated parking facility# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(b) Driveway access

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

(c) Minimum size for each parking space

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

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## **44-422 - Identification of car sharing vehicles**

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LAST AMENDED

12/6/2023

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (a) “Total parking spaces in facility:” which shall specify the total number of parking spaces permitted within such parking facility; and
- (b) “Maximum number of car sharing vehicles:” which shall specify the total number of #car sharing vehicles# permitted within such parking facility.

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## **44-423 - Calculating floor area in parking facilities with lift systems, or in automated parking facilities**

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LAST AMENDED

12/6/2023

For enclosed #accessory# off-street parking facilities, or #public parking garages#, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section [12-10](#), or as otherwise modified in this Resolution, as applicable, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

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## **44-43 - Location of Access to the Street**

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LAST AMENDED

6/21/1973

M1 M2 M3

In all districts, as indicated, the entrances and exits of all permitted or required #accessory # #group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer

such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Section [44-24](#) (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

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## 44-44 - Surfacing

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LAST AMENDED

12/6/2023

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material.

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## 44-45 - Screening

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:
  - (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
  - (2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Section [42-62](#) (Permitted Signs).

Paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section [37-921](#) (Perimeter landscaping) apply.

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## 44-46 - Accessory Off-street Parking Spaces in Public Parking Garages

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M1 M2 M3

In all districts, as indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section [12-10](#) (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections [73-67](#) (Additional Floor Space for Public Parking Garages), [74-193](#) (Public parking garages or public parking lots outside high density areas) or [74-194](#) (Public parking garages or public parking lots inside high density areas).

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## 44-47 - Parking Lot Maneuverability and Curb Cut Regulations

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M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:
  - (1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
  - (2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and
- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section [36-58](#).

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## **44-48 - Parking Lot Landscaping**

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LAST AMENDED  
2/2/2011

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility# #uses# and new open parking areas #accessory# to #commercial# or #community facility# #uses# shall comply with the provisions of Section [37-90](#) (PARKING LOTS), inclusive.

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## **44-49 - Cross Access Connections in Manufacturing Districts in the Borough of Staten Island**

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LAST AMENDED  
6/10/2009

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section [36-59](#) (Cross Access Connections in the Borough of Staten Island), inclusive.

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## **44-50 - OFF-STREET LOADING REGULATIONS**

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LAST AMENDED  
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect public health, safety, and general welfare.

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## **44-51 - Permitted Accessory Off-street Loading Berths**

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections [44-562](#) (Location of access to the street), [44-563](#) (Restrictions on location of berths near Residence Districts), [44-564](#) (Surfacing) and [44-565](#) (Screening).

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## **44-52 - Required Accessory Off-street Loading Berths**

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# or #enlargements# after December 15, 1961, for the #community facility#, #commercial# or #manufacturing# #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargements#.

For the purposes of applying the requirements set forth in the table to #enlargements#, such provisions shall apply to the #floor area# of the #enlarged# portion of such #building# or, for open #uses#, to the #lot area# allocated to such #enlarged# #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Loading Requirement Category	#Use# or Use Group
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII
LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS



Loading Requirement Category	Districts	
	<b>M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2 Districts without an A suffix</b>  <b>M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#</b>	<b>M1-3 M1-5 M1-6 M2-2 M2-4 Districts without an A suffix</b>  <b>M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#</b>
<b>LRC-A</b>	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1	First 15,000 sq. ft. : None Next 25,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1
<b>LRC-B</b>	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1	First 25,000 sq. ft. : None Next 15,000 sq. ft. : 1 Next 60,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1
<b>LRC-C</b>	First 25,000 sq. ft. : None Next 75,000 sq. ft. : 1 Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1	First 100,000 sq. ft. : None Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1
<b>LRC-D<sup>1</sup></b>	First 10,000 sq. ft. : None Next 290,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1	
<b>LRC E</b>	First 10,000 sq. ft. : None Next 20,000 sq. ft. : 1 Any additional amount : 1	

1 Requirements in this table are in addition to area utilized for ambulance parking.

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## 44-53 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, the requirements set forth in Section [44-52](#) (Required Accessory Off-street Loading Berths) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section [44-562](#) (Location of access to the street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

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## **44-54 - Special Provisions for Zoning Lots Divided by District Boundaries**

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

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## **44-55 - Joint Loading Berths Serving Two or More Buildings**

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Section [44-52](#) (Required Accessory Off-street Loading Berths);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

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## **44-56 - Additional Regulations for Permitted or Required Berths**

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section, inclusive.

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## **44-561 - Size of required loading berths**

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways, or entrances to or exits from such off-street berths.

		Length	Width	Vertical Clearance
LRC-A	with less than 10,000 sq. ft. of #floor area#	37	12	14
LRC-A	with 10,000 sq. ft. or more of #floor area#	50	12	14
LRC-B		37	12	14
LRC-D		37	12	12
LRC-D		37	12	12
LRC-E		25	10	8

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### 44-562 - Location of access to the street

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

The waiver provisions of Section [44-53](#) (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

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### 44-563 - Restrictions on location of berths near Residence Districts

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths on to the #street# shall be less than 30 feet from the district boundary.

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### 44-564 - Surfacing

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LAST AMENDED  
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

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## 44-565 - Screening

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LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths which are located on #zoning lots# adjacent to the boundary of a #Residence District# shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

- (1) shall be maintained in good condition at all times;
- (2) may be interrupted by normal entrances or exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section [42-62](#) (Permitted Signs).

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## 44-566 - Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas

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LAST AMENDED

6/6/2024

M1-1 M1-2 M1-4 M2-1 M2-2 M3-1 M3-2

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Sections [44-52](#) (Required Accessory Off-street Loading Berths) and [44-581](#) (Size of required loading berths) are modified as set forth in this Section.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (d)(1) or (d)(2)(i) of Section [42-193](#) (Use Group IX – use subject to additional conditions), all required #accessory# off-street loading berths for a #self-service storage facility# shall have a minimum length of 37 feet. The dimensions of off-street loading berths shall not include driveways, or entrances to or exits from such off-street loading berths.

The number of #accessory# off-street loading berths required for #uses# occupying #industrial floor space# shall be as set forth in the following table:

#Floor Area# (in square feet)	Required Loading Berths
First 15,000	None
Next 25,000	1
Next 40,000	1
Each additional 80,000 or fraction thereof	1

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## 44-60 - BICYCLE PARKING

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LAST AMENDED  
12/6/2023

M1 M2 M3

In all districts, as indicated, the provisions of Section [36-70](#) (BICYCLE PARKING), inclusive, shall apply to all permitted #commercial# and #residential uses#. In addition, for #manufacturing# #uses#, #accessory# bicycle parking spaces shall be excluded from the definition of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by one bicycle parking space per 10,000 square feet of #floor area#; and
- (b) the #accessory# bicycle parking spaces provided meet the standards for #accessory# bicycle parking of Section [36-73](#) (Restrictions on Operation, Size and Location of Bicycle Parking Spaces);

However, in no event shall #accessory# bicycle parking spaces be excluded from the calculation of #floor area# in the case of #single-# or #two-family residences# or in the case of #accessory# bicycle parking spaces provided off-site pursuant to Section [36-74](#) (Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.