



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 2 - Use Regulations

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# 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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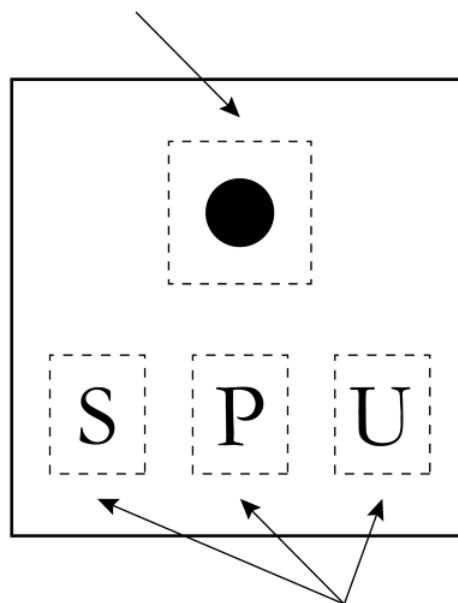
LAST AMENDED  
6/6/2024

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”)

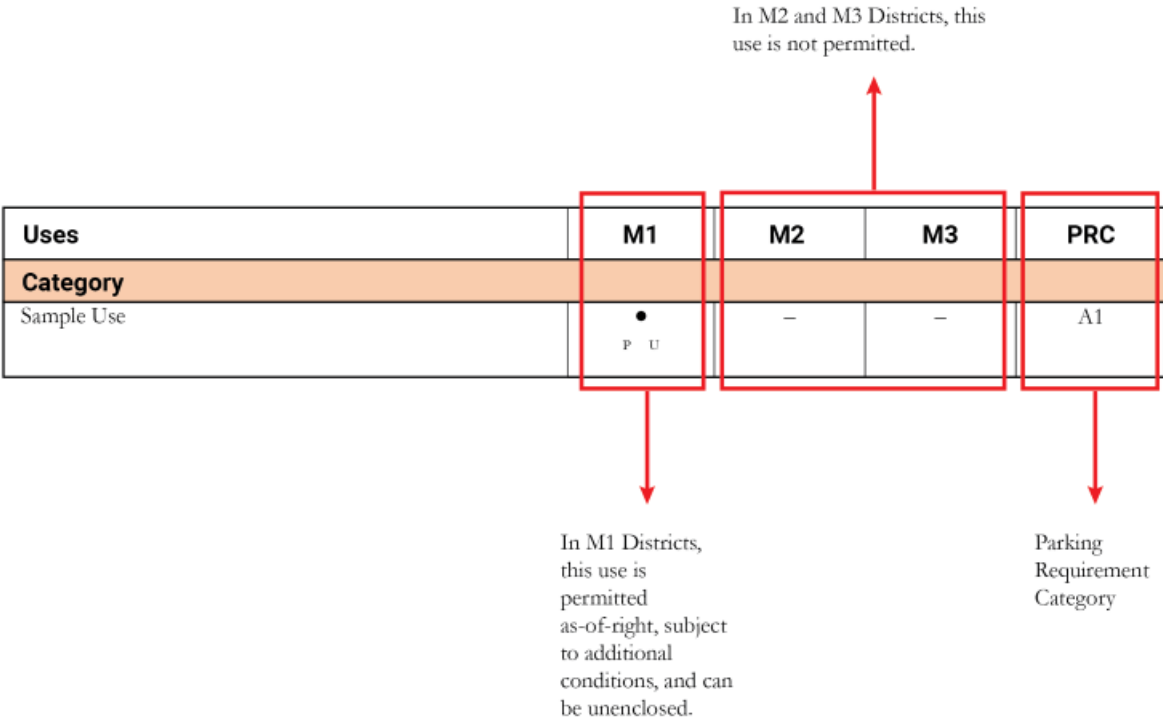
Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions or open #use# allowances. However, all #uses#, where applicable, are subject to the provisions of Sections [42-30](#) (SPECIAL PROVISIONS APPLICABLE TO CERTAIN 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				
● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions   U = Open use allowances				
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				
● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions   U = Open use allowances				
Uses	M1	M2	M3	PRC
General Storage				
Building materials or contractors' yard	● P U	● P U	● P U	D2
Depositories for storage of office records, microfilm or computer tapes, or for data processing	●	●	●	D2

Micro-distribution facilities	–	–	–	D2
Moving or storage offices	● P	● P	● P	D2
#Self-service storage facility#	◆ P	◆ P	◆ P	D2
Trucking terminals or motor freight stations	● P U	● P U	● P U	D2
Warehouses	● P	● P	● P	D2
Wholesale establishments	● P	● P	● P	A4

## B. Specialized Storage

USE GROUP IX(B) – SPECIALIZED STORAGE				
<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)

	District		
#Frequency# (cycles per second)	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)

	District		
#Frequency# (cycles per second)	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
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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#.
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### 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.