



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 3 - Bulk Regulations

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Chapter 3 - Bulk Regulations

43-00 - APPLICABILITY AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

43-01 - Applicability of This Chapter

LAST AMENDED
3/22/2018

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

Existing #buildings or other structures# which do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

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

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

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #bulk# regulations governing M1 Districts shall apply to #community facility#, #commercial# and #manufacturing# #uses#, and the regulations of Section [43-61](#) (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section [42-47](#) (Residential Uses in M1-1D Through M1-5D Districts). M1-6D Districts shall be subject to the #bulk# regulations set forth in Section [43-62](#).

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 #bulk# regulations of an M1 District shall apply to #manufacturing#, #commercial# and #community facility# #uses#, and the #bulk# regulations for an R5 District set forth in Article II, Chapter 3, shall apply to #residential uses#.

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

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

43-02 - Street Tree Planting in Manufacturing Districts

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, all #developments#, or #enlargements# of 20 percent or more in #floor area#, excluding #developments# or #enlargements# in Use Groups 17 or 18, shall provide #street# trees in accordance with Section [26-41](#) (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# from a #manufacturing# #use# to a #commercial# or #community facility# #use# shall provide #street# trees in accordance with Section [26-41](#). The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C and 16D.

43-03 - Outdoor Table Service Areas

LAST AMENDED 2/24/2022

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

43-10 - FLOOR AREA REGULATIONS

LAST AMENDED
12/15/1961

43-11 - Definitions

LAST AMENDED
11/19/1987

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

43-12 - Maximum Floor Area Ratio

LAST AMENDED
9/21/2011

M1 M2 M3

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

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

Section [43-62](#) (Bulk Regulations in M1-6D Districts)

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

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

* In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to 4.0 provided that such additional #floor area# is limited to the following #uses#: photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section [123-22](#) (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults

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

Notwithstanding any other provisions of this Resolution, the maximum #floor area ratio# in an M1-6 District shall not exceed 12.0.

43-121 - Expansion of existing manufacturing buildings

LAST AMENDED
5/29/2019

M1 M2 M3

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

- (a) the resulting total #floor area# shall not be greater than:
 - (1) 150 percent of the #floor area# existing on December 15, 1961; or
 - (2) 110 percent of the maximum #floor area# otherwise permitted under the provisions of Section [43-12](#) (Maximum

Floor Area Ratio).

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

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

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

43-122 - Maximum floor area ratio for community facilities

LAST AMENDED

9/21/2011

M1

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

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	2.40
M1-2	4.80
M1-3 M1-4 M1-5	6.50
M1-6	10.00

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

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

LAST AMENDED

12/19/2017

In M1-1 Districts in designated areas in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, for any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (a) or (b)(1) of Section [42-121](#) (Use Group 16D self-service storage facilities), the maximum permitted #floor area# for #commercial# or #manufacturing# #uses# on the #zoning lot# pursuant to the provisions of Section [43-12](#) (Maximum floor area ratio), inclusive, may be increased by a maximum of 25 percent of the #lot area# or up to 20,000 square feet, whichever is less.

43-13 - Floor Area Bonus for Public Plazas

LAST AMENDED
9/21/2011

M1-6

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

43-14 - Floor Area Bonus for Arcades

LAST AMENDED
9/21/2011

M1-6

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

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

LAST AMENDED
10/17/2007

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

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

(b) Kiosks and open air cafes

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

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

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a #floor area# bonus has been received, during certain nighttime hours pursuant to Section [37-727](#) (Hours of access).

(d) Elimination or reduction of existing public amenities

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

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

LAST AMENDED

12/15/1961

M1 M2 M3

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

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

LAST AMENDED

1/22/1998

M1-5B

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

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

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

However, the minimum size requirement may be replaced by the requirements of Section [15-024](#) for #joint living-work quarters for artists#:

- (a) for which a determination of #residential# or #joint living-work quarters for artists# occupancy on September 1, 1980, has been made pursuant to Sections [42-14](#), paragraph D.(1)(f), [42-141](#) paragraph (b) or [74-782](#); or
- (b) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (c) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

#Joint living-work quarters for artists# existing on September 1, 1980, may not be divided subsequently into quarters of less

than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

In the districts indicated, two or more #buildings# which are separated by individual load-bearing walls and contain #joint living-work quarters for artists#, each of which #building# conforms to the regulations set forth in Section [42-14](#) may be combined to produce a #lot area# covered by #buildings# in excess of 3,600 square feet.

43-171 - Minor modifications

LAST AMENDED

2/2/2011

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

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

43-20 - YARD REGULATIONS

LAST AMENDED

1/28/1971

43-21 - Definitions

LAST AMENDED

11/19/1987

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

43-22 - Level of Yards

LAST AMENDED

12/15/1961

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

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

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

In all #Manufacturing Districts#, the obstructions set forth in Section [23-441](#) (General permitted obstructions), as well as the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

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

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

43-24 - Measurement of Yard Width or Depth

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

43-25 - Minimum Required Side Yards

LAST AMENDED
12/15/1961

M1 M2 M3

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

43-26 - Minimum Required Rear Yards

LAST AMENDED
4/30/2008

M1 M2 M3

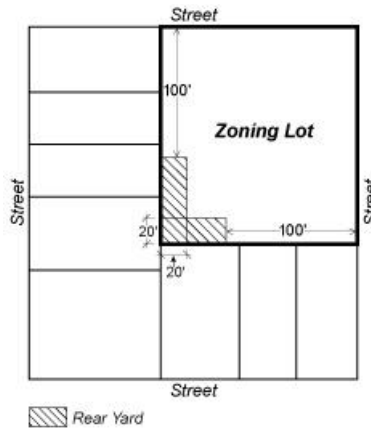
In all districts, as indicated, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections [43-27](#) (Special Provisions for Shallow Interior Lots), [43-28](#) (Special Provisions for Through Lots) or [43-31](#)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

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

LAST AMENDED
4/30/2008

M1 M2 M3

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



CORNER LOT
(33-261.1, 43-261.1)



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

43-27 - Special Provisions for Shallow Interior Lots

LAST AMENDED
 2/2/2011

M1 M2 M3

In all districts, as indicated, if an #interior lot#:

- (a) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and
- (b) is less than 70 feet deep;

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

43-28 - Special Provisions for Through Lots

LAST AMENDED
 2/2/2011

M1 M2 M3

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

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

- (c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

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

43-29 - Special Provisions Applying Along Railroad Rights-of-way

LAST AMENDED
12/15/1961

M1 M2 M3

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

43-30 - SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED
12/15/1961

M1 M2 M3

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

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

LAST AMENDED
12/15/1961

M1 M2 M3

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

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

LAST AMENDED
12/15/1961

M1 M2 M3

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

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

LAST AMENDED
12/15/1961

M1 M2 M3

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

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

LAST AMENDED
10/25/1967

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

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

43-31 - Other Special Provisions for Rear Yards

LAST AMENDED
12/15/1961

M1 M2 M3

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

43-311 - Within 100 feet of corners

LAST AMENDED
12/15/1961

M1 M2 M3

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

43-312 - Along short dimension of block

LAST AMENDED
5/20/1965

M1 M2 M3

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

43-313 - For zoning lots with multiple rear lot lines

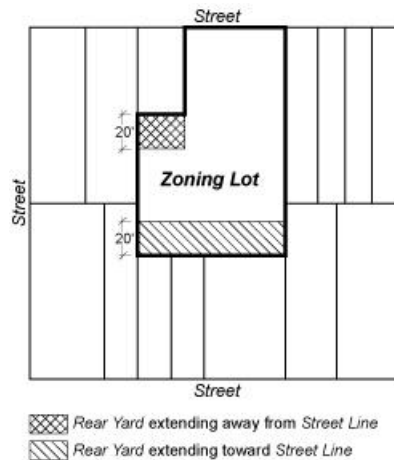
LAST AMENDED

4/30/2008

M1 M2 M3

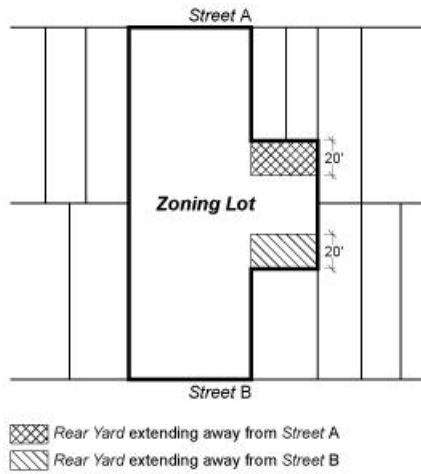
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

- (a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



(33-303a, 43-313a)

- (b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.
- (c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c, 43-313c)

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

LAST AMENDED
12/15/1961

M1 M2 M3

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

43-33 - Modifications of Rear Yard Regulations

LAST AMENDED
4/30/2008

M1 M2 M3

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

43-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/15/1961

43-41 - Definitions

LAST AMENDED
11/19/1987

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

43-42 - Permitted Obstructions

†

LAST AMENDED

12/6/2023

In all #Manufacturing Districts#, the obstructions set forth in Section [23-621](#) (General permitted obstructions), as well as the following obstructions shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks), [43-44](#) (Alternate Front Setbacks) or [43-49](#) (Limited Height Districts).

- (a) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
 - (2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
 - (3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and
 - (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
 - (i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
 - (ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
 - (5) all equipment shall be subject to the applicable provisions of Section [37-20](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (b) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (c) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;
- (d) Spires or belfries;

- (e) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:
- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

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

LAST AMENDED
9/21/2011

M1 M2 M3

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

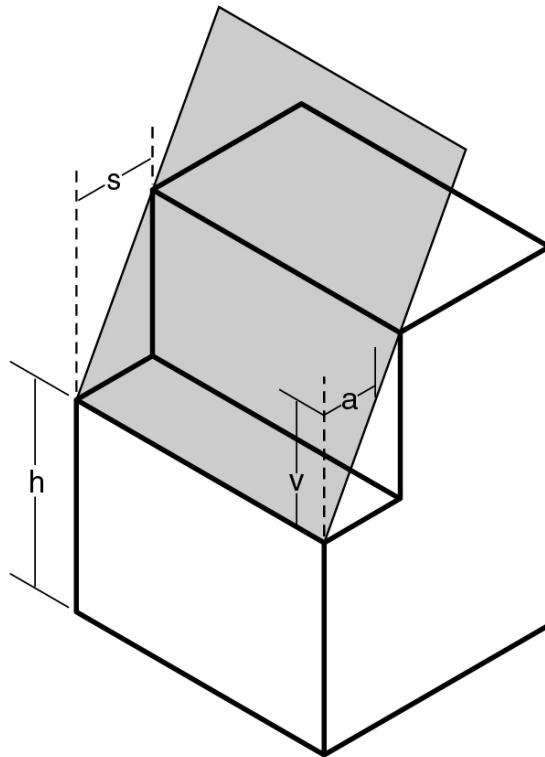
The regulations of this Section shall apply, except as otherwise provided in Sections [43-42](#) (Permitted Obstructions), [43-44](#) (Alternate Front Setbacks) or [43-45](#) (Tower Regulations). In M1-1 Districts, for #community facility buildings#, the maximum height of a front wall shall be 35 feet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

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

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)	Maximum Height of a Front Wall, or other Portion	#Sky Exposure Plane#

		of a #Building or other structure# within the #Initial Setback Distance#	Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts							
20	15	30 feet or 2 #stories#, whichever is less	30	1 to	1	1 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts							
20	15	60 feet or 4 #stories#, whichever is less	60	2.7 to	1	5.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts							
20	15	85 feet or 6 #stories#, whichever is less	85	2.7 to	1	5.6 to	1



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

 Sky Exposure Plane

SKY EXPOSURE PLANE

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

43-44 - Alternate Front Setbacks

LAST AMENDED
 10/17/2007

M1 M2 M3

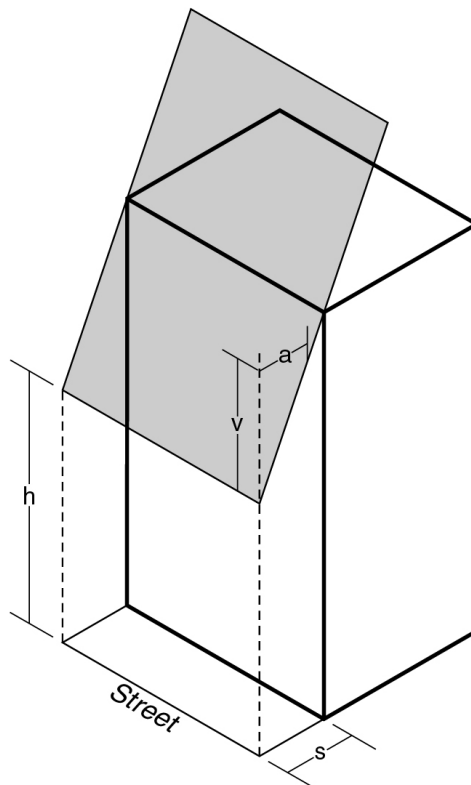
In all districts, as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such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

In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to Section [43-13](#) (Floor Area Bonus for Public Plazas).

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

ALTERNATE REQUIRED FRONT SETBACKS

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



a - Horizontal distance
 h - Height of sky exposure plane above street line
 s - Depth of the optional front open area
 v - Vertical distance
 Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE
 (23 - 64, 24 - 53, 33 - 442, 43 - 44)

43-45 - Tower Regulations

LAST AMENDED
 2/2/2011

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

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

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

43-451 - Towers on small lots

LAST AMENDED
12/15/1961

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

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

43-46 - Special Provisions for Zoning Lots Directly Adjoining Public Parks

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the

purpose of applying the height and setback regulations as set forth in Section [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

43-47 - Modification of Height and Setback Regulations

LAST AMENDED
12/15/1961

M1

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

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

LAST AMENDED
12/15/1961

M1 M2 M3

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

43-49 - Limited Height Districts

LAST AMENDED
3/4/1982

M1 M2 M3

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level#
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

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

LAST AMENDED
12/15/1961

43-51 - Minimum Dimensions of Courts for Buildings

LAST AMENDED
2/2/2011

M1

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

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

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

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

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

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

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

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

43-60 - SUPPLEMENTARY REGULATIONS

LAST AMENDED
12/21/1989

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

LAST AMENDED
9/21/2011

The following regulations shall apply to any #development# or #enlargement# authorized pursuant to Section [42-47](#) (Residential Uses in M1-1D Through M1-5D Districts):

(a) The total amount of #residential# #floor area# permitted on any #zoning lot# shall not exceed a #floor area ratio# of 1.65.

On #zoning lots# containing both #residential use# and #community facility#, #manufacturing# or #commercial# #use#, the maximum #floor area# shall be the maximum #floor area# permitted for either the #commercial# or #manufacturing# #use# as set forth in Sections [43-12](#) (Maximum Floor Area Ratio) through [43-14](#) (Floor Area Bonus for Arcades), or the #community facility# #use# as set forth in Section [43-122](#) (Maximum floor area ratio for community facilities), or the #residential use# as set forth in this Section, whichever permits the greatest amount of #floor area#.

On #zoning lots# containing both #residential use# and #manufacturing# or #commercial# #use#, the total #floor area# used for #manufacturing# or #commercial# #use# shall not exceed the amount permitted by Sections [43-12](#) through [43-14](#).

- (b) The maximum number of #dwelling units# shall equal the total #residential# #floor area# provided on the #zoning lot# divided by 675. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.
- (c) The maximum #building# height above #curb level# shall be 32 feet.
- (d) No such #development# or #enlargement# shall be permitted within 30 feet of the #rear lot line#.
- (e) The maximum distance from the #street line# to the #street wall# of such #development# shall be ten feet, unless modified by the City Planning Commission pursuant to Section [44-28](#) (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts).
- (f) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988, shall be exempt from this requirement, provided such #enlarged building# does not exceed a height of two #stories#.

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

LAST AMENDED 9/21/2011

43-621 - Floor area regulations in M1-6D Districts

LAST AMENDED
9/21/2011

- (a) The maximum #floor area ratio# for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as modified for #Inclusionary Housing designated areas#, as set forth in paragraph (b) of this Section.
- (b) In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Sections [23-154](#) and [23-90](#) (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section:

- (1) for #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; and
- (2) the maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, up to 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only through the provision of #affordable housing#, pursuant to Section [23-90](#), inclusive.

43-622 - Maximum lot coverage in M1-6D Districts

LAST AMENDED
9/21/2011

Any #story# of a #building# containing #dwelling units# shall not exceed a maximum #lot coverage# of 70 percent for #interior# or #through lots# and 100 percent for #corner lots#. However, where any such level contains parking spaces or non-#residential uses#, such level shall be exempt from #lot coverage# regulations.

43-623 - Density in M1-6D Districts

LAST AMENDED
9/21/2011

The provisions of [35-40](#) (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be 680.

43-624 - Height and setback in M1-6D Districts

†

LAST AMENDED
12/6/2023

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

(a) Rooftop and permitted obstruction regulations

(1) Permitted obstructions

The provisions of Section [33-42](#) shall apply to all #buildings#.

In addition, a maximum base height or #sky exposure plane# may be penetrated, as follows:

(i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

On any #street# frontage, dormers may be provided in accordance with the provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts).

(2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be subject to the provisions of Section [37-22](#) (Special Rooftop Screening and Enclosure Regulations).

(b) Height and setback

(1) #Street wall# location

The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

(2) Base height

(i) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and may rise to a maximum base height of 155 feet.

(ii) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and may rise to a maximum base height of 135 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the maximum base height may be increased to 155 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, the portion of such #buildings# above the maximum base height set forth in paragraph (b)(2)(i) of this Section shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of the highest two #stories# of such #building# shall not exceed 80 percent of the gross area of the #story# directly below such highest two #stories#.

(ii) Along #narrow streets#

For all #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, no portion of such #building or other structure# shall penetrate a #sky exposure plane# which begins at the maximum base height set forth in paragraph (b)(2)(ii) of this Section and rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance.

Any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may

penetrate such #sky exposure plane#, provided such portion does not exceed a height of 210 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section [23-664](#), such maximum height may be increased, provided that the maximum number of #stories# does not exceed 23, the maximum height of a #building# with a #non-qualifying ground floor# does not exceed a height of 230 feet, and the maximum height of a #building# with a #qualifying ground floor# does not exceed a height of 235 feet.

In addition, the gross area of each of the top two #stories# of a #building# may not be greater than 80 percent of the gross area of the #story# directly below such top two #stories#.

(4) Maximum length of #building# wall

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet.

43-625 - Yard regulations in M1-6D Districts

LAST AMENDED
9/21/2011

In M1-6D Districts, the provisions of Section [43-20](#) (YARD REGULATIONS) shall apply, except that #residential# portions of a #building# shall provide a #rear yard# with a minimum depth of 30 feet at any level not higher than the floor level of the lowest #story# containing #dwelling units# with a #window# opening upon such #rear yard#. On any #through lot# that is 110 feet or more in depth from #street# to #street#, a #rear yard equivalent# shall be provided within 15 feet of the centerline of the #through lot# or #through lot# portion. In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. For shallow #zoning lots#, a reduction in the required #rear yard# or #rear yard equivalent# may be applied pursuant to the provisions applicable for an R10 District set forth in Sections [23-52](#) (Special Provisions for Shallow Interior Lots) or [23-534](#) (Special provisions for shallow through lots), as applicable.

43-626 - Courts in M1-6D Districts

LAST AMENDED

#Residential# portions of #buildings# shall be subject to the court provisions applicable in R10 Districts as set forth in Section [23-80](#) (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.