Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

42-00 - GENERAL PROVISIONS

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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

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#.