Zoning Resolution

THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
Sideya Sherman, Chair

42-19 - Use Group IX – Storage

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42-19 - Use Group IX – Storage

LAST AMENDED
6/6/2024

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

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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				
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions U = Open use allowances**				
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

42-192 - Use Group IX – uses permitted with limited applicability

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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.

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

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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 44-025 (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.

42-194 - Use Group IX – uses subject to open use allowances

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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#.