



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 42-00 - GENERAL PROVISIONS

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## 42-00 - GENERAL PROVISIONS

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LAST AMENDED

12/6/2023

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 5, 6A, 6B, 7, 8, 9B, 10B, 11, 12A, 12C, 12D, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Sections [42-11](#) to [42-15](#), inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section [42-01](#) (Special Provisions for Adult Establishments).

#Uses# listed in Use Groups 11A, 16, 17 or 18 must also comply with the applicable performance standards set forth in Sections [42-21](#) to [42-28](#), inclusive. In case of any conflict between the Use Group and the performance standards, the latter shall control.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The letters A, B, B1, C, D, E, F, G or H in the column entitled Parking Requirement Category [PRC] following a #use# listed in Sections [32-14](#) to [32-25](#), inclusive, refer to the classification of #commercial# #uses# to determine required #accessory# off-street parking spaces as set forth in the table in Section [44-21](#) (General Provisions).

The #uses# listed in the various Use Groups set forth in Sections [42-11](#) to [42-15](#), inclusive, are also listed in alphabetical order in APPENDIX A (Index of Uses) of this Resolution, for the convenience of those using the Resolution. Whenever there is any difference in the meaning or implication between the text of these Use Groups and the text of APPENDIX A, the text of these Use Groups shall prevail.

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.

The following chart sets forth the Use Groups permitted in the various #Manufacturing Districts#:

### USE GROUPS PERMITTED IN MANUFACTURING DISTRICTS

	Use Groups								
	#Community Facility#		Retail & #Commercial#						
Districts	3	4	5	6	7	8	9	10	11

Light Manufacturing M1		x	x	x	x	x	x	x	x
Medium Manufacturing M2				x	x	x	x	x	x
Heavy Manufacturing M3				x	x	x	x	x	x

	Use Groups							
	Recreation				Gen. Ser-vice	#Manufacturing#		
Districts	12	13	14	15	16	17	18	
Light Manufacturing M1	x	x	x		x	x		
Medium Manufacturing M2	x	x	x		x	x		
Heavy Manufacturing M3	x	x	x		x	x	x	

## 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#.

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## **42-02 - Residential Use**

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LAST AMENDED  
9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section [42-47](#) (Residential Uses in M1-1D Through M1-5D Districts), subject to the regulations of Sections [43-61](#) (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and [44-28](#) (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts).

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 [44-025](#) (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

In M1-6D Districts, #residences# shall be permitted in accordance with the #use# regulations set forth in Section [42-48](#), the #bulk# regulations set forth in Section [43-62](#), and the parking regulations applicable in C6-4 Districts as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) and Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area).