



Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

Article IV - Manufacturing District Regulations

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Chapter 1 - Statement of Legislative Intent

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Chapter 1 - Statement of Legislative Intent

41-00 - GENERAL PURPOSES OF MANUFACTURING DISTRICTS

LAST AMENDED

12/21/1989

The Manufacturing Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites.
- (b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by generally prohibiting the use of such space for new residential development.
- (c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are appropriate therefor.
- (e) To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.
- (f) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.
- (g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.
- (h) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

41-10 - PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

LAST AMENDED

4/9/1981

41-11 - M1 Light Manufacturing Districts (High Performance)

LAST AMENDED

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

- (a) joint living-work quarters for artists in M1-5A and M1-5B Districts;
- (b) dwelling units in M1-5M and M1-6M Districts;
- (c) dwelling units in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, where authorized by the City Planning Commission, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development; and
- (d) dwelling units in M1-6D Districts.

41-12 - M2 Medium Manufacturing Districts (Medium Performance)

LAST AMENDED
12/15/1961

These districts are designed for manufacturing and related activities which can meet a medium level of performance standards. Enclosure of such activities is not normally required except in areas along the boundary of a Residence District. No new residences or community facilities are permitted.

41-13 - M3 Heavy Manufacturing Districts (Low Performance)

LAST AMENDED
12/15/1961

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences or community facilities are permitted.



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Chapter 2 - Use Regulations

File generated by <https://zr.planning.nyc.gov> on 3/24/2021

Chapter 2 - Use Regulations

42-00 - GENERAL PROVISIONS

LAST AMENDED
10/10/2013

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, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 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

Districts	Use Groups									
	#Community Facility#		Retail & #Commercial#							
	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#.

42-02 - Residential Use

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).

42-10 - USES PERMITTED AS-OF-RIGHT

LAST AMENDED

1/28/1971

42-11 - Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

LAST AMENDED

2/2/2011

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21.

Use Group 4A shall be limited to all health 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, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts). For the purposes of this Section, inclusive, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

42-111 - Special provisions for hotels in M1 Districts

LAST AMENDED 12/20/2018

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section. The City Planning Commission may permit #transient hotels# in an M1 District pursuant to a special permit set forth in another Section of this Resolution, or pursuant to Section 74-803 (Transient hotels within M1 Districts), as applicable.

(a) Such special permit for #transient hotels# pursuant to Section 74-803 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

A special permit shall not be required for 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.

(1) In addition, a special permit pursuant to the provisions of Section 74-803 shall not be required for #developments#, #enlargements#, #extensions# or changes of #use# of #transient hotels# in:

- (i) 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;
- (ii) a #Special Mixed Use District# or where any M1 District is paired with a #Residence District#; or
- (iii) an M1 District where another special permit in this Resolution permitting such #use# is applicable, subject to approval by the City Planning Commission, including, but not limited to, a special permit for a #transient hotel# applicable within a Special Purpose District or in a Historic District designated by the Landmarks Preservation Commission.

(2) A special permit pursuant to the provisions of Section 74-803 shall also not be required 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 M1-5A and M1-5B Districts

Within an M1-5A or M1-5B District, a special permit pursuant to Section 74-803 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 M1-5A and 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#.

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 #used# for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-803 or other applicable section of this Resolution. In addition, 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).

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).

42-12 - Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

LAST AMENDED
12/19/2017

M1 M2 M3

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment.

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing;

docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.

In the #Manhattan Core#, automobile rental establishments, #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 6.

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 Section 42-121 (Use Group 16D self-service storage facilities).

42-121 - Use Group 16D self-service storage facilities

LAST AMENDED

12/19/2017

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 Section 42-121 (Use Group 16D self-service storage facilities) 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 74-932 (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) of this Section.

- (a) 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:
- (1) equal in #floor area# or #cellar# space to 25 percent of the #lot area#;
 - (2) located below the level of the third #story#, with at least 50 percent of such #industrial floor space# located on the ground floor, such ground floor #story# is located within five feet of #curb level#, or #base plane#, as applicable, and the remaining #industrial floor space# is located on a level that is immediately above or below such #story#; and
 - (3) 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 44-586 (Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas).
- (b) 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:
- (1) #industrial floor space# as specified in paragraph (a) of this Section; or
 - (2) #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#.

- (c) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (a) or (b)(1) 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 (d) of this Section is available to the public.
- (d) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (a) or (b)(1) 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:
- (1) the total #floor area# of the #industrial floor space# in the #building# required by this Section;
 - (2) 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;
 - (3) a description of each establishment, using the North American Industry Classification System (NAICS) code and number of employees;
 - (4) the total amount of #industrial floor space# that is vacant, as applicable;
 - (5) the average annual rent for the portions of the #building#, in the aggregate, required to be #industrial floor space#; and
 - (6) 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 74-932 (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 74-932, 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.

42-13 - Use Groups 6C, 9A and 12B

LAST AMENDED

10/25/1993

M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostating establishments; business schools or colleges; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

42-131 - M1-5A and M1-5B Districts

LAST AMENDED

8/20/1981

M1-5A M1-5B

The regulations governing M1 Districts shall apply in M1-5A and M1-5B Districts except where the special #use# regulations set forth in Section 42-14, paragraph D. (Special Uses in M1-5A and M1-5B Districts) provide otherwise.

42-132 - M1-5M and M1-6M Districts

LAST AMENDED

2/8/1990

In M1-5M and M1-6M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, erected prior to December 15, 1961, 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 with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

42-133 - Provisions for dwelling units in certain M1-5 or M1-6 Districts

LAST AMENDED

9/21/2011

- (a) 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 Sections 15-024 or 15-22, where applicable and with Section 15-23. 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#.

- (b) 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 supplemental #use# regulations set forth in Section 42-48 (Supplemental Use Regulations in M1-6D Districts).

42-14 - Use Group 17

LAST AMENDED

2/2/2011

M1 M2 M3

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and

- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

A. Service or wholesale establishments

Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and 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

Produce or meat markets, wholesale

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Apparel or other textile products from textiles or other materials, including hat bodies, or similar products

Automobiles, trucks, or #trailers#, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 200 feet from a #Residence District# boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a #Residence District# boundary

Bottling work, for all beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cork products

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt, or feather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Ink or inked ribbon

Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Scenery construction

Shoddy

Silverware, plate or sterling

Soap or detergents, packaging only

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wax products

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

C. Miscellaneous #uses#

Agriculture, including greenhouses, nurseries or truck gardens

Docks for passenger ocean vessels, other than #gambling vessels#

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed other than docks for #gambling vessels#

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Truck weighing stations, open or enclosed

Trucking terminals or motor freight stations with no limitation on #lot area# per establishment

D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

(1) #Joint living-work quarters for artists# in #buildings# in M1-5A and M1-5B Districts, provided:

(a) Such #building# was erected prior to December 15, 1961.

(b) 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 special permit of the City Planning Commission pursuant to Section 74-782, by minor modification of the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts), paragraph (e),

or by authorization of the City Planning Commission pursuant to Section 42-142 (Modification by authorization of the City Planning Commission of use regulations in M1-5A and M1-5B Districts).

- (c) 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 Section 42-141, Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts), or by authorization of the City Planning Commission pursuant to Section 42-142.
 - (d) 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 Sections 42-141, 74-781 or by authorization of the City Planning Commission pursuant to Section 42-142.
 - (e) 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 Section 42-141.
 - (f) 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.
 - (g) 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.
- (2) #Commercial# and #manufacturing uses# below the floor level of the second #story# provided:
- (a) In M1-5A Districts, in #buildings# occupying more than 3,600 square feet of #lot area#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings#, unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;
 - (b) In M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;
- (3) In addition to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:
- (a) All eating or drinking places as listed in Use Groups 6A, 6C, 10A or 12A of more than 5,000 square feet of floor space, except that any eating or drinking place which is listed in Use Group 6A, which had obtained an alteration permit prior to July 14, 1976, is permitted.
 - (b) Eating or drinking places of less than 5,000 square feet with entertainment other than musical entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, and with entertainment or dancing as listed in Use Groups 10A or 12A. However, such #uses# are permitted:

- (i) provided that there is entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, only by special permit of the Board of Standards and Appeals in accordance with Section 73-241; or
 - (ii) with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.
- (c) Non-commercial clubs as listed in Use Groups 6E and 14B.
- (d) All #uses# listed in Use Group 8A except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.
- (e) Banquet halls, wedding chapels, catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.
- (f) All other #uses# listed in Use Group 12A.
- (g) All #uses# listed in Use Group 13 except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.
- (4)
 - (a) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V (Non-Conforming Uses and Non-Complying Buildings), except that in M1-5A and M1-5B Districts, Section 52-37 is hereby suspended and replaced by paragraph D.(4)(b) of this Section.
 - (b) In M1-5A and M1-5B Districts, any #non-conforming use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.
- (5) Museums or non-commercial art galleries, subject to the #bulk# regulations applicable for #manufacturing uses#, and subject to the provisions of this Section.
 - (a) As of right

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of paragraphs D.(2) or D.(4) of this Section and, above the ground floor where #joint living-work quarters for artists# are permitted, pursuant to paragraph D.(1) of this Section.
 - (b) By authorization of the City Planning Commission

In an M1-5A District, the City Planning Commission may authorize a museum or non-commercial art gallery where it is not permitted as-of-right, provided that the Commission finds that:

 - (i) the #use# of such space as a museum or non-commercial art gallery will not harm #manufacturing uses# in the M1-5A District or the industrial sector of the City's economy;
 - (ii) any commercial or manufacturing tenants in such space were given the opportunity by the

owner or predecessors in title to remain in the space at fair market rentals, and the property owners or predecessors in title did not cause the vacating of the space through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value; and

- (iii) any such museum or non-commercial art gallery will be supportive of the local art industry.

The Commission may set such conditions on the grant of an authorization to allow such #uses# as it deems necessary to protect #manufacturing uses# or the industrial sector of the City's economy. In no case shall such museum or non-commercial art gallery occupy more than 65,000 square feet of #floor area#.

E. #Accessory uses#

42-141 - Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts

LAST AMENDED

7/19/1990

In M1-5A and M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D.(2) of Section 42-14 (Use Group 17) 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.

- (a) The provisions of paragraphs D.(1)(c) or (d) or D.(2) of Section 42-14 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.
- (b) The provisions of paragraphs D.(1)(c) or (d) of Section 42-14 may be modified, provided that:
 - (1) 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
 - (2) 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.
- (c) The provisions of paragraph D.(2) of Section 42-14 may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E 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.
- (d) The requirements of D.(1)(e) of Section 42-14 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.
- (e) The requirements of D.(1)(b) of Section 42-14 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:

- (1) 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;
- (2) 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
- (3) 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.

42-142 - Modification by authorization of the City Planning Commission of use regulations in M1-5A and M1-5B Districts

LAST AMENDED
2/2/2011

In M1-5A and M1-5B Districts, the requirements of Section 42-14 (Use Group 17), paragraphs D.(1)(b), (c), and (d), may be modified by authorization of the City Planning Commission, provided that:

- (a) such #non-residential building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;
- (b) 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; and
- (c) a 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.

42-15 - Use Group 18

LAST AMENDED
8/15/1974

M3

Use Group 18 consists primarily of industrial #uses# which:

- (1) either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot be designed

without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences; and

(2) normally generate a great deal of traffic, both pedestrian and freight.

A. Manufacturing establishments

Asphalt or asphalt products

Beverages, alcoholic or breweries

Brick, tile or clay

Cement

Charcoal, lampblack or fuel briquettes

Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives

Coal, coke or tar products

Excelsior or packing materials

Fertilizers

Foundries, ferrous or non-ferrous

Gelatin, glue or size

Glass or large glass products, including structural or plate glass or similar products

Grain, milling or processing

Graphite or graphite products

Gypsum

Hair, felt, or feathers, bulk processing, washing, curing or dyeing

Incineration or reduction of garbage, offal or dead animals

Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds

Leather or fur tanning, curing, finishing or dyeing

Linoleum or oil cloth

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

Matches

Meat or fish products, including slaughtering of meat or preparation of fish for packing

Metal or metal ores, reduction, refining, smelting or alloying

Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil or similar products

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Metal casting or foundry products, heavy, including ornamental iron work or similar products

Monument works, with no limitation on processing

Paint, varnishes or turpentine

Petroleum or petroleum products, refining

Plastic, raw

Porcelain products, including bathroom or kitchen equipment or similar products

Radioactive waste disposal services involving the handling or storage of radioactive waste

Railroad equipment, including railroad cars or locomotives

Rubber, natural or synthetic, including tires, tubes or similar products

Sewage disposal plants

Ship or boat building or repair yards, for ships or boats 200 feet in length or over

Soaps or detergents, including fat rendering

Steel, structural products, including bars, girders, rails, wire rope or similar products

Solvent extracting

Stock yards or slaughtering of animals or poultry

Stone processing or stone products, including abrasives, asbestos, stone screenings, stone cutting, stone work, sand or lime products, or similar processes or products

Sugar refining

Textile bleaching

Wood or bone distillation

Wood or lumber processing including sawmills or planing mills, excelsior, plywood, or veneer, wood-preserving treatment or similar products or processes

Wood pulp or fiber, reduction or processing, including paper mill operations

Wool scouring or pulling

B. Storage or miscellaneous #uses#, open or enclosed

Coal or gas storage

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Gas manufacturing plants

Grain storage

Junk or salvage yards, including auto wrecking or similar establishments, provided that such yard is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque 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

Lumber yards, with no limitation on #lot area# per establishment

Manure, peat or topsoil storage

Petroleum or petroleum products, storage or handling

Refrigerating plants

Scrap metal, junk, paper or rags storage, sorting, or baling, provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque 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

C. #Accessory uses#

42-20 - PERFORMANCE STANDARDS

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group 11A, 16, 17, or 18, 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 11A, 16, 17, or 18, 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. #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.

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.

42-21 - Performance Standards Regulating Noise

LAST AMENDED
12/15/1961

42-211 - Definitions

LAST AMENDED
12/15/1961

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#.

42-212 - Method of measurement

LAST AMENDED
12/15/1961

For the purpose of measuring the intensity or frequency of sound, the #sound level meter#, the #octave band analyzer#, and the #impact noise analyzer# shall be employed.

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 42-213 (Maximum permitted decibel levels) may be increased by six #decibels#.

42-213 - Maximum permitted decibel levels

LAST AMENDED
12/15/1961

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#)

#Octave Band#	District		
	M1	M2	M3
(cycles per second)			
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

42-214 - Special provisions applying along district boundaries

LAST AMENDED
12/15/1961

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 42-213 (Maximum permitted decibel levels).

42-22 - Performance Standards Regulating Vibration

LAST AMENDED
12/15/1961

42-221 - Definitions

LAST AMENDED
12/15/1961

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.

42-222 - Method of measurement

LAST AMENDED
12/15/1961

For the purpose of measuring vibration, a #three-component measuring system# approved by the Commissioner of Buildings shall be employed.

42-223 - Maximum permitted steady state vibration displacement

LAST AMENDED
12/15/1961

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)

#Frequency# (cycles per second)	District		
	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
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42-224 - Maximum permitted impact vibration displacement

LAST AMENDED
12/15/1961

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)

#Frequency# (cycles per second)	District		
	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

42-225 - Special provisions applying along district boundaries

LAST AMENDED
12/15/1961

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 42-223 (Maximum permitted steady state vibration displacement) or Section 42-224 (Maximum permitted impact vibration displacement).

42-23 - Performance Standards Regulating Smoke, Dust and Other Particulate Matter

LAST AMENDED
12/15/1961

42-231 - Definitions

LAST AMENDED
12/15/1961

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#.

42-232 - Maximum permitted emission of smoke

LAST AMENDED

12/15/1961

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.

42-233 - Maximum permitted emission of dust

LAST AMENDED

2/2/2011

(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.

42-234 - General control over smoke and other particulate matter

LAST AMENDED

12/15/1961

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.

42-24 - Performance Standards Regulating Odorous Matter

LAST AMENDED

12/15/1961

42-241 - In M1 or M2 Districts

LAST AMENDED

12/15/1961

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.

42-242 - In M3 Districts

LAST AMENDED

12/15/1961

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.

42-25 - Performance Standards Regulating Toxic Noxious Matter

LAST AMENDED
12/15/1961

42-251 - Definitions

LAST AMENDED
12/15/1961

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.
-

42-252 - Regulation of toxic or noxious matter

LAST AMENDED
12/15/1961

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.

42-26 - Performance Standards Regulating Radiation Hazards

LAST AMENDED
12/15/1961

42-261 - Definitions

LAST AMENDED
12/15/1961

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.

42-262 - Maximum permitted quantities of unsealed radioactive material

LAST AMENDED
12/15/1961

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.

42-263 - Maximum permitted quantities of fissionable materials

LAST AMENDED
12/15/1961

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
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.

42-264 - Administration and appeal

LAST AMENDED
12/15/1961

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 42-262 (Maximum permitted quantities of unsealed radioactive material) or Section 42-263 (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.

42-27 - Performance Standards Regulating Fire and Explosive Hazards

42-271 - Definitions

LAST AMENDED
12/15/1961

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.

42-272 - Classifications

LAST AMENDED

10/11/1962

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.

42-273 - Regulations applying to Class I materials or products

LAST AMENDED

12/15/1961

In all #Manufacturing Districts#, Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.

42-274 - Regulations applying to Class II materials or products

LAST AMENDED

2/2/2011

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 42-274, 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.

42-275 - Regulations applying to Class III materials or products

LAST AMENDED
2/2/2011

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#.

42-276 - Regulations applying to Class IV materials or products

LAST AMENDED
10/11/1962

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.

42-277 - Regulations applying to oxygen manufacture, storage, or utilization

LAST AMENDED
10/11/1962

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.

42-28 - Performance Standards Regulating Humidity, Heat or Glare

LAST AMENDED
12/15/1961

42-281 - Regulation applying to M1 Districts

LAST AMENDED
12/15/1961

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#.

42-282 - Regulation applying to M2 Districts

LAST AMENDED
12/15/1961

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#.

42-283 - Regulation applying to M3 Districts

LAST AMENDED
12/15/1961

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.

42-30 - USES PERMITTED BY SPECIAL PERMIT

LAST AMENDED
12/15/1961

42-31 - By the Board of Standards and Appeals

LAST AMENDED
12/19/2017

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

M2 M3

Amusement arcades [PRC-E]

M1

Amusement parks, children's, with sites of not less than 10,000 square feet nor more than 75,000 square feet per establishment [PRC-E]

M1-5A M1-5B

Eating and drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less [PRC-D]

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

M1 M2 M3

#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments

M1 M2 M3

Radio or television towers, non-#accessory#

M1 M2 M3

Sand, gravel or clay pits

M1

#Schools#, provided they have no living or sleeping accommodations

42-32 - By the City Planning Commission

LAST AMENDED
12/19/2017

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

M1 M2 M3

Airports

M1

Amusement parks, children's, with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

M1 M2 M3

Arenas, auditoriums, or stadiums with a capacity in excess of 2,500 seats [PRC-D]

M1 M2 M3

Bus stations, with less than 10 berths

M1 M2 M3

Bus stations, with 10 or more berths

M1

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B1]

M1

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Department stores [PRC-B]

M1 M2 M3

Docks for #gambling vessels#, pursuant to Section 62-838

M1 M2 M3

Drive-in theaters, with a maximum capacity of 500 automobiles

M1

Dry goods or fabrics stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Food stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Furniture stores, with no limitation on #floor area# per establishment [PRC-B1]

M1 M2 M3

Heliports

M1

Indoor interactive entertainment facilities with eating and drinking* [PRC-D]

M1-5

Museums and non-commercial art galleries

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

#Public parking garages#** with capacity of more than 150 spaces

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

#Public parking garages#** with any capacity

M1 M2 M3

#Public parking lots# with capacity of more than 150 spaces**

M1 M2 M3

Railroad passenger stations

M1 M2 M3

Seaplane bases

M1 M2 M3

#Self-service storage facilities# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution.

M1 M2

Sewage disposal plants

M1

Television, radio, phonograph or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]

M1 M2 M3

Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), pursuant to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts).

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

#Uses# listed in Use Group 4A Community Facilities, except ambulatory diagnostic or treatment health care facilities and houses of worship

M1

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

* In M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix "D," indoor interactive entertainment facilities with eating and drinking are not permitted

** In the #Manhattan Core#, these #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

42-40 - SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED

12/15/1961

42-41 - Enclosure of Commercial or Manufacturing Activities

LAST AMENDED

2/2/2011

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#.

42-411 - In M1 Districts

LAST AMENDED

12/15/1961

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#.

42-412 - In M2 or M3 Districts

LAST AMENDED
12/15/1961

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#.

42-42 - Enclosure or Screening of Storage

LAST AMENDED
2/2/2011

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.

42-421 - In M1 Districts

LAST AMENDED
12/15/1961

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#.

42-422 - In M2 or M3 Districts

LAST AMENDED
12/15/1961

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.

42-44 - Limitations on Business Entrances, Show Windows or Signs

LAST AMENDED
12/15/1961

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.

42-441 - For zoning lots with single frontage

LAST AMENDED

12/15/1961

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).

42-442 - For corner lots

LAST AMENDED

12/15/1961

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.

42-45 - Exceptions for Integrated Developments Divided by District Boundaries

LAST AMENDED
12/15/1961

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.

42-46 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
2/22/1990

42-461 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

42-462 - Use of railroad or transit air space

LAST AMENDED
2/2/2011

M1 M2 M3

- (a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) or an open vehicle storage establishment authorized pursuant to this Section unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-681 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall

apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-681 may be changed to another #use# listed in a permitted Use Group, and no special permit from the Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative ownership arrangements specified in the #zoning lot# definition of Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

- (b) When the #use# of a railroad or transit right-of-way or yard, or portion thereof, has been permanently discontinued or terminated and a #large-scale development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# created on such property. As a condition for such authorization, the Commission shall find that:
- (1) the proposed #zoning lots#, indicated by a map describing the boundaries of, and the total area of, each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and
 - (2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10.

Prior to granting any #zoning lot# authorization relating to such right-of-way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

- (c) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the Borough of Brooklyn, the Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:
- (1) that adequate access to one or more #streets# is provided;
 - (2) that access to such #use# is located on a #street# not less than 60 feet in width;

- (3) that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby #streets#; and
- (4) that such establishment is located not less than 20 feet below #curb level# except for access ramps to the #street# or #streets#.

For the purpose of this authorization a secondary access ramp may be permitted provided that the intersection of such ramp and the #street# shall be no more than two #blocks# from the intersection of the primary access ramp and a #street#.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area, including requirements for the shielding of flood lights, screening, and surfacing of all access ramps or driveways.

- (d) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-16 (Air Space Over a Railroad or Transit Right-of-way or Yard).

42-47 - Residential Uses in M1-1D Through M1-5D Districts

LAST AMENDED
9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, 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 in Use Group 18 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 44-28 (Parking Regulations for Residential Uses 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.

42-48 - Supplemental Use Regulations in M1-6D Districts

LAST AMENDED
9/21/2011

All permitted #uses# in M1-6D Districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

42-481 - Residential use

LAST AMENDED
9/21/2011

#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.

(a) #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.

(b) #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:

- (1) 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
- (2) #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#.

42-482 - Community facility use

LAST AMENDED
9/21/2011

The #community facility use# regulations applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) 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.

- (a) #Community facilities# with sleeping accommodations 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.
- (b) #Community facilities# with sleeping accommodations 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:
 - (1) 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

- (2) #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 #community facility# with sleeping accommodations 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 #community facility# with sleeping accommodations, or for a new #building# containing a #community facility# with sleeping accommodations.

- (c) On #narrow streets#, ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 42-485 (Streetscape provisions).

42-483 - Commercial uses

LAST AMENDED

9/21/2011

The #commercial use# regulations applicable in M1 Districts shall apply in M1-6D Districts, except that:

- (a) #Transient hotels# shall be allowed, except that #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 42-481 (Residential use), shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the area in which such #transient hotel# is located, as set forth in this paragraph, (a), or where such residential development goal has not been met, by special permit pursuant to Section 74-802 (In M1-6D Districts).

The residential development goal shall be met when at least 865 #dwelling units#, permitted pursuant to the provisions of Section 42-481, on #zoning lots# located within an area bounded by West 28th Street, West 30th Street, a line 100 feet west of Seventh Avenue, and a line 100 feet east of Eighth Avenue, have received temporary or final certificates of occupancy subsequent to September 21, 2011.

- (b) Food stores, including supermarkets, grocery stores and delicatessen stores, shall not be limited as to size of establishment.
- (c) On #narrow streets#, ground floor #commercial uses# shall be subject to special streetscape provisions, as set forth in Section 42-485.
- (d) All #uses# listed in Use Group 10 shall be permitted without limitation, except as provided for in paragraph (c) of this Section.

42-484 - Manufacturing uses

LAST AMENDED

9/21/2011

In M1-6D Districts, the #manufacturing use# regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive, shall apply.

42-485 - Streetscape provisions

LAST AMENDED

9/21/2011

For the purposes of applying the special “ground floor level” streetscape provisions set forth in Section 37-30 to this Section, #narrow streets# with a #street# frontage of 50 feet or more shall be considered “primary street frontages”, as defined in Section 37-311.

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. Such #uses# shall extend to a depth in accordance with the provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, provided that lobbies shall comply with the provisions for Type 2 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses).

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided that such spaces are wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements), as applicable.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

42-486 - Authorization for modification of streetscape provisions

LAST AMENDED

10/13/2016

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial uses# set forth in Section 42-485 (Streetscape provisions), provided that the Commission finds that such modifications:

- (a) are the minimum necessary to provide sufficient space for access to off-street parking or loading facilities;
- (b) will not adversely affect the streetscape experiences or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district; and
- (c) to the greatest extent feasible will result in a ground floor that meets the height requirements for #qualifying ground floors#.

42-50 - SIGN REGULATIONS

LAST AMENDED

12/15/1961

42-51 - Definitions

LAST AMENDED

11/19/1987

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

42-52 - Permitted Signs

LAST AMENDED

2/27/2001

M1 M2 M3

In all districts, as indicated, #signs# are permitted subject to the provisions of the following Sections:

Section 42-53 (Surface Area and Illumination Provisions)

Section 42-54 (Permitted Projection or Height of Signs)

Section 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 42-56 (Special Provisions Applying Along District Boundaries)

Section 42-57 (Additional Sign Regulations for Adult Establishments)

Section 42-58 (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.

42-53 - Surface Area and Illumination Provisions

LAST AMENDED

10/13/2010

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#.

42-531 - Total surface area of signs

LAST AMENDED

2/27/2001

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 42-532.

42-532 - Non-illuminated signs

LAST AMENDED

10/13/2010

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.

42-533 - Illuminated or flashing signs

LAST AMENDED

10/13/2010

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.

42-54 - Permitted Projection or Height of Signs

LAST AMENDED

2/27/2001

M1 M2 M3

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section, inclusive.

42-541 - Permitted projection

LAST AMENDED

10/13/2010

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (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 M1-5A, 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#.

42-542 - Additional regulations for projecting signs

LAST AMENDED

2/27/2001

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.

42-543 - Height of signs

LAST AMENDED

2/27/2001

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.

42-55 - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

LAST AMENDED

2/27/2001

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.

42-551 - Advertising signs on waterways

LAST AMENDED
2/27/2001

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.

42-56 - Special Provisions Applying Along District Boundaries

LAST AMENDED
2/27/2001

42-561 - Restrictions along district boundary located in a street

LAST AMENDED
2/27/2001

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.

42-562 - Restriction on angle and height above curb level

LAST AMENDED 2/27/2001

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#.

42-57 - Additional Sign Regulations for Adult Establishments

LAST AMENDED

2/27/2001

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.

4258

Signs Erected Prior to December 13, 2000

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.

42-59 - Sign Regulations in M1-6D Districts

LAST AMENDED

9/21/2011

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.



Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, 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.

43-10 - 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#
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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 M1-5A and M1-5B Districts

LAST AMENDED
1/22/1998

M1-5A M1-5B

In the districts 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 districts 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

Definitions and General Provisions

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

LAST AMENDED

4/30/2012

In all #Manufacturing Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

- (1) Arbors or trellises;
- (2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies;
- (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

- (7) Fences;
 - (8) Flagpoles;
 - (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
 - (10) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
 - (11) Steps, and ramps for persons with physical disabilities;
 - (12) Terraces or porches, open;
 - (13) 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) Breezeways;
- (3) Fire escapes;
- (4) 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#;
- (5) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#:
 - (i) up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility use# or attached parking structure; or
 - (ii) shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
- (6) Water-conserving devices, required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

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

LAST AMENDED
12/15/1961

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

Basic Regulations

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

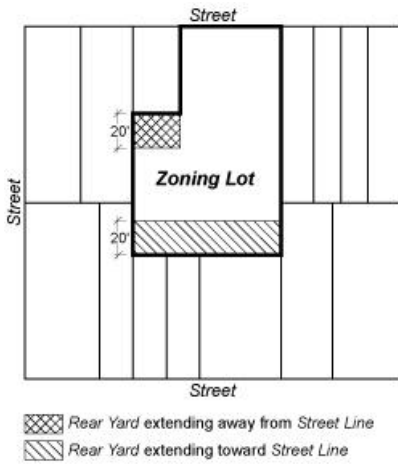
LAST AMENDED

4/30/2008

M1 M2 M3

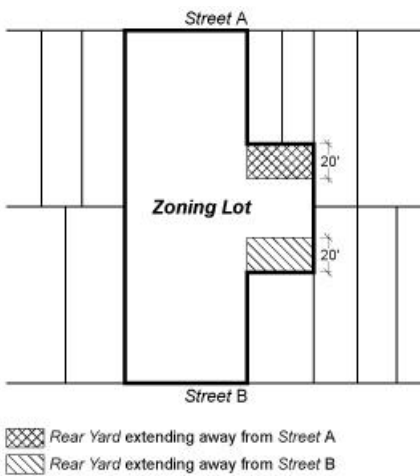
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

- (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)

All Yards

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

Definitions and General Provisions

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
4/30/2012

In all #Manufacturing Districts#, 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) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
- (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with this Section.

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 43-43, 43-44 or 43-45 (Tower Regulations);
- (c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at

any given level;

- (d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (e) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, 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, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
 - (2) all mechanical equipment shall be screened on all sides;
 - (3) such obstructions and screening are contained within a volume that complies with one of the following:
 - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
 - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

- (f) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (g) Flagpoles or aerials;
- (h) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (i) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (j), an

#enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

- (k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) a height of 15 feet;
 - (ii) a height of six feet when located on a bulkhead or other obstruction, pursuant to paragraph (e) of this Section;
 - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (n) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q) Wind energy systems 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;
- (r) Window washing equipment mounted on a roof;

Within M1-1 Districts

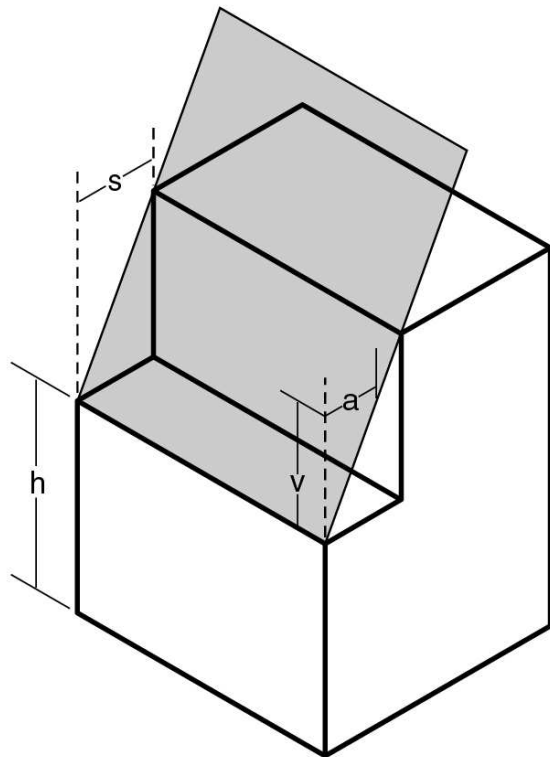
20	15	30 feet or 2 #stories#, whichever is less	30	1 to	1	1 to	1
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Within M1-2, M1-4, M2-1, M2-3 or M3 Districts

20	15	60 feet or 4 #stories#, whichever is less	60	2.7 to	1	5.6 to	1
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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
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a - Horizontal distance
 h - Height of sky exposure plane above street line
 s - Initial setback distance
 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

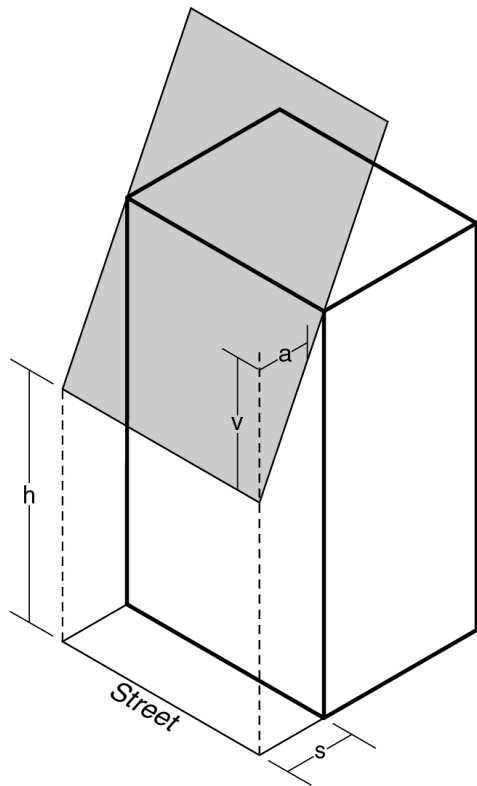
In all districts, as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open 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#	On #Narrow Street#
Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts					
15	10	30	1.4 to 1	1.4 to 1	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts					
15	10	60	3.7 to 1	7.6 to 1	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts					



- 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)

Supplementary Regulations

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

Regulations Applying in Special Situations

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

Basic Regulations

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

9/21/2011

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

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

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 23-621 (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 fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(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 #building# 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.



Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

Chapter 4 - Accessory Off-Street Parking and Loading Regulations

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Chapter 4 - Accessory Off-Street Parking and Loading Regulations

44-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

Off-street Parking Regulations

44-01 - General Purposes

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the high density central areas, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect public health, safety, and general welfare.

44-02 - Applicability

LAST AMENDED
10/25/1993

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility uses#, as set forth in the provisions of the various Sections.

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.

44-021 - Applicability of regulations to non-profit hospital staff

LAST AMENDED
6/27/1963

Except as modified in Section 44-211 (Parking requirements applicable to non-profit hospital staff dwellings), the regulations of Article III, Chapter 6, applicable to #residences# in C4-2 Districts shall apply to #non-profit hospital staff dwellings# in M1 Districts, and the regulations of this Chapter applicable to #community facility uses# shall not apply to such #use#.

44-022 - Applicability of regulations in the Manhattan Core and the Long Island City area

LAST AMENDED
5/8/2013

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section

16-02 (Definitions), are set forth in Article I, Chapter 6.

44-023 - Applicability of regulations in M1-1D through M1-5D Districts

LAST AMENDED

9/21/2011

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility uses#, and the regulations of Section 44-28 (Parking 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).

44-024 - Applicability of regulations in M1-6D Districts

LAST AMENDED

9/21/2011

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to #commercial# and #manufacturing uses#. For #residential# and #community facility uses#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), as applicable.

44-025 - Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens

LAST AMENDED

9/21/2011

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 #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

44-03 - Definitions

LAST AMENDED

11/19/1987

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

44-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED

12/15/1961

44-11 - General Provisions

LAST AMENDED

6/23/1966

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Size of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

44-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED

6/23/1966

M1 M2 M3

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED

6/23/1966

M1 M2 M3

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 44-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

- (a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (b) is located on a street not less than 60 feet in width; and
- (c) if #accessory# to a #commercial# or #manufacturing use#, has adequate reservoir space at the entrances to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED

6/23/1966

M1 M2 M3

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

LAST AMENDED
12/15/1961

44-21 - General Provisions

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 44-25 (Waiver for Locally Oriented Houses of Worship).

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#	Parking Spaces Required, in Relation to Specified Unit of Measurement	Districts
FOR MANUFACTURING OR COMMERCIAL USES		
#Manufacturing# or semi-industrial #uses#. #Uses# in Use Group 17B, 17D, 18A or 18C, or in PRC-F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees.	None required 1 per 1,000 square feet of #floor area# ¹ , or 1 per 3 employees, whichever will require a larger number of spaces	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Storage or miscellaneous #uses#. #Uses# in: (a) PRC-G in Use Group 10 or 16; (b) Use Group 17A, 17D, 18B, or 18C; or (c) Use Group 17C, except for agricultural #uses#, such exception including greenhouses, nurseries, or truck gardens; with a minimum of either 10,000 square feet of #floor area# or 15 employees.	None required 1 per 2,000 square feet of #floor area# ² , or 1 per 3 employees, whichever will require a lesser number of spaces	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC-A in Use Group 6	None required 1 per 200 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

<p>General retail or service #uses#.</p> <p>Food stores with less than 2,000 square feet of #floor area#; #uses# in PRC-B in Use Group 6, 8, 9 or 10;</p> <p>or</p> <p>#uses# in PRC-B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14, or 16, or when permitted by special permit</p>	<p>None required</p> <p>1 per 300 square feet of #floor area#³</p>	<p>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</p>
<p>Low traffic-generating #uses#.</p> <p>#Uses# in PRC-C in Use Group 6, 7, 9, 13, 14 or 16</p>	<p>None required</p> <p>1 per 600 square feet of #floor area#</p>	<p>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</p>
<p>Places of Assembly.</p> <p>#Uses# in PRC-D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit</p>	<p>None required</p> <p>1 per 8 persons rated capacity</p>	<p>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</p>
<p>Open commercial amusements.</p> <p>#Uses# in PRC-E in Use Group 13, or when permitted by special permit⁵</p>	<p>None required</p> <p>1 per 500 square feet of #lot area#⁴</p>	<p>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</p>
<p>Other #commercial uses#.</p> <p>#Uses# in PRC-H in Use Group 5, 6, 7, 12, 13 or 14, or when permitted by special permit:</p>		
<p>#Boatels#</p>	<p>1 per 2 guest rooms or suites</p>	<p>M1</p>

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees	1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces	M1 M2 M3
Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed	See Section 62-43 for parking requirement	
Hotels (a) For the #floor area# used for sleeping accommodations	None required 1 per 8 guest rooms or suites	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
(b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios	None required 1 per 8 persons rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
#Motels# or #tourist cabins#	1 per guest room or suite	M1
Post offices	None required 1 per 1,200 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Prisons	None required 1 per 10 beds rated capacity	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Refreshment stands, drive-ins	1 per 50 square feet of #floor area# 1 per 100 square feet of #floor area#	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

Funeral establishments	None required 1 per 400 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
FOR COMMUNITY FACILITY USES		
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	None required 1 per 1,000 square feet of #lot area# used for selling purposes	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4	None required 1 per 300 sq. ft. of #floor area# and #cellar# space ³ , except #cellar# space used for storage	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations, except ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers	None required 1 per 10 persons-rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Hospitals and related facilities ⁶	1 per 5 beds 1 per 10 beds	M1-1 M1-2 M1-3 M1-4 M1-5 M1-6
Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room	None required 1 per 15 persons-rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3

Seminaries	None required	M1-4 M1-5 M1-6
(a) For that #floor area# used for classrooms, laboratories, student centers or offices	1 per 1,000 sq. ft. of #floor area#	M1-1 M1-2 M1-3
(b) For that #floor area# used for theaters, auditoriums, gymnasiums or stadiums	None required 1 per 8 persons-rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Outdoor skating rinks	None required 1 per 800 square feet of #lot area#	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
Outdoor tennis courts	None required 1 per 2 courts	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3

NOTE: PRC = Parking Requirement Category

- ¹ For predominantly open #manufacturing uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- ² For predominantly open storage or miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- ³ The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in PRC-B1, may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for Ambulatory Diagnostic or Treatment Health Care Facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)
- ⁴ In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees
- ⁵ In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory buildings#. The #floor area# of #accessory buildings# shall be considered #lot area# for the purpose of these requirements
- ⁶ Requirements are in addition to area utilized for ambulance parking

44-211 - Parking requirements applicable to non-profit hospital staff dwellings

LAST AMENDED
6/27/1963

In the district indicated, the provisions of Sections 36-31 to 36-39, inclusive, relating to Required Accessory Off-street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of Sections 36-31 to 36-39, inclusive, applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the table.

District	#Commercial District# whose Regulations are Applicable
M1-1 M1-2 M1-3	C4-2
M1-4 M1-5 M1-6	C4-7

44-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly), when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-431 (Reduction of parking spaces for houses of worship) or 73-432 (Reduction of parking spaces for places of assembly).

44-23 - Waiver of Requirements for Spaces Below Minimum Number

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

District	Number of Spaces
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M1-1 M1-2 M1-3 M2-1	
M2-2 M3-1	15

M1-4 M1-5 M1-6 M2-3	
M2-4 M3-2	40

44-231 - Exceptions to application of waiver provisions

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in Use Group 17B, 17D, 18A or 18C, or in parking requirement category F in Use Group 11 or 16.
- (b) Storage or miscellaneous #uses# in Use Group 17A, 17C, 17D, 18B or 18C, or in parking requirement category G in Use Group 16.
- (c) The following #commercial uses# in parking requirement category H in Use Group 7 or 13:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

44-24 - Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

44-25 - Waiver for Locally-Oriented Houses of Worship

LAST AMENDED
9/9/2004

M1

In the district indicated, the requirements set forth in Sections 44-21 (General Provisions) and 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number); and
- (c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residences of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

44-26 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
6/24/1976

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

44-27 - Special Provisions for Expansion of Existing Manufacturing Buildings

M1 M2 M3

In all districts, as indicated, whenever an existing #manufacturing building# is expanded pursuant to the provisions of Section 43-121 (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Regulations), provided the Commission certifies:

- (a) that because of site limitations such a reduction is necessary for the proper design and operation of the #manufacturing building#; and
- (b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.

44-28 - Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts).

- (a) In M1-1D Districts, for any new #residence# authorized pursuant to Section 42-47, one #accessory# parking space shall be provided for each #dwelling unit#. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new #residence#.

Access to such required #accessory# parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#. If necessary, in order to implement this requirement, the Commission may modify the 10 foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts).

- (b) In M1-2D, M1-3D, M1-4D and M1-5D Districts, #accessory# parking shall not be permitted, except when authorized by the City Planning Commission.

The Commission may authorize #accessory# parking provided:

- (1) the #zoning lot# extends 40 feet or more along the #street line#;
- (2) the curb cut extends no more than 15 feet along the #street line# and provides access to a #group parking facility# of five or more #accessory# off-street parking spaces; and
- (3) the Commission determines that such curb cut will not adversely affect the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#.

44-29 - Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in Designated Areas

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

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Section 44-21 (General Provisions) are modified as set forth in this Section for all #uses# within the #industrial floor space#.

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), #accessory# off-street parking spaces, open or enclosed, shall not be required for #uses# within #industrial floor space#, where all such #uses# occupy less than 10,000 square feet of #floor area# or have fewer than 15 employees. For #industrial floor space# on such #zoning lots# where such #uses#, in total, occupy at least 10,000 square feet of #floor area# or have 15 or more employees, #accessory# off-street parking spaces, open or enclosed, shall be required for all #uses# within the #industrial floor space# at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require fewer spaces.

44-30 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-31 - General Provisions

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 44-32 (Off-site Spaces for All Permitted Uses)

Section 44-33 (Joint and Shared Facilities)

Section 44-34 (Additional Regulations for Required Spaces When Provided Off-site)

Section 73-45 (Modification of Off-site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-32 - Off-site Spaces for All Permitted Uses

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the

#zoning lot# on which such #use# is located.

44-33 - Joint and Shared Facilities

LAST AMENDED

9/9/2004

44-331 - Joint facilities

LAST AMENDED

9/9/2004

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements).

- (b) all such spaces conform to the provisions of Section 44-32 (Off-site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.
-

44-332 - Shared facilities for houses of worship

LAST AMENDED

9/9/2004

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.
-

44-34 - Additional Regulations for Required Spaces When Provided Off-Site

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

44-35 - Restriction on Use of Accessory Off-street Parking Spaces

LAST AMENDED
9/29/2010

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#.

#Car sharing vehicles# may occupy #accessory# off-street parking spaces in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

44-36 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces.

However where such parking spaces are provided in a #building or other structure#, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

44-40 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-41 - General Provisions

LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section 44-40, inclusive.

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

44-42 - Size and Identification of Spaces

LAST AMENDED

4/30/2012

M1 M2 M3

(a) Size of spaces

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of the Department of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

(b) Identification of #car sharing vehicles#

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (1) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility; and
- (2) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility.

44-43 - Location of Access to the Street

LAST AMENDED

6/21/1973

M1 M2 M3

In all districts, as indicated, the entrances and exits of all permitted or required #accessory group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

44-44 - Surfacing

LAST AMENDED

11/28/2007

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory group parking facility# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

44-45 - Screening

LAST AMENDED

11/28/2007

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:
 - (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

- (2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

Paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

44-46 - Accessory Off-street Parking Spaces in Public Parking Garages

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-511 (In C1 Districts), 74-512 (In other Districts) or 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

44-47 - Parking Lot Maneuverability and Curb Cut Regulations

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:
 - (1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
 - (2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the

amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#; and

- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section 36-58.

44-48 - Parking Lot Landscaping

LAST AMENDED

2/2/2011

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility uses# and new open parking areas #accessory# to #commercial# or #community facility uses# shall comply with the provisions of Section 37-90 (PARKING LOTS), inclusive.

44-49 - Cross Access Connections in Manufacturing Districts in the Borough of Staten Island

LAST AMENDED

6/10/2009

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section 36-59 (Cross Access Connections in the Borough of Staten Island), inclusive.

Off-street Loading Regulations

44-50 - GENERAL PURPOSES

LAST AMENDED

12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect public health, safety,

and general welfare.

44-51 - Permitted Accessory Off-street Loading Berths

LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 44-582 (Location of access to the street), 44-583 (Restrictions on location of berths near Residence Districts), 44-584 (Surfacing) and 44-585 (Screening).

44-52 - Required Accessory Off-street Loading Berths

LAST AMENDED

2/2/2011

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# after December 15, 1961, for the #community facility#, #commercial# or #manufacturing uses# listed in the table, except as otherwise provided in Sections 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) or 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses), as a condition precedent to the #use# of such #development#.

After December 15, 1961, if the #use# of any #building or other structure# or #zoning lot# is changed or #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the changed or #enlarged# portion of such #building# or of the #lot area# used for such #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS, ENLARGEMENTS OR CHANGES OF USE

Type of Use	For #Floor Area# (in square feet)	Required Berths
M1 M2 M3	First 10,000	1
Hospitals and related facilities* or prisons	Next 290,000	None
	Each additional 300,000 or fraction thereof	1

M1 M2 M3	First 10,000	1
Funeral establishments	Next 20,000	1
	Any additional amount	1
M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2	First 25,000	None
Hotels, offices, or court houses	Next 75,000	1
	Next 200,000	1
	Each additional 300,000 or fraction thereof	1
M1-3 M1-5 M1-6 M2-2 M2-4	First 100,000	None
Hotels, offices, or court houses	Next 200,000	1
	Each additional 300,000 or fraction thereof	1
M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2	First 8,000	None
#Commercial uses#.	Next 17,000	1
	Next 15,000	1
	Next 20,000	1
	Next 40,000	1
	Each additional 150,000 or fraction thereof	1
All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A.		
All amusement #uses# listed in Use Group 8A or 12A.		
All automotive service #uses# listed in Use Group 7D.		

<p>M1-3 M1-5 M1-6 M2-2 M2-4</p> <p>#Commercial uses#.</p> <p>All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A.</p> <p>All amusement #uses# listed in Use Group 8A or 12A.</p> <p>All automotive service #uses# listed in Use Group 7D.</p>	<p>First 25,000</p> <p>Next 15,000</p> <p>Next 60,000</p> <p>Each additional 150,000 or fraction thereof</p>	<p>None</p> <p>1</p> <p>1</p> <p>1</p>
<p>M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2</p> <p>Services, wholesale, #manufacturing# or storage #uses#.</p> <p>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B.</p> <p>All #manufacturing uses# listed in Use Group 11A, 17B or 18A.</p>	<p>First 8,000</p> <p>Next 17,000</p> <p>Next 15,000</p> <p>Next 20,000</p> <p>Each additional 80,000 or fraction thereof</p>	<p>None</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>
<p>M1-3 M1-5 M1-6 M2-2 M2-4</p> <p>Services, wholesale, #manufacturing# or storage #uses#.</p> <p>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B.</p> <p>All #manufacturing uses# listed in Use Group 11A, 17B or 18A.</p>	<p>First 15,000</p> <p>Next 25,000</p> <p>Next 40,000</p> <p>Each additional 80,000 or fraction thereof</p>	<p>None</p> <p>1</p> <p>1</p> <p>1</p>

* Requirements in this table are in addition to area utilized for ambulance parking.

44-53 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements

LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, if any #building# or #zoning lot# contains two or more #uses# having different requirements for loading berths as set forth in Section 44-52 (Required Accessory Off-street Loading Berths), and if:

- (a) the #floor area# of each separate #use# is less than the minimum #floor area# for which berths are required; and
- (b) the total #floor area# of all the #uses# for which berths are required is greater than the smallest amount of #floor area# for which berths are required for any of the #uses# individually; then

off-street loading berths shall be provided as if the total #floor area# of the #uses# for which berths are required were used for that #use# for which the most berths are required.

44-54 - Wholesale, Manufacturing or Storage Uses Combined With Other Uses

LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, except as provided in Section 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), if any #building# or #zoning lot# is used partly for wholesale, #manufacturing# or storage #uses# or any combination of such #uses#, and partly for any other #uses# set forth in the table in Section 44-52 (Required Accessory Off-street Loading Berths), at least 50 percent of the #floor area# in the #building# shall be subject to the requirements set forth for wholesale, #manufacturing# or storage #uses#, and the remainder shall be subject to the other applicable requirements.

44-55 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 44-582 (Location of access to the street):

Section 44-52 (Required Accessory Off-street Loading Berths)

Section 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements)

Section 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

44-56 - 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 having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

44-57 - Joint Loading Berths Serving Two or More Buildings

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Sections 44-52 (Required Accessory Off-street Loading Berths), 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-58 - Additional Regulations for Permitted or Required Berths

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section.

44-581 - Size of required loading berths

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways, or

entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR REQUIRED ACCESSORY OFF-STREET LOADING BERTHS (in feet)

	Length	Width	Vertical Clearance	
Hospitals and related facilities or prisons	33	12	12	
Funeral establishments	25	10	8	
Hotels, offices or court houses	33	12	12	
#Commercial uses#*	33	12	14	
Wholesale, #manu- facturing# or storage #uses# :	with less than 10,000 square feet of #floor area#	33	12	14
	with 10,000 square feet of #floor area# or more	50	12	14

* As set forth in the table in Section 44-52 (Required Accessory Off-street Loading Berths)

44-582 - Location of access to the street

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

The waiver provisions of Section 44-55 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

44-583 - Restrictions on location of berths near Residence Districts

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths on to the #street# shall be less than 30 feet from the district boundary.

44-584 - Surfacing

LAST AMENDED

12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

44-585 - Screening

LAST AMENDED

4/8/1998

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths which are located on #zoning lots# adjacent to the boundary of a #Residence District# shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

- (1) shall be maintained in good condition at all times;
- (2) may be interrupted by normal entrances or exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

44-586 - Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas

LAST AMENDED

12/19/2017

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

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in

APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Sections 44-52 (Required Accessory Off-street Loading Berths) and 44-581 (Size of required loading berths) are modified as set forth in this Section.

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), all required #accessory# off-street loading berths for a #self-service storage facility# shall have a minimum length of 37 feet. The dimensions of off-street loading berths shall not include driveways, or entrances to or exits from such off-street loading berths.

The number of #accessory# off-street loading berths required for #uses# occupying #industrial floor space# shall be as set forth in the following table:

#Floor Area# (in square feet)	Required Loading Berths
First 15,000	None
Next 25,000	1
Next 40,000	1
Each additional 80,000 or fraction thereof	1

Additional loading berths shall not be required for a change of #use# within an existing #building# from Use Group 16D to a #self-service storage facility#.

44-60 - BICYCLE PARKING

LAST AMENDED

4/22/2009

M1 M2 M3

In all districts, as indicated, the provisions of Section 36-70 (BICYCLE PARKING), inclusive, shall apply to all permitted #commercial# and #residential uses#. In addition, for #manufacturing uses#, #accessory# bicycle parking spaces shall be excluded from the definition of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by one bicycle parking space per 10,000 square feet of #floor area#; and
- (b) the #accessory# bicycle parking spaces provided meet the standards for #accessory# bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces);

However, in no event shall #accessory# bicycle parking spaces be excluded from the calculation of #floor area# in the case of #single-# or #two-family residences# or in the case of #accessory# bicycle parking spaces provided off-site pursuant to Section 36-74 (Certification for Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory group parking facility# does not count as #floor area#.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.