Chapter 2 - Use Regulations
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

<table>
<thead>
<tr>
<th>Use Groups</th>
<th>Community Facility</th>
<th>Retail &amp; Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts</td>
<td>3 4 5 6 7 8 9 10 11</td>
<td></td>
</tr>
<tr>
<td>Light Manufacturing M1</td>
<td>x x x x x x x x</td>
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<tr>
<td>Medium Manufacturing M2</td>
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<tr>
<td>Heavy Manufacturing M3</td>
<td>x x x x x x</td>
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<table>
<thead>
<tr>
<th>Use Groups</th>
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<tbody>
<tr>
<td>Recreation</td>
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<tr>
<td>Districts</td>
</tr>
<tr>
<td>Light Manufacturing M1</td>
</tr>
<tr>
<td>Medium Manufacturing M2</td>
</tr>
<tr>
<td>Heavy Manufacturing M3</td>
</tr>
</tbody>
</table>

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 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
(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.
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 photostatting 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
1/5/2011

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
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

LAST AMENDED
2/2/2011

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

42-211 - Definitions

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

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

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.
<table>
<thead>
<tr>
<th>Octave Band (cycles per second)</th>
<th>District</th>
<th>M1</th>
<th>M2</th>
<th>M3</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 to 75</td>
<td></td>
<td>79</td>
<td>79</td>
<td>80</td>
</tr>
<tr>
<td>75 to 150</td>
<td></td>
<td>74</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>150 to 300</td>
<td></td>
<td>66</td>
<td>68</td>
<td>70</td>
</tr>
<tr>
<td>300 to 600</td>
<td></td>
<td>59</td>
<td>62</td>
<td>64</td>
</tr>
<tr>
<td>600 to 1,200</td>
<td></td>
<td>53</td>
<td>56</td>
<td>58</td>
</tr>
<tr>
<td>1,200 to 2,400</td>
<td></td>
<td>47</td>
<td>51</td>
<td>53</td>
</tr>
<tr>
<td>2,400 to 4,800</td>
<td></td>
<td>41</td>
<td>47</td>
<td>49</td>
</tr>
<tr>
<td>Above 4,800</td>
<td></td>
<td>39</td>
<td>44</td>
<td>46</td>
</tr>
</tbody>
</table>

**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)

<table>
<thead>
<tr>
<th>Frequency (cycles per second)</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M1</td>
</tr>
<tr>
<td>10 and below</td>
<td>.0008</td>
</tr>
<tr>
<td>10 - 20</td>
<td>.0005</td>
</tr>
<tr>
<td>20 - 30</td>
<td>.0003</td>
</tr>
<tr>
<td>30 - 40</td>
<td>.0002</td>
</tr>
<tr>
<td>40 - 50</td>
<td>.0001</td>
</tr>
<tr>
<td>50 - 60</td>
<td>.0001</td>
</tr>
<tr>
<td>60 and over</td>
<td>.0001</td>
</tr>
</tbody>
</table>

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)
<table>
<thead>
<tr>
<th>Frequency (cycles per second)</th>
<th>M1</th>
<th>M2</th>
<th>M3</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 and below</td>
<td>.0016</td>
<td>.0040</td>
<td>.0078</td>
</tr>
<tr>
<td>10 - 20</td>
<td>.0010</td>
<td>.0020</td>
<td>.0044</td>
</tr>
<tr>
<td>20 - 30</td>
<td>.0006</td>
<td>.0012</td>
<td>.0022</td>
</tr>
<tr>
<td>30 - 40</td>
<td>.0004</td>
<td>.0008</td>
<td>.0014</td>
</tr>
<tr>
<td>40 - 50</td>
<td>.0002</td>
<td>.0006</td>
<td>.0010</td>
</tr>
<tr>
<td>50 - 60</td>
<td>.0002</td>
<td>.0004</td>
<td>.0008</td>
</tr>
<tr>
<td>60 and over</td>
<td>.0002</td>
<td>.0002</td>
<td>.0008</td>
</tr>
</tbody>
</table>

**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**
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.

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**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:

<table>
<thead>
<tr>
<th>Material</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uranium-233</td>
<td>200 grams</td>
</tr>
<tr>
<td>Plutonium-239</td>
<td>200 grams</td>
</tr>
<tr>
<td>Uranium-235</td>
<td>350 grams</td>
</tr>
</tbody>
</table>

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
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.
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*,
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.
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
Radio or television towers, non-**accessory**

**Sand, gravel or clay pits**

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

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**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.

**Airports**

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

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

**Bus stations, with less than 10 berths**
Bus stations, with 10 or more berths

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

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

Department stores [PRC-B]

Docks for gambling vessels, pursuant to Section 62-838

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

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

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

Sewage disposal plants

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

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

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).

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

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

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### 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.

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### 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.

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### 42-412 - In M2 or M3 Districts

LAST AMENDED
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
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
42-461 - Definitions

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

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;
that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby streets; and

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.

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).
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.
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.

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
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

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.