

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Michael R. Bloomberg, Mayor

CITY PLANNING COMMISSION  
Amanda M. Burden, Director

## Article IV: Manufacturing District Regulations Chapter 2 - Use Regulations

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12/15/61

## **Chapter 2 Use Regulations**

9/9/04

### **42-00**

#### **GENERAL PROVISIONS**

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and of tracts of land 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 Section 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 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 the Index at the end 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 the Index, the text of these Use Groups shall prevail.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

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

USE GROUPS PERMITTED  
IN MANUFACTURING DISTRICTS

Districts	Use Groups									
	Community Facility					Retail & Commercial				
	3	4	5	6	7	8	9	10	11	
Light Manufacturing M1		x	x	x	x	x	x	x	x	x
Medium Manufacturing M2				x	x	x	x	x	x	x
Heavy Manufacturing M3				x	x	x	x	x	x	x

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

9/9/04

42-01

## Special Provisions for Adult Establishments

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#, #joint living-work quarters for artists# or #loft dwellings# are, under the provisions of the Zoning Resolution, 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#, new #joint living-work quarters for artists# or new #loft dwellings# 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#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, 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#, new #joint living-work quarters for artists# or new #loft dwellings# 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#.

1/26/84

#### **42-02**

#### **Study Areas**

The following areas shall be considered study areas for purposes of state legislation relating to #residential use# contained in Article 7C of the Multiple Dwelling Law.

(a) In the Borough of Brooklyn:

(1) In Community District 1:

The portions of the #Manufacturing Districts# in the areas bounded by the following streets:

Division Avenue, Wythe Avenue, Berry Street and South 10th Street.

Berry Street, South 5th Street, Driggs Avenue and South 4th Street.

Wythe Avenue, South 6th Street, Broadway, Driggs Avenue, South 8th Street.

Hope Street, Havemeyer Street, Metropolitan Avenue and Roebling Street.

Wythe Avenue, North 4th Street, North 3rd Street, Berry Street.

Norman Street, Dobbin Street, Nassau Street and Guernsey Street.

Calhoun Street, Vandervoort Avenue, Grand Street and Morgan Avenue.

(2) In Community District 2:

The #Manufacturing Districts# in the area bounded by Plymouth Street on the north, Bridge Street on the east, Prospect Street to Jay Street to York Street on the south, along York Street to Main Street, to Front Street to Dock Street to Water Street to Washington Street to Plymouth Street.

The designation of such study areas shall cease to have all force and effect on July 31, 1984, if by that date the Department of City Planning has not filed standard application forms for zoning text or map changes as that Department deems appropriate. If such application forms have been filed by July 31, 1984, the designation of such study areas shall cease to have all force and effect on June 30, 1986.

9/10/07

#### **42-03**

#### **Residential Use**

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-D Districts), subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-D 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 44-024 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

1/28/71

**42-10**

**USES PERMITTED AS-OF-RIGHT**

9/9/04

**42-11**

**Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B**

M1

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

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York, that prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, and houses of worship. Such #uses# are not subject to the special permit provision of Sections 42-32 and 74-921.

10/25/95

**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**

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 foodstores, 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.

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 Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, #public parking garages# and #public parking lots# in Use Group 8C and 12D are subject to the provisions of Article I, Chapter 3.

10/25/93

**42-13**

**Use Groups 6C, 9A and 12B**

M2 M3

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

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

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

8/20/81

**42-131**

## **M1-5A and M1-5B Districts**

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(D) (Special Uses in M1-5A and M1-5B Districts) provide otherwise.

2/8/90

## **42-132**

### **M1-5M and M1-6M Districts**

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 of Existing Non-Residential 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.

9/25/86

## **42-133**

### **Provisions for dwelling units in certain M1-5 or M1-6 Districts**

- (a) In M1-5 and M1-6 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 15-026 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#; and
  - (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 subsection shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

9/9/04

**42-14**

**Use Group 17**

M1 M2 M3

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

- (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 developed for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet of additional roof area shall be developed 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 shall refer a copy of any application for authorization pursuant to this Section to the

#Industrial Loft Advisory Council#, the Office of Economic Development, and to the Department of Cultural Affairs, each of which shall have thirty days to comment upon such application. 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#

7/19/90

#### **42-141**

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

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

11/25/97

#### **42-142**

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

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

- (a) such non-#residential building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;
- (b) any alterations to the subject #building# required in connection with such conversion to #joint living-work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; and
- (c) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.

In order to grant an authorization the City Planning Commission shall find that such modification of #use# requirements shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

8/15/74

#### **42-15**

#### **Use Group 18**

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#

12/15/61

## **42-20**

### **PERFORMANCE STANDARDS**

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group 11A, 16, 17, or 18, and every #building or other structure# or tract of land 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 tract of land 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.

12/15/61

**42-21**  
**Performance Standards Regulating Noise**

12/15/61

**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).

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#.

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#.

#### 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.

12/15/61

### **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#.

12/15/61

### **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.

MAXIMUM PERMITTED  
SOUND PRESSURE LEVEL  
(in #decibels#)

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

12/15/61

**42-214**

**Special provisions applying along district boundaries**

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).

12/15/61

**42-22**

**Performance Standards Regulating Vibration**

12/15/61

**42-221**

**Definitions**

For the purposes of this Section, the following terms are defined:

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#.

Impact vibrations

"Impact vibrations" are earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.

Frequency

A "frequency" is the number of oscillations per second of a vibration.

Three-component measuring system

A "three-component measuring system" is a device for recording the intensity of any vibration in three mutually perpendicular directions.

12/15/61

**42-222**

**Method of measurement**

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

12/15/61

**42-223**

**Maximum permitted steady state vibration displacement**

In all #Manufacturing Districts#, no activity shall cause or create a #steady state vibration# at any point on any #lot line#, with a displacement in excess of the permitted #steady state vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED  
STEADY STATE VIBRATION DISPLACEMENT  
(in inches)

#Frequency# (cycles per second)	District		
	M1	M2	M3
10 and below	.0008	.0020	.0039
10-20	.0005	.0010	.0022
20-30	.0003	.0006	.0011
30-40	.0002	.0004	.0007
40-50	.0001	.0003	.0005
50-60	.0001	.0002	.0004
60 and over	.0001	.0001	.0004

12/15/61

**42-224**

**Maximum permitted impact vibration displacement**

In all #Manufacturing Districts#, no activity shall cause or create an #impact vibration#, at any point on any #lot line#, with a displacement in excess of the permitted #impact vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED  
IMPACT VIBRATION DISPLACEMENT  
(in inches)

#Frequency# (cycles per second)	District		
	M1	M2	M3

10 and below	.0016	.0040	.0078
10-20	.0010	.0020	.0044
20-30	.0006	.0012	.0022
30-40	.0004	.0008	.0014
40-50	.0002	.0006	.0010
50-60	.0002	.0004	.0008
60 and over	.0002	.0002	.0008

12/15/61

**42-225**

**Special provisions applying along district boundaries**

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).

12/15/61

**42-23**

**Performance Standards Regulating Smoke, Dust and Other Particulate Matter**

12/15/61

**42-231**

**Definitions**

For the purposes of this Section, the following terms are defined:

Particulate matter

"Particulate matter" is any finely divided liquid or solid matter capable of being air- or gas-borne.

Dust

"Dust" is solid #particulate 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.

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.

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#.

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#.

12/15/61

**42-232**

**Maximum permitted emission of smoke**

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.

12/15/61

#### **42-233**

##### **Maximum permitted emission of dust**

(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 developed 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.

12/15/61

#### **42-234**

#### **General control over smoke and other particulate matter**

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.

12/15/61

**42-24**

**Performance Standards Regulating Odorous Matter**

12/15/61

**42-241**

**In M1 or M2 Districts**

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.

12/15/61

**42-242**

**In M3 Districts**

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.

12/15/61

**42-25**

**Performance Standards Regulating Toxic Noxious Matter**

12/15/61

**42-251**

**Definitions**

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.

12/15/61

#### **42-252**

##### **Regulation of toxic or noxious matter**

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.

12/15/61

#### **42-26**

##### **Performance Standards Regulating Radiation Hazards**

12/15/61

#### **42-261**

##### **Definitions**

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.

12/15/61

**42-262**

**Maximum permitted quantities of unsealed radioactive material**

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 above in this Section. In M3 Districts no limits as to such permitted quantities shall apply.

12/15/61

**42-263**

**Maximum permitted quantities of fissionable materials**

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:

<u>Material</u>	<u>Quantity</u>
Uranium-233	200 grams
Plutonium-239	200 grams
Uranium-235	350 grams

In addition, any establishment which provides radiation waste disposal services in the nature of collection or storage of radioactive waste from other #manufacturing uses# shall be prohibited in M1 or M2 Districts.

12/15/61

**42-264**

**Administration and appeal**

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.

12/15/61

**42-27**

**Performance Standards Regulating Fire and Explosive Hazards**

12/15/61

**42-271**

**Definitions**

For the purposes of this Section, the following terms are defined:

Slow burning

"Slow burning" materials are materials which will not ignite or actively support combustion during an exposure for 5 minutes to a temperature of 1,200 degrees F and which, therefore, do not constitute an active fuel.

Moderate burning

"Moderate burning" materials are materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.

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.

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.

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.

10/11/62

#### **42-272**

#### **Classifications**

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.

12/15/61

#### **42-273**

##### **Regulations applying to Class I materials or products**

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

12/15/61

#### **42-274**

##### **Regulations applying to Class II materials or products**

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# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code; and
- (3) the storage of Class II materials or products shall be limited to 100,000 gallons.

(b) In M2 Districts

In M2 Districts, Class II materials or products may be manufactured or utilized without limitation. The storage of Class II materials or products shall be limited to 200,000 gallons, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

(1) Special provisions applying along district boundaries

In M2 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District#, or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-274, paragraph (a), for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class II materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District#, or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-274, paragraph (a), for M1 Districts.

10/11/62

**42-275**

**Regulations applying to Class III materials or products**

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# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code;
- (3) the final manufactured product shall have a rating of Class I; and
- (4) the storage of Class III materials or products shall be limited to 50,000 gallons.

(b) In M2 Districts

In M2 Districts, Class III materials or products shall not be manufactured in any event and shall be stored or utilized subject to the following limitations:

- (1) the final manufactured product shall have a rating of Class II; and
- (2) the storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in #original sealed containers#.

(3) In M2 Districts, and within 100 feet of the district boundary of a #Residence District#, a #Commercial District#, or an M1 District, Class III materials or products shall be stored or utilized only in accordance with the provisions set forth in Section 42-275, paragraph (a), for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class III materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a #Residence District#, a #Commercial District#, or an M1 District, the provisions set forth in Section 42-275, paragraph (a), 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#.

10/11/62

**42-276**

**Regulations applying to Class IV materials or products**

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.

10/11/62

**42-277**

**Regulations applying to oxygen manufacture, storage, or**

**utilization**

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.

12/15/61

**42-28**

**Performance Standards Regulating Humidity, Heat, or Glare**

12/15/61

**42-281**

**Regulation applying to M1 Districts**

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#.

12/15/61

**42-282**

**Regulation applying to M2 Districts**

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#.

12/15/61

**42-283**

**Regulation applying to M3 Districts**

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.

12/15/61

**42-30**

**USES PERMITTED BY SPECIAL PERMIT**

2/8/90

**42-31**

**By the Board of Standards and Appeals**

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

M2 M3

Amusement Arcades [PRC-E]

M1

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

M1-5A M1-5B

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

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

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

M1 M2 M3

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

M1 M2 M3

Radio or television towers, non-#accessory#

M1 M2 M3

Sand, gravel or clay pits

M1

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

4/22/09

## **42-32**

### **By the City Planning Commission**

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

M1 M2 M3

Airports

M1

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

M1 M2 M3

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

M1 M2 M3

Bus stations, with less than 10 berths

M1 M2 M3

Bus stations, with 10 or more berths

M1

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

M1

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

M1

Department stores [PRC-B]

M1 M2 M3

Docks for #gambling vessels#, pursuant to Section 62-837

M1 M2 M3

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

M1

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

M1

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

M1

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

M1 M2 M3

Heliports

M1

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

M1-5

Museums and non-commercial art galleries

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

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

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

#Public parking garages#\*\* with any capacity

M1 M2 M3

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

M1 M2 M3

Railroad passenger stations

M1 M2 M3  
Seaplane bases

M1 M2  
Sewage disposal plants

M1  
Television, radio, phonograph or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]

M1 M2 M3  
Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1 M2 M3  
#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1  
#Uses# listed in Use Group 4A Community Facilities, except houses of worship

M1  
Variety stores, with no limitation on #floor area# per establishment [PRC-B]

- \* In M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix "D", indoor interactive entertainment facilities with eating and drinking are not permitted.
- \*\* In Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, these #uses# are subject to the provisions of Article 1, Chapter 3.

12/15/61

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

6/27/63

**42-41**

**Enclosure of Commercial or Manufacturing Activities**

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by new #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#.

12/15/61

**42-411**

**In M1 Districts**

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#.

12/15/61

**42-412**

**In M2 or M3 Districts**

M2 M3

In the districts indicated, all such activities within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#, provided, however, that #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

1/10/74

**42-42**

**Enclosure or Screening of Storage**

M1 M2 M3

In all districts, as indicated, all storage of materials or products established by new #development#, #enlargement#, #extension#, or change of #use#, 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.

12/15/61

**42-421**

**In M1 Districts**

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#.

12/15/61

**42-422**

**In M2 or M3 Districts**

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.

12/15/61

**42-44**

## **Limitations on Business Entrances, Show Windows or Signs**

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 three feet, six inches in width;
- (c) windows other than #show windows#; or
- (d) ventilators, fire escapes or other appurtenances required by law.

12/15/61

### **42-441**

#### **For zoning lots with single frontage**

M1 M2 M3

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within 20 feet of frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof located within the #Manufacturing District# is

less than 30 feet in length, such minimum distance shall be reduced to 10 feet.

For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section 73-50 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

12/15/61

#### **42-442**

##### **For corner lots**

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.

12/15/61

#### **42-45**

##### **Exceptions for Integrated Developments Divided by District Boundaries**

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.

2/22/90

**42-46**

**Air Space over a Railroad or Transit Right-of-way or Yard**

11/19/87

**42-461**

**Definitions**

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

6/23/05

**42-462**

**Use of railroad or transit air space**

M1 M2 M3

- (a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right- of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), or 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) below.

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 City Planning 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 City Planning 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 is proposed for #development# as a #large-scale community facility development# or a #general large-scale development# requiring one or more special permits, no #use# or #development# of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all #zoning lots# created on such property as part of such large-scale development. 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 the above mentioned right-of-way or yard, the City Planning 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 City Planning Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:

- (1) that adequate access to one or more #streets# is provided;
- (2) that access to such #use# is located on a #street# not less than 60 feet in width;
- (3) that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby #streets#; and

- (4) that such establishment is located not less than 20 feet below #curb level# except for access ramps to the #street# or #streets#.

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

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

- (d) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

9/9/04

#### **42-47**

#### **Residential Uses in M1-D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, new #residences# or #residential enlargements# may be permitted by authorization of the City Planning Commission provided the #zoning lot# existing on June 20, 1988 meets the criteria of paragraph (a), (b), or (c) of this Section.

- (a) On #zoning lots# containing #residential# or #community facility uses#, new #residences# or #residential enlargements# 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 #residential# or #community facility building#; 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 5000 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) above, 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) above, and only on such portion may new #residences# or #residential enlargements# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

- (6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (b)(3).
- (e) In authorizing such #residential uses#, the Commission shall find that:
- (1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing uses#;
  - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
  - (3) the #residential uses# will not adversely affect

#commercial# or #manufacturing uses# in the district;  
and

- (4) the authorization will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing zoning lots#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-D 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-D Districts) or of this Section.

4/8/98

**42-50**  
**SIGN REGULATIONS**

11/19/87

**42-51**  
**Definitions**

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

2/27/01

**42-52**  
**Permitted Signs**

M1 M2 M3

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

Section 42-53 (Surface Area and Illumination Provisions)

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

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

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

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

Section 42-58 (Signs Erected Prior to December 13, 2000).

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

2/27/01

#### **42-53**

#### **Surface Area and Illumination Provisions**

M1 M2 M3

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

#Illuminated# non-#flashing signs#, other than #advertising signs#, located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any #zoning lot# and limited to not more than three such #signs# in any window.

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a

#building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# 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#, #loft dwellings# or #joint living-work quarters for artists#.

2/27/01

#### **42-531**

##### **Total surface area of signs**

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.

2/27/01

#### **42-532**

##### **Non-illuminated signs**

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#, #loft dwellings# 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.

2/27/01

#### **42-533**

##### **Illuminated or flashing signs**

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#, #loft dwellings# 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.

2/27/01

#### **42-54**

##### **Permitted Projection or Height of Signs**

M1 M2 M3

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

10/13/04

**42-541**

**Permitted projection**

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 and in #Manufacturing Districts# mapped within the #Special Tribeca Mixed Use District#, 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 42<sup>nd</sup> Street and Tenth Avenue, permitted #signs# may project across a #street line# no more than four feet, six inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

2/27/01

**42-542**

**Additional regulations for projecting signs**

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.

2/27/01

**42-543**  
**Height of signs**

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.

2/27/01

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

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.

2/27/01

#### **42-551**

##### **Advertising signs on waterways**

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, #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.

2/27/01

**42-56**

**Special Provisions Applying Along District Boundaries**

2/27/01

**42-561**

**Restrictions along district boundary located in a street**

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.

2/27/01

**42-562**

**Restriction on angle and height above curb level**

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#.

2/27/01

## **42-57**

### **Additional Sign Regulations for Adult Establishments**

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.

2/27/01

## **42-58**

### **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.