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Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 1 Statement of Legislative Intent

41-00 GENERAL PURPOSES OF MANUFACTURING DISTRICTS

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

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites.
- (b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by generally prohibiting the use of such space for new residential development.
- (c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are appropriate therefor.
- (e) To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the

Commented [Z1]: Article IV, Chapter 1 describes the legislative intent of the Manufacturing Districts.

The Proposal would make limited changes to the text describing the M2 Manufacturing District to reflect the permitted uses in the new M2A district.

land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.

- (f) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.
- (g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.
- (h) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

41-10

PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

41-11

M1 Light Manufacturing Districts (High Performance)

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

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

41-12

M2 Medium Manufacturing Districts (Medium Performance)

Commented [Z2]: Updated to reflect that M2A districts would permit some community facility uses.

[UPDATING TO REFLECT NEW M2A DISTRICTS AND
EXISTING ALLOWANCES IN OTHER DISTRICTS]

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

41-13

M3 Heavy Manufacturing Districts (Low Performance)

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

* * *

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ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 2 Use Regulations

Commented [Z1]: Article IV, Chapter 2 contains the use regulations for Manufacturing Districts. The Proposal would make modifications in this chapter to reflect the permitted uses for the new M1A, M2A, and M3A districts.

42-00 GENERAL PROVISIONS

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARRALLEL TEXT AMENDMENT]

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into ten separate Use Groups with similar characteristics. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, are permitted in #Manufacturing Districts# subject to the provisions of the following Sections:

- (a) Sections 42-11 through 42-20 establish general #use# allowances in Use Groups 1 through 10, including each #use# listed separately therein, by #Manufacturing District#, and additional provisions for certain #uses# where applicable.
- (b) Section 42-30 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN DISTRICTS) sets forth special provisions applicable to the following #Manufacturing Districts#:
 - (1) M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, as set forth in Section 42-31 (Residential uses in M1-1D through M1-5D Districts);
 - (2) M1-6D Districts, as set forth in Section 42-32 (Use regulations in M1-6D Districts);
 - (3) M1-5M and M1-6M Districts, as set forth in Section 42-33 (Use regulations in M1-5M and M1-6M Districts);
 - (4) M1-1, M1-5 and M1-6 Districts in certain areas, as set forth in Section 42-34 (Use regulations in certain M1-1, M1-5 and M1-6 Districts); ~~and~~

- (5) M1-5B Districts, as set forth in Section 42-35 (Use regulations in M1-5B Districts); and
 - (6) #Manufacturing Districts# with an A suffix, as set forth in Section 42-36 (Use regulations in A suffix districts).
- (c) Section 42-40 (PERFORMANCE STANDARDS) establishes performance standards that are applicable to certain #uses# listed in Use Groups 1, 4, 6, 8, 9 and 10.
- (d) Section 42-50 (SUPPLEMENTARY USE REGULATIONS) sets forth supplementary #use# regulations and special provisions applying along district boundaries, including
- (1) Enclosure of commercial or manufacturing activities, as set forth in Section 42-51;
 - (2) Enclosure or screening of storage, as set forth in Section 42-52; and
 - (3) Limitations on business entrances, show windows or #signs#, as set forth in Section 42-53.
- (e) Section 42-60 (SIGN REGULATIONS) sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (GENERAL PROVISIONS), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

* * *

42-36 **Use Regulations in Manufacturing Districts with an A Suffix**

42-361 **General use modifications**

In M1 and M2 Districts with an A suffix, the applicable #use# regulations shall be modified as follows:

- (a) In M1 Districts with an A suffix:
 - (1) all retail and service #uses# listed in Use Group 6 shall be permitted, and no associated size limitations shall apply;
 - (2) all recreation, entertainment and assembly space #uses# listed in Use Group 8 shall be permitted;

Commented [Z2]: The Proposal would create greater consistency among the various non-industrial uses allowed in M districts, such as forms of retail, amusement, and community facility uses as compared to other Manufacturing Districts. In M3A and M2A districts, non-industrial uses would be limited by FAR instead of size, equalizing non-industrial uses and relying on relative FAR levels to control balance of industrial and non-industrial uses. All community facilities without sleeping accommodations would be permitted in M2A and M1A districts.

(3) all #community facility uses# without sleeping accommodations listed in Use Group 3B shall be permitted.

(b) In M2 Districts with an A suffix, the #use# regulations for an M1 District with an A suffix shall apply, inclusive of performance standards, supplementary use regulations, and #sign# regulations.

* * *

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ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 3
Bulk Regulations

43-00
APPLICABILITY AND GENERAL PROVISIONS

* * *

43-10
FLOOR AREA REGULATIONS

* * *

43-12
Maximum Floor Area Ratio

M1 M2 M3

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

Section 43-121	(Expansion of existing manufacturing buildings)
Section 43-122	(Maximum floor area ratio for community facilities)
Section 43-13	(Floor Area Bonus for Public Plazas) <u>(Floor Area in Manufacturing Districts With an A Suffix)</u>
Section 43-14	(Floor Area Bonus for <u>Public Plazas and Arcades</u>)
Section 43-15	(Existing Public Amenities for which Floor Area Bonuses Have Been Received)
Section 43-16	(Special Provisions for Zoning Lots Divided by District Boundaries)

Commented [Z1]: Article IV, Chapter 3 contains the bulk regulations for Manufacturing Districts. The Proposal would make changes to this chapter for the new M1A, M2A, and M3A districts.

Individual districts in these categories would have a greater FAR spectrum, particularly at mid-range densities.

The districts would have a loft-like building envelope similar to those found in recent special purpose districts, like in Gowanus.

Like other Manufacturing Districts, the new districts would be available at a range of densities and heights. The maximum FAR for M2A and M3A districts would depend on what uses are included on the zoning lot.

Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts)

Section 43-62 (Bulk Regulations in M1-6D Districts)

* * *

43-13

Floor Area Bonus for Public Plazas

Floor Area in Manufacturing Districts With an A Suffix

M1-6

[MOVING EXISTING TEXT TO SECTION 43-14]

~~In the district indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.~~

[NEW PROVISIONS, PER PROPOSAL]

43-131

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS), except where explicitly stated otherwise in individual provisions in this Chapter.

Qualifying uses

“Qualifying uses” shall include certain #commercial# and #manufacturing uses# eligible for higher permitted #floor area ratio# in M2 and M3 Districts with an A suffix.

In M2 Districts with an A suffix such #uses# shall include #referenced commercial and manufacturing uses#.

In M3 Districts with an A suffix, such #uses# shall include #qualifying uses# in M2 Districts with an A suffix, as well as the following:

From Use Group 4B and 4C

utility infrastructure #uses#

Commented [Z2]: The Proposal would allow, in M2A and M3A districts, specified uses to be eligible for a higher maximum FAR as compared to other permitted uses.

In M2A districts, this would include agriculture, repair and heavy service uses, laboratories, galleries and studios, and production uses. This list would be located in Article I, Chapter 2 and would be consistent with lists of uses for similar provisions like the Industrial Business Incentive Area (IBIA).

This list would be expanded in M3A districts to include most infrastructural and storage uses.

renewable energy and green infrastructure #uses#

From Use Group 9

all #uses#, other than #self-service storage facilities#.

43-132

Floor area regulations in M1 Districts with an A suffix

In M1 Districts with an A suffix, the maximum #floor area ratio# for all permitted #uses# shall be as set forth in the following table.

<u>Districts</u>	<u>Maximum Permitted #Floor Area Ratio#</u>
<u>M1-1A</u>	<u>2.00</u>
<u>M1-2A</u>	<u>3.00</u>
<u>M1-3A</u>	<u>4.00</u>
<u>M1-4A</u>	<u>5.00</u>
<u>M1-5A</u>	<u>6.50</u>
<u>M1-6A</u>	<u>8.00</u>
<u>M1-7A</u>	<u>10.00</u>
<u>M1-8A</u>	<u>12.00</u>
<u>M1-9A</u>	<u>15.00</u>

Commented [Z3]: The Proposal would include a range of M1A districts with FARs from 2.0 to 15.0 FAR.

43-132

Floor area regulations in M2 or M3 Districts with an A suffix

In M2 and M3 Districts with an A suffix, the maximum #floor area ratio# for #qualifying uses#, and for all other all permitted #uses# shall be as set forth in the respective columns of the following tables.

<u>Districts</u>	<u>Maximum Permitted #Floor Area Ratio# for #qualifying uses#</u>	<u>Maximum Permitted #Floor Area Ratio# for other #uses#</u>
<u>M2-1A</u>	<u>2.00</u>	<u>1.50</u>
<u>M2-2A</u>	<u>3.00</u>	<u>2.50</u>

Commented [Z4]: The Proposal would include a mix of M2A and M3A districts at FARs from 2.0 to 5.0. The maximum FAR for qualifying uses (as defined in the earlier section) would be higher than that for all other permitted uses.

<u>M2-3A</u>	<u>4.00</u>	<u>3.25</u>
<u>M2-4A</u>	<u>5.00</u>	<u>4.25</u>

<u>Districts</u>	<u>Maximum Permitted #Floor Area Ratio# for #qualifying uses#</u>	<u>Maximum Permitted #Floor Area Ratio# for other #uses#</u>
<u>M3-1A</u>	<u>2.00</u>	<u>1.00</u>
<u>M3-2A</u>	<u>3.00</u>	<u>1.00</u>

43-14

Floor Area Bonus for Public Plazas and Arcades

M1-6 M1-7A M1-8A M1-9A

[MOVING EXISTING TEXT FROM SECTION 43-13.
COMBINING WITH EXISTING TEXT]

(a) Public Plazas

In the districts indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

(b) Arcades

~~In the district districts~~ indicated, except for M1-6D Districts, for each square foot of #arcade# provided on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section 43-12 (~~Maximum Floor Area Ratio~~) may be increased by three square feet. However, the provisions of this Section shall not apply to #zoning lots# that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan.

* * *

43-20

YARD REGULATIONS

* * *

43-21

Commented [Z5]: The Proposal would allow use of the public plaza floor area bonus in M1A Districts consistent with similar Manufacturing Districts. The bonus would be available in districts that have a maximum FAR at 10.0 and above.

Other changes here relocate existing provisions without changes.

Definitions

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

* * *

43-23

Permitted Obstructions in Required Yards or Rear Yard Equivalents

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR CARBON NEUTRALITY TEXT AMENDMENT, CURRENTLY IN PUBLIC REVIEW]

In all #Manufacturing Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted within a required #yard# or #rear yard equivalent#:

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

* * *

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

- (1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. However, in M Districts with an A suffix, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. In addition, in all districts, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section 43-42 (Permitted Obstructions).

* * *

43-26

Minimum Required Rear Yards

M1 M2 M3

In all districts, other than districts with an A suffix, as indicated, a #rear yard# with a depth of

Commented [Z6]: The Proposal would allow M1A, M2A, and M3A districts to have taller floors in rear yards, consistent with the intended loft building form. Similar provisions exist in the Special Gowanus District.

Commented [Z7]: The Proposal would allow M1A, M2A, and M3A, districts to have shallower rear yards, consistent with the intended loft building form. Similar provisions exist in the Special Gowanus District,

not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 43-27 (Special Provisions for Shallow Interior Lots), 43-28 (Special Provisions for Through Lots) or 43-31 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 43-261 (Beyond one hundred feet of a street line).

For districts with an A suffix, the provisions of Section 43-262 shall apply. However, such provisions shall be modified by the provisions of 43-27 (Special Provisions for Shallow Interior Lots), 43-28 or 43-31.

* * *

43-262
Minimum rear yards for Manufacturing Districts with an A suffix

In Manufacturing Districts with an A suffix, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

<u>Height above #base plane#</u>	<u>Required depth</u>
<u>Below 65 feet</u>	<u>10</u>
<u>Above 65</u>	<u>15</u>
<u>Above 125 feet</u>	<u>20</u>

In addition, where a portion of a #side lot line# beyond 100 feet of the #street line# coincides with a #rear lot line# of an adjoining #zoning lot#, such #side lot line# shall be considered a #rear lot line# and a #rear yard# shall be applied with a minimum depth in accordance with the provisions of this Section.

43-27
Special Provisions for Shallow Interior Lots

M1 M2 M3

(a) For districts without an A suffix

Commented [Z8]:The Proposal would allow M1A, M2A, M3A districts to have shallower rear yards, consistent with the intended loft building form. The required depth would increase as the building increases in height. Similar provisions exist in the Special Gowanus District,

Commented [Z9]:The Proposal would allow M1A, M2A, M3A districts to have shallower rear yards, consistent with the intended loft building form. This provision extend this concept for very shallow lots. Similar provisions exist for buildings in Residence Districts.

In all districts, other than districts with an A suffix, as indicated, if an #interior lot#:

~~(a)~~(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

~~(b)~~(2) is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of a #zoning lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of less than 50 feet.

(b) For districts with an A suffix

For districts with an A suffix, if an #interior lot#, or portion thereof, has a depth of less than 95 feet at any point, and such shallow condition was in existence on December 15, 1961, the depth of a required #rear yard#, or portion thereof, may be reduced by six inches for each foot by which the depth of such #zoning lot# is less than 95 feet. No #rear yard# is required on any such #interior lot#, or portion thereof, with a maximum depth of less than 50 feet.

43-28

Special Provisions for Through Lots

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, as indicated, no #rear yard# regulations shall apply on any #through lot# which extends less than 110 feet in maximum #lot depth# from #street# to #street#. However, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided, except that in the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required:

~~(a)~~(1) an open area with a minimum #lot depth# of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

~~(b)~~(2) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; or

~~(c)~~(3) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Commented [Z10]: The Proposal would exempt M1A, M2A, M3A districts from rear yard requirements on through lots, similar to comparable Commercial Districts.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(b) For districts with an A suffix

For districts with an A suffix, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

* * *

**43-30
SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES**

M1 M2 M3

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts#, except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

* * *

**43-302
Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots**

M1 M2 M3

(a) For districts without an A suffix

In all districts, ~~other than districts with an A suffix, as indicated,~~ along such portion of the #rear lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 30 feet in depth shall be provided within the #Manufacturing District#. Such an open area shall not be used for storage or processing of any kind.

(b) For districts with an A suffix

For districts with an A suffix, where the portion of a #rear lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than 30 feet above #curb level# and at least 20 feet in depth shall be provided.

43-303

Commented [Z11]: This change would reflect the rear yard regulations proposed for M1A, M2A, and M3A districts earlier in the chapter.

Commented [Z12]: The Proposal would allow buildings in M1A, M2A, and M3A closer to the side lot line when built next to Residence Districts. This would further facilitate the loft-like form envisioned for these districts.

Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District

M1 M2 M3

(a) For districts without an A suffix

In all districts, ~~other than districts with an A suffix, as indicated,~~ along such portion of a #side lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street loading or for storage or processing of any kind.

(b) For districts with an A suffix

For districts with an A suffix, where the portion of a #side lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than #curb level# and at least eight feet in depth shall be provided.

* * *

43-40

HEIGHT AND SETBACK REGULATIONS

* * *

43-42

Permitted Obstructions

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR CARBON NEUTRALITY TEXT AMENDMENT, CURRENTLY IN PUBLIC REVIEW]

In all #Manufacturing Districts#, the obstructions set forth in Section 23-621 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks), 43-46 (Height and Setback Provisions for Districts with an A suffix) or 43-49 (Limited Height Districts).

* * *

43-43

Maximum Height of Front Wall and Required Front Setbacks

M1 M2 M3

In all districts, other than districts with an A suffix, as indicated, if the front wall or any other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# as set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table.

* * *

43-44

Alternate Front Setbacks

M1 M2 M3

In all districts, other than districts with an A suffix, as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in this Section or in Sections 43-42 (Permitted Obstructions) or 43-45 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table in this Section. The #sky exposure plane# shall be measured from a point above the #street line#.

In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to Section ~~43-13 (Floor Area Bonus for Public Plazas)~~ 43-14 (Floor Area Bonus for Public Plazas and Arcades).

* * *

43-45

Tower Regulations

M1-3 M1-4 M1-5 M1-6

In the districts indicated, other than districts with an A suffix, any #building# or #buildings#, or portion thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 43-451 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600

square feet.

* * *

43-46
Special Provisions for Zoning Lots Directly Adjoining Public Parks
Height and Setback Provisions for Districts with an A suffix

M1 M2 M3

[RELOCATING TO SECTION 43-47]

~~In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.~~

For M Districts with an A suffix, the height of a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback is required for all portions or #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph (b). In districts without a maximum height limit, the tower provisions set forth in paragraph (c) shall apply.

(a) Maximum base heights and maximum #building# heights

The table below sets forth the maximum base heights and maximum #building or other structure# heights.

MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

<u>District</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>
<u>M1-1A M2-1A M3-1A</u>	<u>45</u>	<u>65</u>

Commented [Z13]: The Proposal would include height and setback provisions for M1A, M2A, M3A Districts to facilitate a loft building form. These regulations are similar to those for contextual buildings in Residence Districts.

The Proposal includes maximum base and overall heights for each zoning district consistent with their permitted FAR. To provide more design flexibility, larger lots would be able to exceed the maximum height by a specified amount.

Districts with a maximum FAR above 10.0 would be not be subject to a maximum height.

<u>M1-2A M2-2A M3-2A</u>	<u>65</u>	<u>95</u>
<u>M1-3A M2-3A</u>	<u>95</u>	<u>125</u>
<u>M1-4A M2-4A</u>	<u>125</u>	<u>155</u>
<u>M1-5A</u>	<u>155</u>	<u>205</u>
<u>M1-6A</u>	<u>155</u>	<u>245</u>
<u>M1-7A</u>	<u>155</u>	<u>325</u>
<u>M1-8A M1-9A</u>	<u>155</u>	<u>N/A</u>

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum building heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

- (1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;
- (2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level; and
- (3) these setback provisions are optional for any #building that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#;

(4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height#. Such dormers need not decrease in width as the height above the maximum base height increases.

(c) Towers

For #buildings# in M1-8A and M1-9A Districts, no maximum height limit shall apply. However, any portion of a #building# above a height of 350 feet shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

43-47

Modification of Height and Setback Regulations

[RELOCATING FROM SECTION 43-46]

(a) For #zoning lots# adjoining #public parks#

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) For #zoning lots# containing certain #community facility uses#

M1

In the district indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 43-41 to 43-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

* * *

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 4 Accessory Off-Street Parking and Loading Regulations

44-00 GENERAL PURPOSES AND DEFINITIONS

* * *

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

44-21 General Provisions

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN
CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARALLEL TEXT AMENDMENT]

M1 M2 M3

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

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

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

Commented [Z1]: Article IV Chapter 4 contains the parking and loading regulations for Manufacturing Districts. The Proposal would make limited changes to reflect the parking and loading requirements for the new M1A, M2A, and M3A districts.

Commented [Z2]: M1A, M2A, and M3A districts would have different parking requirements depending on whether they were inside or outside the Expanded Transit Zone. Those inside would have no parking requirements. Those outside would have parking requirements in line with other M districts with parking requirements.

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

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

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

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

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

Parking Requirement Category	Type of Requirement
PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees
PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

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

Parking Requirement Category	PRC - A				PRC - B			C
	A1	A2	A3	A4	B1	B2	B3	
Unit of Measurement	per square feet of #floor area# ¹				per persons-rated capacity			per square feet of #lot area# ^{3,4}

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix outside the #expanded transit zone#</u>	1 per 200	1 per 300	1 per 300 ²	1 per 600	1 per 8	1 per 8	1 per 10	1 per 500
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix within the #expanded transit zone#</u>	None required	None required	None required	None required	None required	None required	None required	None required

- ¹ For ambulatory diagnostic or treatment facilities listed in Use Group 3B, #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.
- ² Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section 73-44.
- ³ In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.
- ⁴ In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements.

Parking Requirement Category	PRC - D		PRC - E			PRC - F	
	D1	D2	E1	E2	E3	F1	F2
Unit of Measurement	per square feet of #floor area# or per employees ⁵		per bed			per guest room or suites	
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 <u>Districts without an A suffix</u>	1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 2,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 5 ⁶	n/a	n/a	1 per 1	1 per 8

<u>M1, M2 M3</u> Districts with an A suffix outside the #expanded transit zone#							
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix <u>M1, M2 M3</u> Districts with an A suffix within the #expanded transit zone#	None required	None required	1 per 10 ⁶				None required

⁵ For predominantly open storage of miscellaneous #uses# or predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

⁶ Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

Parking Requirement Category	PRC - G						
	Agricultural #uses#	Outdoor racket courts	Outdoor skating rinks	Seminaries	#Schools#	Houses of worship	Museums or non-commercial art galleries
Unit of Measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per persons-rated capacity	per square feet of #floor area#
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix <u>M1, M2 M3</u> Districts with an A suffix	1 per 1,000	1 per 2	1 per 800	1 per 1,000	None required	1 per 15	None required

outside the #expanded transit zone#							
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix M1, M2 M3 Districts with an A suffix within the #expanded transit zone#	None required	None required	None required	None required		None required	

Parking Requirem ent Category	PRC - G (continued)							
	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post Offices	Funeral Establishment s	Riding academies or stables
Unit of Measurem ent	per square feet of #floor area#	per square feet of #floor area#	per beds- rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per square feet of #floor area#
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix M1, M2 M3 Districts with an A suffix outside the #expanded transit zone#	1 per 600	None required	1 per 10	see Section 62-43	1 per 2,000 or 1 per 3	1 per 1,200	1 per 400	None required

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 <u>Districts</u> <u>without an</u> <u>A suffix</u> <u>M1, M2 M3</u> <u>Districts</u> <u>with an A</u> <u>suffix</u> <u>within the</u> <u>#expanded</u> <u>transit</u> <u>zone#</u>	None require d		None required			None require d	None required	
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44-50 OFF-STREET LOADING REGULATIONS

* * *

44-52 Required Accessory Off-street Loading Berths

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARRALLEL TEXT AMENDMENT]

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# after December 15, 1961, for the #community facility#, #commercial# or #manufacturing# #uses# listed in the table, as a condition precedent to the #use# of such #development#.

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

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

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Commented [Z3]: M1A, M2A, and M3A districts would have different loading requirements depending on whether they were inside or outside the Expanded Transit Zone.

Those inside would have lower loading requirements than those outside. These would both be in line with loading requirements for other M districts.

Loading Requirement Category	#Use# or Use Group
LRC – A	Use Groups 9 and 10
LRC – B	Use Groups 6 and 8
LRC – C	Use Groups 5 and 7; court houses
LRC – D	Hospitals and related facilities; prisons
LRC – E	Funeral establishments

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR
ENLARGEMENTS

Loading Requirement Category	Districts	
	M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2 <u>Districts without an A suffix</u>	M1-3 M1-5 M1-6 M2-2 M2-4 <u>Districts without an A suffix</u>
	<u>M1, M2 M3 Districts with an A suffix outside the #expanded transit zone#</u>	<u>M1, M2 M3 Districts with an A suffix within the #expanded transit zone#</u>
LRC-A	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1	First 15,000 sq. ft. : None Next 25,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1
LRC-B	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1	First 25,000 sq. ft. : None Next 15,000 sq. ft. : 1 Next 60,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1
LRC-C	First 25,000 sq. ft. : None Next 75,000 sq. ft. : 1 Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1	First 100,000 sq. ft. : None Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1
LRC-D ¹	First 10,000 sq. ft. : None Next 290,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1	
LRC E	First 10,000 sq. ft. : None Next 20,000 sq. ft. : 1 Any additional amount : 1	

¹ Requirements in this table are in addition to area utilized for ambulance parking

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