

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 I  
GENERAL PROVISIONS**

**Chapter 2  
Construction of Language and Definitions**

**Commented [Z1]:** Article I, chapter 2 includes many of the defined terms used in the ZR. The Proposal would add and update some terms in this chapter to reflect its broader changes. Some outdated terms would also be removed.  
Changes are described individually below.

**12-00  
RULES FOR CONSTRUCTION OF LANGUAGE**

\* \* \*

**12-10  
DEFINITIONS**

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

Abut, or abutting

“Abut” is to be in contact with or join at the edge or border. “Abutting” #buildings# are #buildings# that are in contact with one another on the same or another #zoning lot#, except as subject to separations required for seismic load as set forth in the New York City Building Code. A #building# may also #abut# a #lot line#. In addition, for #buildings# existing prior to February 2, 2011, such existing #building# shall be considered #abutting# if it is within six inches of a #lot line# or another #building#.

**Accessory use, or accessory**

**Commented [Z2]:** Updates reflect reorganization of use groups described in chapters for use regulations (22-00, 32-00, 42-00).

An "accessory use":

\* \* \*

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

When "accessory" is used in the text, it shall have the same meaning as #accessory use#.

An #accessory use# includes, but is not limited to:

- (1) Living or sleeping accommodations for servants in connection with a #use# listed in Use Groups ~~1 and~~ 2;
- (2) Living or sleeping accommodations for caretakers in connection with any #use# listed in other Use Groups ~~3 through 18 inclusive~~, provided that:
  - (i) no #building# contains more than one living or sleeping accommodation for caretakers;
  - (ii) no such living or sleeping accommodation shall exceed 1,200 square feet of #floor area#;
  - (iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the #building# is located. A copy of such declaration shall be provided to the Department of Buildings;
  - (iv) in C6-2M, C6-4M, M1-5M, M1-6M and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and
  - (v) such living or sleeping accommodation shall not be considered a #residential use# or cause a #building# to be considered a #mixed building#.
- (3) Living or sleeping accommodations in connection with #commercial# or #manufacturing uses#, including living or sleeping accommodations in connection with a studio listed in ~~Use Group 9~~ Use Group 8, provided that:
  - (i) no #building# contains more than two kitchens; and
  - (ii) no such living or sleeping accommodations are located in a C7, C8 or #Manufacturing District#.
- (4) Keeping of domestic animals, but not for sale or hire. A #commercial# stable or kennel is not an #accessory use#.
- (5) Swimming pools not located within a #building# listed in Use Group ~~4 or~~ 2, provided that:
  - (i) the #use# of such pools shall be restricted to occupants of the principal #use# and guests for whom no admission or membership fees are charged;

- (ii) if #accessory# to a #use# listed in Use Group 2, except if such #use# is a #single-family# or #two-family residence#, the edge of the pool shall be located not less than 100 feet from any #lot line#;
- (iii) if #accessory# to a #use# listed in Use Group ~~1~~ or Use Group 2, which #use# is a #single-family residence# or #two-family residence#, the edge of the pool shall be located not less than five feet from any #lot line#, except that such minimum distance between the edge of the pool and any #side lot line# may be not less than three feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a six foot high continuous solid opaque fence along the #side lot line# adjacent to such pool. In the event that such pool is located between 50 and five feet from any #rear lot line# or #side lot line#, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such #rear lot line# to such pool; and
- (iv) illumination of such pools shall be limited to underwater lighting.

Swimming pool clubs are not #accessory uses#.

\* \* \*

Alterations, incidental or to alter incidentally

"Incidental alterations" are:

- (a) Changes or replacements in the non-structural parts of a #building or other structure#, without limitation to the following examples:
  - (1) alteration of interior partitions to improve livability in a #non-conforming residential building#, provided that no additional #dwelling units# are created thereby;
  - (2) a minor addition on the exterior of a #residential building#, such as an open porch;
  - (3) alteration of interior non-load-bearing partitions in all other types of #buildings or other structures#;
  - (4) replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits; or
- (b) Changes or replacements in the structural parts of a #building or other structure#, limited to the following examples or others of similar character or extent:

- (1) making windows or doors in exterior walls;
- (2) replacement of #building# facades;
- (3) strengthening the load-bearing capacity, in not more than 10 percent of the total #floor area#, to permit the accommodation of a specialized unit of machinery or equipment. To "alter incidentally" is to make an #incidental alteration#.

Amusement or recreation facilities

[NEW TERM]

An "amusement or recreation facility" is any establishment providing recreational or amusement activities not listed in the definitions of #health and fitness establishments# or #outdoor amusement park# or listed as other recreational or amusement #uses# in Use Group 8. Such #uses# include, but are not limited to, the following:

- (a) establishments providing recreational activities, such as pool halls, bowling alleys, table tennis, trampoline parks and skateboard parks; or
- (b) establishments providing a range of amusement activities, such as interactive or virtual reality attractions, arcades, escape rooms, laser tag, go-karts, and miniature golf.

Apartment hotel — see Hotel, apartment

\* \* \*

Block

A "block" is a tract of land bounded by:

- (a) #streets#;
- (b) #public parks#;
- (c) railroad rights-of-way, when located at or above ground level but not including sidings or spurs in the same ownership as the #zoning lot#;
- (d) airport boundaries;
- (e) pierhead lines (or shore lines where no pierhead lines have been established); or
- (f) corporate boundary lines of New York City.

**Commented [Z3]:** The Proposal would include a new term meant to broaden the range of amusement and recreation uses considered by the ZR. It would replace a number of outdated, specific uses listed throughout the current use groups like table tennis halls and model car hobby centers.

**Boatel**

A "boatel" is a #building# or group of #buildings# which:

- (a) — contains living or sleeping accommodations used primarily for transient occupancy; and
- (b) — is immediately accessible by boat.

\* \* \*

**Commercial**

[UPDATING TO REFLECT USE GROUP CHANGES]

A "commercial" #use# is any #use# listed in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 in the following Use Groups, depending on the district type:

| <u>District Type</u>             | <u>Use Group</u>            |
|----------------------------------|-----------------------------|
| <u>#Residence Districts#</u>     | <u>N/A</u>                  |
| <u>#Commercial Districts#</u>    | <u>4, 5, 6, 7, 8, 9, 10</u> |
| <u>#Manufacturing Districts#</u> | <u>4, 5, 6, 7, 8, 9</u>     |

Commercial building

A "commercial building" is a #building# used only for a #commercial use#.

**Commercial District**

A "Commercial District" includes any district whose designation begins with the letter "C."

For example, a "C4 District" includes any district whose designation begins with the symbol "C4."

C1 or C2 Districts mapped within #Residence Districts# are #Commercial Districts# and subject to the regulations of Article III.

**Community facility**

**Commented [Z4]:** The Proposal would remove the current "boatel" definition as it is anachronistic and no known boatels exist in the city.

**Commented [Z5]:** The Proposal would update this term to reflect the reorganization of the use groups.

**Commented [Z6]:** The Proposal would add language confirming that Commercial Overlays mapped over Residence Districts are first considered a Commercial District. This would help ensure the appropriate commercial regulations apply to these areas.

**Commented [Z7]:** The Proposal would update this term to reflect the reorganization of the use groups.

A "community facility" #use# is any #use# listed in Use Group 3 or 4 in the following Use Groups, depending on the district type:

| <u>District Type</u>             | <u>Use Group</u>  |
|----------------------------------|-------------------|
| <u>#Residence Districts#</u>     | <u>1, 3, 4, 8</u> |
| <u>#Commercial Districts#</u>    | <u>1, 3</u>       |
| <u>#Manufacturing Districts#</u> | <u>1, 3</u>       |

Community facility building

A "community facility building" is a #building# used only for a #community facility use#.

\* \* \*

Enlargement, or to enlarge

An "enlargement" is an addition to the #floor area# of an existing #building#, an increase in the size of any other structure, or an expansion of an existing #use#, including any #uses accessory# thereto, to an open portion of a #zoning lot# not previously used for such #use#.

To "enlarge" is to make an #enlargement#.

#### Expanded Transit Zone

[NEW TERM FOR THE PURPOSES OF STREETSCAPE / SOME PARKING & LOADING REGULATIONS. OTHER TERMS ARE EXISTING]

The "expanded Transit Zone" shall include:

- (a) the #Manhattan Core#, as defined in Section 12-10, with the exception of Governors Island and Roosevelt Island;
- (b) the #Transit Zone#, as defined in Section 12-10; and
- (c) the #Long Island City area#, as defined in Section 16-02.

Extension, or to extend

An "extension" is an increase in the amount of existing #floor area# used for an existing #use#, within an existing #building#.

**Commented [Z8]:** The Proposal would create this term to encompass the various parking geographies that exist in the ZR. It would be used in various provisions in the Proposal.

To "extend" is to make an #extension#.

\* \* \*

#### Health and fitness establishments

[UPDATING CROSS-REFERENCE]

A "health and fitness establishment" is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
  - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
  - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
- (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
- (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of ~~Sections 32-413 and 123-33~~ of paragraph (c) (2) of Section 32-163 and Section 123-33, as applicable.

For "physical culture or health establishments" existing on December 9, 2021, that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a "physical culture or health establishment" existing on December 9, 2021, may continue pursuant to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

\* \* \*

## Home occupation

[UPDATING ALLOWANCES, PER PROPOSAL]

- (a) A "home occupation" is an #accessory use# that is a home-based, small-scale business or activity which:
- (1) is clearly incidental to or secondary to the #residential use# of a #dwelling unit# or #rooming unit#;
  - (2) is carried on within a #dwelling unit#, #rooming unit#, or #accessory building# by one or more occupants of such #dwelling unit# or #rooming unit#, except that, in connection with the practice of a profession, one person up to three persons not residing in such #dwelling unit# or #rooming unit# may be employed; and
  - (3) occupies not more than ~~25 percent~~ 49 percent of the total #floor area# of such #dwelling unit# or #rooming unit# ~~and in no event more than 500 square feet of #floor area#.~~
- (b) In connection with the operation of a #home occupation#, it shall not be permitted:
- (1) to sell articles produced elsewhere than on the premises;
  - (2) to have exterior displays, or a display of goods visible from the outside;
  - (3) to store materials or products outside of a principal or #accessory building or other structure#;
  - (4) to display, in an R1 or R2 District, a nameplate or other #sign# except as permitted in connection with the practice of a profession;
  - (5) to make external structural alterations which are not customary for #residences#;  
or
  - (6) to produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects.
- (c) ~~#Home occupations# include, but are not limited to:~~
- ~~fine arts studios~~
  - ~~professional offices~~

**Commented [Z9]:** The Proposal would update the home occupation rules in the ZR. Changes would be in line with the current rules in a number of special purpose districts including the Special Lower Manhattan and Special Mixed Use districts.

The changes would permit a consistent size of home occupation citywide. It would also remove lists of permitted and restricted uses that have proven confusing and seem overly restrictive. Their removal would bring this definition in line with a number of existing special purpose districts. Permitted uses would be determined based on the limitations in (a) and (b).



teaching of not more than four pupils simultaneously, or, in the case of musical instruction, of not more than a single pupil at a time.

(d) However, ~~home occupations~~ shall not include:

~~advertising or public relations agencies~~

~~barber shops~~

~~beauty parlors~~

~~commercial stables or kennels~~

~~depilatory, electrolysis or similar offices~~

~~interior decorators' offices or workshops~~

~~ophthalmic dispensing~~

~~pharmacy~~

~~real estate or insurance offices~~

~~stockbrokers' offices~~

~~veterinary medicine.~~

\* \* \*

## Industrial floor space

### [UPDATING USES PER REFERENCE TO NEW TERM]

“Industrial floor space” is ~~floor area~~ or ~~cellar~~ space, excluding mechanical space and common space such as hallways, lobbies or stairways, with a minimum clear height from floor to ceiling of 15 feet, and allocated to ~~referenced commercial or manufacturing uses~~. ~~one or more of the manufacturing, semi-industrial or industrial uses listed in Use Groups 11A, 16A (excluding animal hospitals or kennels; animal pounds or crematoriums; automobile, motorcycle, trailer or boat sales, open or enclosed; crematoriums, human; motorcycle or motor scooter rental establishments; poultry or rabbit killing establishments, for retail sale on the same zoning lot only; riding academies, open or enclosed; stables for horses; and trade schools for adults), 16B, 16D (limited to wholesale establishments, with no limitation on accessory storage), 17 or 18A. Industrial floor space shall not include any diagnostic medical laboratories that receive patients.~~

**Commented [Z10]:** This term is used for provisions related to self-storage facilities. The Proposal would maintain the overall concept using the reorganized use groups. In doing so, it also would make the list consistent with other lists found in similar provisions, such as for Industrial Business Incentive Areas (IBIA).

\* \* \*

#### Joint living-work quarters for artists

##### [UPDATING CROSS-REFERENCE]

A "joint living-work quarters for artists" consists of one or more #rooms# in a #non-residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and the #artist's# household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- (b) by any household residing therein on September 15, 1986 whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- (c) by any person who is entitled to occupancy by any other provision of law.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph D. (~~Use Group 17—Special Uses in M1-5B Districts~~), 42-141 (~~Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts~~) 42-325 (Use regulations in M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) and 74-78 (Conversions of Non-residential Floor Area).

#### Land with minor improvements

"Land with minor improvements" is a tract of land or a #zoning lot# that:

- (a) does not contain any #building or other structure#; or
- (b) involves #buildings or other structures#, or other improvements, located underground or substantially at ground level, with a total assessed valuation, excluding land, of less than \$14,500 as of February 2, 2011, as determined from the assessment rolls in effect on the applicable date on which such #use# is changed, damaged or destroyed, or terminated, in accordance with the provisions of Sections 52-32, 52-52 or 52-72 (Land with Minor Improvements). The Chairperson of the City Planning Commission shall adjust this figure annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year.

\* \* \*

### Manhattan Core

The "Manhattan Core" is the area within Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.

### Manufacturing

A "manufacturing" #use# is any #use# listed in Use Group 17 or 18 in the following Use Groups, depending on the district type:

| <u>District Type</u>             | <u>Use Group</u> |
|----------------------------------|------------------|
| <u>#Residence Districts#</u>     | <u>N/A</u>       |
| <u>#Commercial Districts#</u>    | <u>N/A</u>       |
| <u>#Manufacturing Districts#</u> | <u>10</u>        |

### Manufacturing District

A "Manufacturing District" includes any district whose designation begins with the letter "M."

For example, an "M1" District includes any district whose designation begins with the symbol "M1."

### Mixed building

A "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial use#.

### Motel or tourist cabin

A "motel" or "tourist cabin" is a #building# or group of #buildings# which:

- (a) contains living or sleeping accommodations used primarily for transient occupancy; and
- (b) has individual entrances from outside the #building# to serve each such living or sleeping unit.

### Motor vehicle repair and maintenance shop, heavy or light

**Commented [Z11]:** The Proposal would update this term to reflect the reorganization of the use groups.

**Commented [Z12]:** The Proposal would create this term to replace a number of existing uses dealing with automotive repair (tire installation, mirror shops, etc).

It would reference NY state licensing requirements for heavier forms of vehicle repair shops. Those repair uses that are not required to register with the DMV would be able to locate in most Commercial Districts with a BSA special permit. Those that are required to register could only locate in C8 and M districts.

[NEW TERM]

A “heavy motor vehicle repair and maintenance shop” is an establishment that provides repair and maintenance services for automotive vehicles that is required to register with the Department of Motor Vehicles as a “motor vehicle repair shop” pursuant to the New York State Motor Vehicle Repair Shop Registration Act. All other establishments that provide repair and maintenance services for automotive vehicles shall be “light motor vehicle repair and maintenance shops.” However, these definitions shall not apply to #automotive service stations#.

Narrow street — see Street, narrow

Non-complying, or non-compliance

A "non-complying" #building or other structure# is any lawful #building or other structure# which does not comply with any one or more of the applicable district #bulk# regulations either on December 15, 1961 or as a result of a subsequent amendment thereto.

A "non-compliance" is a failure by a #non-complying building or other structure# to comply with any one of such applicable #bulk# regulations.

Non-conforming, or non-conformity

[UPDATES MADE TO REFLECT NEW CROSS-REFERENCED SECTIONS; TEXT IS UNCHANGED]

A "non-conforming" #use# is any lawful #use#, whether of a #building or other structure# or of a #zoning lot#, which does not conform to any one or more of the applicable #use# regulations of the district in which it is located, either on December 15, 1961, or as a result of any subsequent amendment thereto.

A #non-conforming use# shall result from failure to conform to the applicable district regulations on either permitted Use Groups or performance standards.

A #non-conformity# is a failure by a #non-conforming use# to conform to any one of such applicable #use# regulations.

However, no existing #use# shall be deemed #non-conforming#, nor shall a #non-conformity# be deemed to exist, solely because of any of the following:

- (a) the existence of less than the required #accessory# off-street parking spaces or loading berths;

- (b) the existence of #non-conforming accessory signs#; or
- (c) the existence of conditions in violation of the provisions of either Sections 32-41 and 32-42, relating to Supplementary Use Regulations, or Sections ~~32-51~~ 32-43 and ~~32-52~~ 32-433 relating to Special Provisions Applying along District Boundaries, or Sections ~~42-41~~ 42-51, ~~42-42~~ 42-52, ~~42-44~~ 42-53 and ~~42-45~~ 42-532, relating to Supplementary Use Regulations and Special Provisions Applying along District Boundaries.

Non-profit hospital staff dwelling

A "non-profit hospital staff dwelling" is a dwelling owned by a non-profit institution or subsidiary non-profit housing corporation and which contains #dwelling units# reserved exclusively for occupancy by members of the staff of a non-profit or voluntary hospital and their immediate family.

\* \* \*

Open space ratio

The "open space ratio" of a #zoning lot# is the number of square feet of #open space# on the #zoning lot#, expressed as a percentage of the #floor area# on that #zoning lot#. (For example, if for a particular #zoning lot# an #open space ratio# of 20 is required, 20,000 square feet of #floor area# in the #building# would necessitate 4,000 square feet of #open space# on the #zoning lot#; or, if 6,000 square feet of #lot area# were in #open space#, 30,000 square feet of #floor area# could be on that #zoning lot#.) Each square foot of #open space# per 100 square feet of #floor area# is referred to as one point.

Outdoor amusement parks

[NEW TERM]

An "outdoor amusement park" is a type of large-scale, open-air venue that offers a wide range of recreational attractions, rides, games and other forms of entertainment for visitors of all ages. An #outdoor amusement park# shall be unenclosed except for ancillary #buildings or other structures#.

Outer court — see Court, outer

\* \* \*

**Commented [Z13]:** The Proposal would include a new term meant to reflect a broad range of current outdoor amusement uses found in the ZR. This includes uses like "amusement parks", but also outdated concepts like "freak shows" and "dodgem scooters"

Referenced commercial and manufacturing uses

[NEW TERM]

“Referenced commercial and manufacturing uses” shall be a compiled list of #commercial# and #manufacturing uses# to be used in applying certain regulations. Such #uses# include:

From Use Group 1

agricultural #uses#

From Use Group 6B:

repair and maintenance #uses#

industrial drycleaning and laundry services

From Use Group 7:

laboratories

From Use Group 8:

art gallery and studio #uses#

From Use Group 10:

all #uses#

\* \* \*

Residential use

A "residential use" is any #use# listed in Use Group ~~1~~ or 2.

\* \* \*

Self-service storage facility

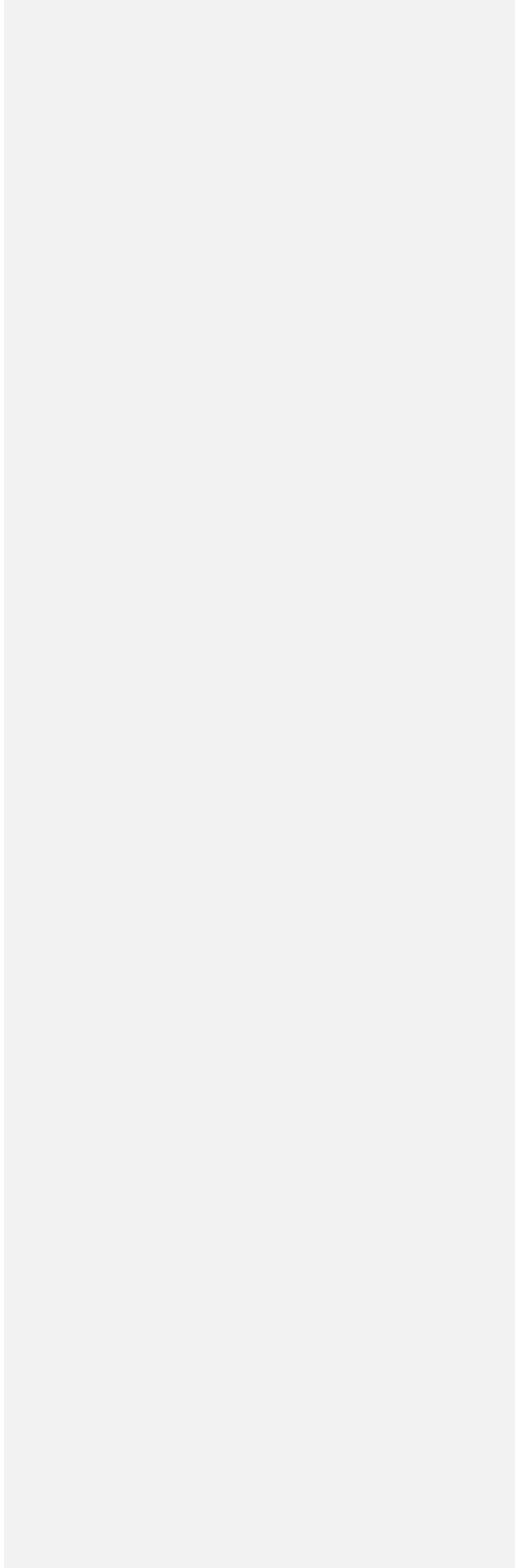
A “self-service storage facility” is a moving or storage office, or a warehouse establishment, as listed in Use Group ~~16D-9~~, for the purpose of storing personal property, where:

**Commented [Z14]:** The Proposal would create a common group of repair, heavy service, studio, laboratory, and production uses that can be referenced in a number of zoning provisions. This includes Industrial Business Incentive Areas (IBIA) and self storage facilities.

Having a common framework would make each of these provisions easier to comply with and enforce.

- (a) such facility is partitioned into individual, securely subdivided space for lease; or
- (b) such facility consists of enclosed or unenclosed floor space which is subdivided by secured bins, boxes, containers, pods or other mobile or stationary storage devices; and
- (c) such floor space or storage devices are less than 300 square feet in area and are to be leased or rented to persons or businesses to access, store or remove property on a self-service basis.

\* \* \*



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 I  
GENERAL PROVISIONS**

**Chapter 3  
Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core**

**13-00  
GENERAL PURPOSES**

\* \* \*

**13-04  
Applicability**

**13-041  
Applicability of parking regulations within the Manhattan Core**

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots#, #public parking garages# and automobile rental establishments, as listed in Use Group 8, in the #Manhattan Core#, as follows:

- (a) for #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to May 8, 2013, the number of parking spaces required or permitted shall be as set forth in Section 13-07 (Existing Buildings and Off-street Parking Facilities);
- (b) for #accessory# off-street parking facilities, automobile rental establishments and #public parking lots developed# or #enlarged# after May 8, 2013, the as-of-right number of parking spaces permitted in a parking facility shall be as set forth in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE). Special rules shall apply to all such #accessory# off-street parking spaces, automobile rental establishments and #public parking lots#, as set forth in Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES);
- (c) any increase in the number of off-street parking spaces in an #accessory# off-street parking facility or #public parking lot# resulting in a capacity not otherwise allowed under the applicable regulations of Section 13-10; or a new #public parking lot# in a

**Commented [Z1]:** Article I, Chapter 3 includes the special parking and loading requirements in the Manhattan Core.

The Proposal would make limited changes to the regulations in this chapter. Changes would mainly remove cross references to better align with the new streetscape framework or to the reflect the uses permitted in some zoning districts. Some cross references would also be updated.



location not permitted by Section 13-14 (Permitted Parking in Public Parking Lots), shall be permitted only by the City Planning Commission, pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces);

- (d) #public parking garages# #developed# or #enlarged# after May 8, 2013, shall not be permitted as-of-right. Any #development# or #enlargement# of such #public parking garages# shall only be permitted in C1-5, C1-6, C1-7, C1-8, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts by the City Planning Commission, pursuant to the applicable special permit in Section 13-45. Commercial vehicles may occupy spaces in permitted #public parking garages# in accordance with the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles).

### 13-042

#### Applicability of special permits within the Manhattan Core

The following special permits shall not be applicable within the #Manhattan Core#:

Section ~~73-48~~ 73-47 (Exceptions to Maximum Size of Accessory Group Parking Facilities);

~~Section 74-512 (In other Districts);~~ Section 74-193 (Public parking garages or public parking lots outside high density areas);

~~Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas)~~  
Section 74-194 (Public parking garages or public parking lots in high density central areas), except as set forth in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations); and

Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments), inclusive.

### 13-043

#### Applicability of loading regulations within the Manhattan Core

The provisions of Section 13-30 (OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE), inclusive, shall apply to all #accessory# off-street loading berths provided as part of #developments#, #enlargements#, #extensions# or changes of #use# within the #Manhattan Core# after May 8, 2013.

\* \* \*

Commented [Z2]: Updates to cross references.

### 13-12

#### Permitted Parking for Non-Residential Uses

Accessory off-street parking spaces are permitted for non-residential uses in developments or enlargements, as follows:

(a) Transient hotels

For transient hotel developments or enlargements, a maximum of 225 accessory off-street parking spaces shall be permitted. In no event may the number of parking spaces exceed 15 percent of the number of new transient hotel rooms;

(b) Hospitals

For hospital developments or enlargements, a maximum of 100 accessory off-street parking spaces are permitted;

(c) Retail uses

For developments or enlargements comprising commercial uses listed in Use Groups ~~6A, 6C or 10A~~ 6A, the maximum number of accessory off-street parking spaces permitted shall not exceed one space per 4,000 square feet of floor area, or 10 spaces, whichever is less;

(d) Other commercial, community facility and manufacturing uses

For developments or enlargements comprising community facility uses other than hospitals, commercial uses other than those listed in paragraphs (a) and (c) of this Section, or manufacturing uses, the maximum number of accessory off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such community facility, commercial or manufacturing floor area or 100 spaces, whichever is less.

### 13-13

#### Permitted Parking for Zoning Lots With Multiple Uses

Where a development or enlargement contains a combination of uses for which parking regulations are set forth in Sections 13-11 (Permitted Parking for Residences) and 13-12 (Permitted Parking for Non-Residential Uses), the number of accessory off-street parking spaces for all such uses shall not exceed the number of spaces permitted for each use in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 accessory off-street parking spaces.

### 13-14

### **Permitted Parking in Public Parking Lots**

#Public parking lots#, with a maximum capacity of 150 spaces, are permitted in C1, C2, C4, C5, C6, C7, C8, M1-5, M1-6, M2 and M3 Districts, except that:

- (a) no #public parking lots# shall be permitted within:
  - (1) the area shown on Map 1 (Area where public parking lots are not permitted in the midtown Manhattan Core) in Section 13-141;
  - (2) the area designated on Map 2 (Area where public parking lots are not permitted in the downtown Manhattan Core) in Section 13-141; and
  - (3) the Preservation Area of the #Special Clinton District#, as shown on the map in Appendix A of Article IX, Chapter 6; and
- (b) for M1-5 or M1-6 Districts, #public parking lots# shall only be permitted in the following locations:
  - (1) north of 42nd Street and west of 10th Avenue;
  - (2) west of Ninth Avenue between 17th Street and 30th Street; and
  - (3) south of Canal Street.

In such districts, the City Planning Commission may permit a #public parking lot# in a location not allowed by this Section pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces). Any such proposed #public parking lots# located in the Preservation Area of the #Special Clinton District# shall also be subject to the additional findings set forth in Section 96-111 (Off-street parking regulations).

### **13-141**

#### **Areas where public parking lots are not permitted**

#Public parking lots# shall not be permitted in the areas shown on the following maps, except where permitted by Section 13-45 (Special Permits for Additional Parking Spaces).

Map 1 — Area where public parking lots are not permitted in the midtown Manhattan Core



Map 2 — Area where public parking lots are not permitted in the downtown Manhattan Core



**13-15**

### **Permitted Parking for Automobile Rental Establishments**

Automobile rental establishments, as listed in Use Group 8, are permitted, provided that:

- (a) in C1 or C2 Districts, the number of automobiles that may be stored in such establishments shall not exceed 150 spaces;
- (b) in C4, C5, C6, C7 and C8 Districts, the number of automobiles that may be stored in such establishments shall not exceed 225 spaces; and
- (c) in M1, M2 and M3 Districts, the number of automobiles that may be stored in such establishments shall not exceed 300 spaces.

**Commented [Z3]:** Updates to reflect the Proposal's changes to the uses permitted in some zoning districts.

\* \* \*

### 13-20

#### SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

All #accessory# off-street parking facilities, automobile rental establishments, and #public parking lots# #developed#, #enlarged# or #extended# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

### 13-21

#### Public Use and Off-site Parking

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefor is made to the landlord.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

### 13-22

#### Applicability of Enclosure and Screening Requirements

[REMOVING CROSS-REFERENCE LIST AS IT IS REDUNDANT AND NOT COMPLETELY ACCURATE]

#### (a) Screening

~~In addition to the screening provisions of paragraph (a)(1) of Section 13-221 (Enclosure and screening requirements), the ground floor #use# provisions of the following Sections shall apply:~~

- ~~(1) Sections 32-431 (Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts) and 32-432 (Ground floor use in Community Board 7, Borough of Manhattan);~~
- ~~(2) Section 32-435 (Ground floor use in high density Commercial Districts);~~
- ~~(3) Sections 81-42 (Retail Continuity Along Designated Streets) and 81-531 (Special retail frontage requirements) in the #Special Midtown District#;~~
- ~~(4) Section 82-21 (Restrictions on Street Level Uses) in the #Special Lincoln Square District#;~~

**Commented [Z4]:** The Proposal would remove these provisions since they would be replaced by the new streetscape framework.

- (5) ~~Section 91-12 (Uses on Designated Retail Streets) and the applicable Sections of 91-41 (Regulations for Designated Retail Streets), inclusive, in the #Special Lower Manhattan District#;~~
- (6) ~~Section 95-08 (Special Use Regulations), inclusive, in the #Special Transit Land Use District#;~~
- (7) ~~Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (e), in the #Special Clinton District#;~~
- (8) ~~Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#;~~
- (9) ~~Section 99-03 (Special Use Regulations), inclusive, in the #Special Madison Avenue Preservation District#;~~
- (10) ~~Sections 109-11 (Special Use Regulations), inclusive, and 109-21 (Use Regulations), inclusive in the #Special Little Italy District#; and~~
- (11) ~~Section 132-20 (SPECIAL USE REGULATIONS), inclusive, in the #Special Enhanced Commercial District#.~~

(b) ~~Transparency~~

~~The transparency provisions of paragraph (a)(2) of Section 13-221 shall not apply to portions of ground floor level #street walls# that are subject to the following Sections:~~

- (1) ~~Section 32-435 (Ground floor use in high density Commercial Districts);~~
- (2) ~~Section 81-42 (Retail Continuity Along Designated Streets) in the #Special Midtown District#;~~
- (3) ~~Section 82-23 (Street Wall Transparency) in the #Special Lincoln Square District#;~~
- (4) ~~Section 91-412 (Access and glazing of required retail space) in the #Special Lower Manhattan District#;~~
- (5) ~~Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (e), in the #Special Clinton District#;~~
- (6) ~~Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#; and~~
- (7) ~~Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS AND STREET~~

WALL LOCATION), inclusive, in the #Special Enhanced Commercial District#.

[RELOCATING FROM SECTION 13-221. REMOVING SCREENING AS LARGELY DUPLICATIVE WITH STREETScape PROPOSAL IN SECTION 32-30]

- (a) #Accessory# off-street parking facilities and automobile rental establishments

All #accessory# off-street parking spaces shall be located within a #completely enclosed# #building#, with the exception of parking spaces #accessory# to a hospital, as listed in Use Group 3B, and as provided in Section 13-45 (Special Permits for Additional Parking Spaces). In addition, off-street parking spaces associated with an automobile rental establishment shall be located within a #completely enclosed building#.

The applicable streetscape provisions of Section 32-30, inclusive, shall apply to #ground floor level# portions of such facilities.

- (b) #Public parking lots# and certain permitted #accessory# parking lots

#Public parking lots# and open parking spaces #accessory# to a hospital shall provide screening in accordance with the provisions of 37-921 (Perimeter landscaping).

### **13-221**

#### **Enclosure and screening requirements**

- (a) ~~— #Accessory# off street parking facilities~~

~~All #accessory# off street parking spaces shall be located within a #completely enclosed# #building#, with the exception of parking spaces #accessory# to a hospital, as listed in Use Group 4, and as provided in Section 13-45 (Special Permits for Additional Parking Spaces). In addition, such parking facilities shall comply with the following provisions:~~

- ~~(1) — Screening~~

~~Any portion of an #accessory# off street parking facility that is located above #curb level# shall comply with the applicable parking wrap and screening provisions set forth in Section 37-35.~~

- ~~(2) — Transparency~~

~~Portions of ground floor #commercial# and #community facility# #uses# screening the parking facility in accordance with the provisions of paragraph (a) of Section 37-35 shall be glazed with transparent materials in accordance with Section 37-34.~~

~~For #zoning lots# with multiple #street wall# frontages, the transparency~~



provisions of this paragraph, (a)(2), need not apply to #street walls# that are located entirely beyond 100 feet of any portion of the #accessory# parking facility, as measured in plan view, perpendicular to such parking facility.

(b) ~~Automobile rental establishments~~

~~All off-street parking within an automobile rental establishment shall be located within a #completely enclosed# #building# and shall comply with the screening provisions of paragraph (a) of this Section. #Accessory# office space and customer waiting areas associated with such establishments shall constitute #commercial floor area# for the purposes of such screening requirement.~~

(c) ~~#Public parking lots# and certain permitted #accessory# parking lots~~

~~#Public parking lots# and open parking spaces #accessory# to a hospital shall provide screening in accordance with the provisions of 37-921 (Perimeter landscaping).~~

\* \* \*

13-24

**Curb Cut Restrictions**

[REMOVING CROSS-REFERENCE LIST AS IT IS REDUNDANT AND NOT COMPLETELY ACCURATE]

In addition to the provisions of this Section, inclusive, additional restrictions on curb cuts in the #Manhattan Core# are found in the following Special Purpose Districts:

- (a) ~~the #Special Midtown District#, as set forth in Sections 81-44 (Curb Cut Restrictions) and 81-675 (Curb cut restrictions and loading berth requirements);~~
- (b) ~~the #Special Lincoln Square District#, as set forth in paragraph (b) of Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);~~
- (c) ~~the #Special Battery Park City District#, as set forth in Sections 84-144 (Location of curb cuts) and 84-343 (Curb cuts);~~
- (d) ~~the #Special Lower Manhattan District#, as set forth in Section 91-52 (Curb Cut Regulations);~~
- (e) ~~the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-street Parking Spaces);~~
- (f) ~~the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-street Parking and Curb Cuts);~~

**Commented [Z5]:** The Proposal would remove this list as it has been found difficult to maintain over time as new districts are added. This would have no impact on the rules themselves. They would all still apply.

- (g) ~~the #Special Clinton District#, as set forth in paragraph (f) of Section 96-21 (Special Regulations for 42nd Street Perimeter Area);~~
- (h) ~~the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-street Parking Regulations); and~~
- (i) ~~the #Special Little Italy District#, as set forth in Section 109-351 (Curb cut regulations).~~

\* \* \*

**13-30**  
**OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE**

[REMOVING CROSS-REFERENCE LIST AS IT IS REDUNDANT AND NOT COMPLETELY ACCURATE]

All ~~#accessory#~~ off-street loading berths provided ~~as part of #developments#, #enlargements#, #extensions# or changes of #use#~~ in the ~~#Manhattan Core#~~ after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

~~In addition to the provisions of this Section, additional restrictions on loading berths in the #Manhattan Core# are found in the following Special Purpose Districts:~~

- (a) ~~the #Special Midtown District#, as set forth in Sections 81-311 (Prohibitions of off street parking or off street loading facilities), 81-44 (Curb Cut Restrictions), 81-675 (Curb cut restrictions and loading berth requirements) and 81-84 (Mandatory Regulations and Prohibitions);~~
- (b) ~~the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);~~
- (c) ~~the #Special Battery Park City District#, as set forth in Sections 84-143 and 84-342 (Off-street loading); and~~
- (d) ~~the #Special Lower Manhattan District#, as set forth in Sections 91-52 (Curb Cut Regulations) and 91-53 (Waiver of Requirements for Accessory Off-street Loading Berths).~~

**13-31**  
**Modification of Minimum Size of Loading Berth**

[REMOVING AS MODIFICATION IS MADE TO UNDERLYING]

**Commented [Z6]:** The Proposal would make these changes applicable citywide so they would no longer be needed in this chapter. In addition, the list of loading dock rules would be removed as they have been found to be difficult to maintain over time.

For all permitted or required ~~#accessory#~~ loading berths, the minimum length requirements for hospitals and related facilities or prisons; hotels, offices or court houses; ~~#commercial# #uses#~~; and wholesale, ~~#manufacturing# or storage #uses#~~, set forth in Sections ~~36-681~~ (Size of required berths) and ~~44-581~~ (Size of required loading berths), shall be 37 feet.

**~~13-32~~**

**13-31**

**Floor Area Exemption**

In addition to the ~~#floor area#~~ exemption for ~~#accessory#~~ off-street loading berths set forth in Section 12-10 (DEFINITIONS), for ~~#buildings#~~ with a total ~~#floor area#~~ in excess of 100,000 square feet, up to 300 square feet of floor space may be exempted from the definition of ~~#floor area#~~ where such ~~#buildings#~~ allocate a permanent space for dumpster storage, and such storage space has a minimum dimension of 12 feet by 25 feet. Such dumpster storage space shall be adjacent to a ~~#building's#~~ loading berth.

**13-33**

**~~Modification of Provisions for a Zoning Lot With Uses Subject to Different Loading Requirements~~**

[REMOVING, AS MODIFICATION IS MADE TO UNDERLYING]

The provisions of Sections ~~36-63~~ and ~~44-53~~ (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) shall not apply.

**~~13-34~~**

**13-32**

**Location of Access to the Street**

In addition to the provisions of Sections 25-75, ~~36-682~~ 36-662 and ~~44-582~~ 44-562 (Location of access to the street), no entrance or exit to an ~~#accessory#~~ off-street loading berth shall be located on a ~~#street#~~ with a roadbed width that is less than 20 feet, as measured curb to curb.

**~~13-35~~**

**13-33**

**Modification of Loading Berth Requirements**

The provisions of Sections 25-75 (Location of Access to the Street), ~~36-65~~ 36-63 and ~~44-55~~ 44-53 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall be modified to allow the Commissioner of Buildings to reduce or waive the applicable loading berth requirements, provided that:

**Commented [Z7]:** The Proposal would make this provision, which makes it easier for buildings with multiple uses to meet the loading requirements, applicable citywide so it would no longer be needed in this chapter. See 36-00 and 44-00 for more information.

- (a) the #zoning lot# only has frontage upon a #street#, or portion thereof, where curb cuts or entrances and exits to #accessory# off-street loading berths are not permitted;
- (b) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:
  - (1) a #building#, existing on May 8, 2013, containing #residences# ;
  - (2) a #non-residential building#, existing on May 8, 2013, that is three or more #stories# in height; or
  - (3) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or
- (c) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

In the case of paragraph (c), as set forth in this Section, the Commissioner shall require a loading berth of not less than 33 feet in depth, if such a berth can be accommodated in consideration of the relevant site restraints. The Commissioner of Buildings may request reports from licensed engineers or registered architects in considering such reduction or waiver.

**13-40  
CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE  
MANHATTAN CORE**

\* \* \*

**13-43  
Certifications in the Manhattan Core**

**13-431  
Reduction of minimum facility size**

An off-street parking facility in the #Manhattan Core# may provide a gross unobstructed surface area less than the minimum size required by Section 13-27 (Minimum and Maximum Size of Parking Facilities) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where

applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. In order to make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

Where the Chairperson certifies that an #accessory# off-street parking facility may be reduced in size because vehicles will be limited in length, such restriction shall be noted on the certificate of occupancy.

### 13-432

#### Floor area exemption for automated parking facilities

Floor space used for off-street parking spaces in an #accessory automated parking facility#, up to a height of 40 feet above #curb level#, shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission to the Commissioner of Buildings that:

- (a) the entire #automated parking facility# will be contained within a #completely enclosed# #building#;
- (b) the portion of the #street wall# of such #automated parking facility# below a height of 14 feet, as measured above #curb level#, complies with the screening provisions of Section ~~13-221~~ 13-22 (Enclosure and ~~screening requirements~~ Screening Requirements), and the portion of the #street wall# above a height of 14 feet, will be similar in composition to the portion of the #building's# #street wall# immediately above such #automated parking facility#, including, but not limited to, the choice of building materials and arrangement and amount thereof; and
- (c) such #automated parking facility# is within a #building# with a #floor area ratio# of at least 2.0.

Any application for such certification shall include relevant plan, elevation and section drawings demonstrating compliance with the provisions of this Section.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

### 13-44

#### Authorizations in the Manhattan Core

### 13-441

#### **Curb cuts**

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street#, provided the Commission finds that a curb cut at such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# or public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### 13-442

#### **Limited increase in parking spaces for existing buildings without parking**

The City Planning Commission may, by authorization, allow an off-street parking facility in the #Manhattan Core# with a maximum capacity of 15 spaces in an existing #building developed# without the provision of parking, provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met.

(a) Conditions

As a condition for approval, the parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES), except that such parking facility need not comply with the provisions of Section ~~13-221~~ 13-22 (Enclosure and ~~screening requirements~~ Screening Requirements).

(b) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public

facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (4) such parking facility will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **13-443**

##### **Reduction in the number of required existing parking spaces**

For off-street parking facilities built prior to May 8, 2013, the City Planning Commission may authorize a reduction in the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **13-45**

##### **Special Permits for Additional Parking Spaces**

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the conditions of paragraph (b) and the findings of paragraphs (c) and (d) of this Section.

- (a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

- (1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:

- (i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or
  - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07 (Existing Buildings and Off-street Parking Facilities);
- (2) #public parking lots#, where such facilities:
- (i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;
  - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07; or
  - (iii) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking in Public Parking Lots);
- (3) #public parking garages#, where such facilities:
- (i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or
  - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces pursuant to the provisions of Section 13-07.

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section 12-10.

(b) Conditions

The proposed parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES). Proposed #public parking garages# shall utilize the applicable regulations for #accessory# off-street parking facilities. However, applications to increase the number of parking spaces in parking facilities existing prior to May 8, 2013, need not comply with the provisions of Section ~~13-221~~ 13-22 (Enclosure and ~~screening requirements~~ Screening Requirements).

(c) Findings



The Commission shall find that:

- (1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
- (5) such parking facility will not be inconsistent with the character of the existing streetscape.

(d) Additional findings

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

- (1) Section 13-451 (Additional parking spaces for residential growth) shall apply to any such parking facility serving the parking needs of a predominantly #residential# #development# or #enlargement# on a tract of land that has or will have an area of less than 1.5 acres;
- (2) Section 13-452 (Additional parking spaces for health care, arts or public assembly uses) shall apply to any such parking facility serving the parking needs of any #use# listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;
- (3) Section 13-453 (Additional parking spaces for economic development uses) shall apply to any such parking facility serving the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;
- (4) Section 13-454 (Additional parking spaces for large development sites) shall apply to any such parking facility serving the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land

that has or will have an area of at least 1.5 acres; or

- (5) Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) shall apply to any such #accessory# parking facility existing prior to May 8, 2013.

In determining the amount of additional parking spaces to grant pursuant to such additional findings, the Commission may take into account levels of vacancy in existing off-street parking facilities within the area of the proposed parking facility.

### **13-451**

#### **Additional parking spaces for residential growth**

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential# #development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that either:

- (a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:
  - (1) the increase in the number of #dwelling units# ; and
  - (2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45; or
- (b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:
  - (1) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or
  - (2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**13-452**

**Additional parking spaces for health care, arts or public assembly uses**

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility would serve the parking needs of a health care, arts or public assembly #use#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) the proposed parking facility is either in close proximity to or on the same #zoning lot# as one or more of the following #uses# :
  - (1) ~~a hospital or related facility~~ Health Institutions and Facilities, as listed in ~~Use Group 4~~ Use Group 3;
  - (2) a museum, as listed in Use Group 3;
  - (3) a theater, as listed in Use Group 8, or other performing arts venue; or
  - (4) an arena, auditorium, trade exposition or stadium, as listed in Use Group ~~12~~ 8 or, where permitted by special permit, pursuant to Section ~~74-41~~ 74-182 or other government agency approvals;
- (b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such health care, arts or public assembly #use#, and
- (c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# health care, arts or public assembly #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new health care, arts or public assembly #uses#, such measures shall be committed to in a form acceptable to the Commission.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

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 I  
GENERAL PROVISIONS**

**Chapter 5  
Residential Conversion within Existing Buildings**

**15-00  
GENERAL PURPOSES**

\* \* \*

**15-02  
General Provisions**

**15-021  
Special use regulations**

[REMOVING UNNECESSARY TEXT]

- (a) ~~In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in #buildings# erected prior to December 15, 1961, shall be considered conforming. Such #uses# may be extended within such #buildings#.~~
- (b)(a) In C6-2M and C6-4M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all new #uses# listed in ~~Use Groups 17B or E~~ Use Group 10 are permitted as-of-right in #buildings# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location Within Buildings).
- (b) 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 for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# 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 on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

**Commented [Z1]:** Article I Chapter 5 includes the provisions for converting existing buildings to residences.

The Proposal would make limited changes to this chapter. The chapter's home occupation provisions would be removed to reflect the updated home occupation provisions that would apply citywide. In addition, a list of commercial and manufacturing uses that applies in some situations would be brought into alignment with other similar uses found in the ZR. These changes are noted more specifically in the text.

In addition, some cross references would be updated.

**Commented [Z2]:** Removing duplicative text that is already found in Commercial District use regulations.

All #dwelling units# permitted pursuant to this paragraph (c) shall be required to comply with the requirements of Sections 15-22 (Number of Permitted Dwelling Units) or 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) where applicable, and with Section 15-23 (Light and Air Provisions).

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES) #referenced commercial and manufacturing uses#, the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

- (1) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;
- (2) ~~any #use# listed in Section 15-60~~ #referenced commercial and manufacturing uses# which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of two years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;
- (3) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95 percent of the amount of #floor area# in the #dwelling unit# previously occupied; and
- (4) as a result of such action by the Chairperson, #residential uses# will be located on #stories# above #manufacturing# #uses#.

~~(d)~~(c) 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 determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.
- (2) in any #building# for which an alteration application for conversion of #floor

area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph ~~(d)~~ (c) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

~~(d)~~(d) In C6-1G and C6-2G Districts, in all #manufacturing# and #commercial# #buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts). However, if the Chairperson determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.

~~(e)~~(e) In C8 and M1 Districts, no new #dwelling units# are permitted. However, within such districts in the following areas:

- (1) Areas in Brooklyn Community District 1
  - (i) bounded by South 10th Street, Berry Street, Division Avenue and Wythe Avenue;
  - (ii) bounded by South 6th Street, Broadway, Driggs Avenue, South 8th Street and Wythe Avenue;
  - (iii) bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street;
  - (iv) bounded by North 4th Street, Berry Street, North 3rd Street and Wythe Avenue;
  - (v) bounded by Metropolitan Avenue, Havemeyer Street, Hope Street and Roebling Street; and
- (2) Area in Brooklyn Community District 2, bounded by Water Street, Washington Street, Plymouth Street, Bridge Street, Front Street, Jay Street, York Street, Washington Street, Front Street and Dock Street;

#dwelling units# which the Commissioner of the Department of Buildings determines were occupied on June 4, 1981, and are located in a #building# in which more than 45

percent of the #floor area# consists of #dwelling units# that were occupied on June 4, 1981, shall be a permitted #use#, provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than May 30, 1986.

Such a determination of #residential# occupancy on June 4, 1981, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

#### 15-022

##### Location within building

#Dwelling units# #converted# under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).

#### 15-023

##### Notice to residential tenants in mixed use buildings

The owner or developer of a #building# #converted# under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing# #uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:

- (a) such #dwelling units# are located in a #building# containing #commercial# or #manufacturing# #uses# which the City is committed to maintain; and
- (b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.

#### 15-024

##### Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

- (a) The minimum size, #yard# and density requirements of Sections 15-111, 15-22, 43-17 and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010), may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#:
  - (1) existing on September 1, 1980, for which a determination of #residential# or

Commented [Z3]: The Proposal makes no changes to this section except for updates to cross references.

~~paragraph (b) of Sections~~ Section 15-021, paragraph (e) paragraph (a) of Section 15-215, paragraph (a) of Section 42-133, paragraph (a), paragraph (b) of Section 42-141, paragraph (b) or Section 74-782; or

- (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (3) that the Loft Board determines were occupied for residential use or as joint living-work quarters for artists on September 1, 1980.

- (b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, dwelling units or joint living-work quarters for artists described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and loft dwellings may not be divided subsequently into dwellings that do not meet the requirements of Section 111-40.

No building that meets the density requirements of Section 15-111 or paragraph (c) of Section 111-40, may subsequently add additional units or quarters except in accordance thereof. No building to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111.

- (c) In lieu of the stated minimum size, yard, and density requirements of Sections 15-111, 15-22, 43-17 and 111-40, the following regulations shall apply:
- (1) The minimum size of a dwelling unit, joint living-work quarters for artists, or loft dwelling may be no less than 415 square feet of floor area, provided that all of the following requirements are met:
    - (i) the unit or quarters shall contain one or more windows that open onto a street or 30 foot yard;
    - (ii) the area of such required window shall be not less than eight percent of the floor area of the unit or quarters and 50 percent of the area of such required window shall be openable; and
    - (iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or
  - (2) The minimum size of a dwelling unit, joint living-work quarters for artists, or loft dwelling may be no less than 600 square feet of floor area, provided that all of the following requirements are met:



- (i) the unit or quarters shall contain one or more windows that open onto either:
  - (a) a 10 foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#;
  - (b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#;
  - (c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
  - (d) a #street#;
- (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
- (iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;
- (iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;
- (v) the average width of such unit or quarters shall be no less than 14 feet; and
- (vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

**15-10  
REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS**

\* \* \*

**~~15-13  
Special Home Occupation Provision~~**

[ELIMINATING – UNNECESSARY BECAUSE OF CHANGES TO 12-10 DEFINITION]

- (a) ~~In C6 Districts, the #home occupation# provisions of Section 12-10 (DEFINITIONS– Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#.~~

**Commented [Z4]:** The Proposal would update the citywide home occupation provisions in Section 12-10. Since the new standards would be in line with the current requirements here, this section would no longer be needed and would be removed.

~~(b) In C5 and C6 Districts, in Manhattan, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the #home occupation# provisions of Section 12-10 shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#.~~

~~In addition:~~

- ~~(1) businesses operated as #home occupations# may have up to three non-#residential# employees; and~~
- ~~(2) notwithstanding the listing of specific #uses# prohibited in the definition of #home occupations# in Section 12-10, a #home occupation# may include any permitted #commercial# #use#, except beauty parlors, veterinary medicine and those #uses# listed in Use Group 12.~~

~~Such #home occupation# may occupy more than 500 square feet of #floor area# and, for the purposes of this Section, mezzanines shall be counted as #floor area#.~~

## 15-20 REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

### 15-21 Use Regulations — Transfer of Preservation Obligations and Conversion Rights

\* \* \*

### 15-212 Reduced floor area preservation

[REPLACING 15-60 LIST WITH DEFINED TERM LIST]

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing# #use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by a #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES) #referenced commercial or manufacturing uses#, and subject to the following conditions:

- (a) Where the preserved #floor area# is occupied by an existing #commercial# or

~~#manufacturing# #use#~~ for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by ~~a #use# listed in Section 15-60 #referenced commercial and manufacturing uses#~~, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of New York County.

Such lease shall:

- (1) be for a period of not less than three years from the date of application for such certification with provision for two years renewal at the tenant's option; and
  - (2) not be subject to cancellation by the landlord.
- (b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for ~~a #use# listed in Section 15-60 #referenced commercial and manufacturing uses#~~ for a period of five years from the date of such certification.
- (c) Where the preserved #floor area# will be occupied by ~~a #use# listed in Section 15-60 #referenced commercial and manufacturing uses#~~ but no such tenant is yet occupying the #floor area#, the owner shall covenant to preserve such #floor area# for ~~a #use# listed in Section 15-60 #referenced commercial and manufacturing uses#~~, in the legal commitment required pursuant to Section 15-214.

TABLE I  
FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS  
REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED  
COMMERCIAL OR PERMITTED MANUFACTURING USE\*

| #Lot area#  | Percentage of #building's# total #floor area#<br>to be preserved  |
|---|---|
| less than 5,000 sq. ft.                               | one floor, plus, in #buildings# of more than 6<br>#stories#,<br>25% of the #floor area#<br>in excess of 6 #stories# |
| 5,000 sq. ft. or more but<br>less than 10,000 sq. ft. | 33.3  |
| 10,000 sq. ft. or more                                | 50.0  |

TABLE II

FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS  
 REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED  
 COMMERCIAL OR PERMITTED MANUFACTURING USE\*

| #Lot area#  | Percentage of #building's# total #floor area# to<br>be preserved  |
|---|---|
| less than 5,000 sq. ft.                               | one floor, plus, in #buildings# of more than 6<br>#stories#,<br>25% of the #floor area#<br>in excess of 6 #stories# |
| 5,000 sq. ft. or more but<br>less than 10,000 sq. ft. | 50  |
| 10,000 sq. ft. or more                                | 50  |

\* All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#.

\* \* \*

**15-22**

**Number of Permitted Dwelling Units**

- (a) In #buildings# where #floor area# is #converted# to #residences# under Section 15-21 (Use Regulations — Transfer of Preservation Obligations and Conversion Rights) where there is more than one #dwelling unit# per #story#, there shall be a minimum #dwelling unit# size of 1,200 square feet of interior #floor area# unless modified pursuant to Section 15-30 (MINOR MODIFICATIONS).

However, the minimum #dwelling unit# size requirement may be replaced by the requirements of Section 15-026 for #dwelling units# existing on September 1, 1980:

- (1) for which the Chairperson of the City Planning Commission has made a determination of #residential# occupancy on September 1, 1980, pursuant to paragraph (b) of Section 15-021, ~~paragraph (e)~~ or Section 15-215; or
- (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (3) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Dwelling units# existing on September 1, 1980 may not be subsequently divided into units of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

- (b) For the purposes of this Section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

#### 15-23

##### Light and Air Provisions

- (a) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.
- (b) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.
- (c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one-fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of paragraph (a) of this Section, measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

#### 15-24

##### Open Space Equivalent

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be provided for recreational #use#. For each additional #dwelling unit#, 100 square feet of additional roof area shall be provided for recreational #use#, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 15-30 (MINOR MODIFICATIONS).

**15-25**

**Home Occupations**

[ELIMINATING – UNNECESSARY BECAUSE OF CHANGES TO 12-10 DEFINITION]

A ~~home occupation~~ may occupy a ~~dwelling unit~~ as an ~~accessory use~~ in excess of the ~~floor area~~ limitations of Section 12-10 (DEFINITIONS), and subject to the following:

- (a) ~~Businesses operated as home occupations may have up to three non-residential employees.~~
- (b) ~~In addition to the uses listed in Section 12-10, a home occupation may include a permitted commercial or permitted manufacturing use. It shall not include the sale of merchandise produced elsewhere.~~
- (c) ~~The Commissioner of Buildings may issue rules and regulations setting forth appropriate standards to implement the intent of this Section.~~

**Commented [Z5]:** The Proposal would update the citywide home occupation provisions in Section 12-10. Since the new standards would be in line with the current requirements here, this section would no longer be needed and would be removed.

**15-26 15-25**

**Collection of Residential and Commercial Refuse**

All ~~residential~~ trash shall be consolidated with the trash from the ~~commercial~~ or ~~manufacturing~~ ~~use~~ tenants and collected in the same manner as the trash from such ~~commercial~~ or ~~manufacturing~~ tenants. Such collection shall be the responsibility of the owner of the ~~building~~ or portion thereof.

\* \* \*

**15-50**

**SPECIAL PERMIT**

**15-51**

**Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts**

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of ~~paragraph (d) of Sections Section 15-021 paragraph (e), or Section 15-21~~ in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts).

**Commented [Z6]:** The Proposal would make updates to this use list to reflect the updated use groups and to align it with similar lists found elsewhere in the ZR.

This list of uses applies in zoning districts that require the preservation of non-residential space before space can be converted to residences. The list includes a variety of business services, labs, studios, storage, and light production uses.

The Proposal would maintain this general framework using the new use groups. In doing so, it also would make the list more consistent with those found in similar provisions, such as for Industrial Business Incentive Areas (IBIA).

**15-60**

**REFERENCED COMMERCIAL AND MANUFACTURING USES**

The following #uses# shall be applicable to Sections 15-021, 15-212 and 73-53.

[CREATING TERM "REFERENCED COMMERCIAL AND MANUFACTURING USES" IN  
12-10. UNIFYING WITH OTHER SIMILAR LISTS]

~~In Use Group 7B:~~

~~Exterminators~~

~~Gun repair~~

~~Sailmaking establishments~~

~~Taxidermists' shops~~

~~Trade embalmers~~

~~Window cleaning contracting establishments~~

~~In Use Group 8B:~~

~~Upholstering shops~~

~~In Use Group 9A:~~

~~Blueprinting or photostatting establishments~~

~~Medical or dental laboratories~~

~~Musical instrument repair shops~~

~~Plumbing, heating or ventilating equipment showrooms~~

~~Printing establishments~~

~~Studios — art, music, dancing or theatrical~~

~~Typewriter or other small business machine sales, rental or repairs~~

~~Umbrella repair shops~~

~~In Use Group 9B:~~

~~Hair products for head wear, wholesaling~~

~~In Use Group 10A:~~

~~Depositories for storage of office records, etc.~~

~~Photographic or motion picture production studios, radio or television studios.~~

~~In Use Group 10B:~~

~~All #uses#~~

~~In Use Group 11A:~~

~~All #uses#~~

~~In Use Group 11B:~~

~~All #uses#~~

~~In Use Group 16A:~~

~~Blacksmith shops~~

~~Carpentry, custom woodworking or furniture making shops~~

~~Electrical, glazing, heating, painting, paperhanging, plumbing, roofing or ventilating contractor=s establishments~~

~~Household or office equipment or machinery repair shops~~

~~Machinery rental or sales establishments~~

~~Mirror silvering or glass cutting shops~~

~~Poultry or rabbit killing establishments~~

~~Sign painting shops~~

~~Silver plating shops~~

~~Soldering or welding shops~~

~~Tool, die or pattern making establishments or similar small machines~~

~~In Use Group 16D:~~

~~Carpet cleaning establishments~~



~~Dry cleaning or cleaning and dyeing establishments~~

~~Laundries~~

~~Linen, towel or diaper supply establishments~~

~~Moving or storage offices~~

~~Packing or crating establishments~~

~~Photographic developing or printing establishments~~

~~Warehouses~~

~~Wholesale establishments~~

~~In Use Group 17A:~~

~~Building material and contractor's yards~~

~~Produce or meat markets, wholesale~~

~~In Use Group 17B:~~

~~All #uses#~~

~~In Use Group 17C:~~

~~Trucking terminals or motor freight stations~~

\* \* \*

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 II  
 RESIDENCE DISTRICT REGULATIONS**

**Chapter 2  
 Use Regulations**

**22-00  
 GENERAL PROVISIONS**

[TEXT REORGANIZED TO REFLECT PROPOSAL;  
 VARIOUS PROVISIONS INCORPORATED INTO SECTIONS 22-10 AND 22-18]

In order to carry out the purposes and provisions of this Resolution, the ~~uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4 and 6C, including each #use# listed separately therein, are permitted in #Residence Districts# as indicated in Sections 22-11 through 22-15.~~

The following chart sets forth the Use Groups permitted in the ~~Residence Districts#.~~

**USE GROUPS PERMITTED IN RESIDENCE DISTRICTS**

|   | Use Groups  |   |                      |   |
|---|-------------|---|----------------------|---|
|   | Residential |   | Community Facilities |   |
|   | 1           | 2 | 3                    | 4 |
| <b>Districts</b>  |             |   |                      |   |
| <del>#Single family# #detached# #residences#</del> R1 R2                              | *           |   | *                    | * |
| <del>#Single # and #two family# #detached# and #zero lot line# #residences#</del> R3A | *           | * | *                    | * |
|   |             |   |                      |   |

**Commented [Z1]:** Article II, Chapter 2 contains the use regulations for Residence Districts. The Proposal would make significant textual revisions to this chapter, but they would have limited practical effect..

Primarily, the Proposal would reorganize the current uses in the 18 "use groups " into 10 categories that better reflect the land use activities that occur in the city (eg, housing, retail/service, storage, production, etc). While this change would not, on its own, change any zoning regulations, it would make it easier to understand what rules apply. Many other sections of the chapter would also be reorganized into this new framework so they are easier to find.

Second, the Proposal would include paths, through CPC approval, for small-scale commercial uses to locate in Residence Districts and for laboratories to locate on community facility campuses.

Specific changes are highlighted in the chapter. Various cross references would also be updated.

|   |                   |   |   |   |   |
|---|-------------------|---|---|---|---|
| #Single # and #two-family# #detached#<br>#residences#   | R3X<br>R4A<br>R5A | * | * | * | * |
| #Single # and #two-family# #detached#<br>and #semi-detached# #residences#                     | R3-1              | * | * | * | * |
| #Single # and #two-family#<br>#detached#, #semi-detached# and #zero-lot<br>line# #residences# | R4-1              | * | * | * | * |
| #Single # and #two-family# #residences#<br>of all types                                       | R4B               | * | * | * | * |
| General #residences#*   | R3-2<br>R4-R10    | * | * | * | * |

\* ——— #Zero lot line buildings# are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B and R5D) 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 #uses# listed in the various Use Groups set forth in Sections 22-11 through 22-15, are also listed in alphabetical order in the Index of Uses in APPENDIX A for the convenience of those using this Resolution. Whenever there is any difference in 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.

Use Group 6C, limited to docks for ferries and water taxis, as specified in Section 22-15, is permitted in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 22-21 (Findings Required for Variances), that operates a #sidewalk cafe# pursuant to the provisions of Article I, Chapter 4, may be #enlarged# into any open area that may exist between the #street wall# and the #street line#.

For the purposes of this Chapter, any #residence# and any #accessory# #building# #abutting# such #residence# on the same #zoning lot# shall be considered a single #building#.

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 10 separate Use Groups with similar characteristics. Use Groups 1,

**Commented [Z2]:** This section would lay out how the use regulations for Residence Districts are organized so as to make them easier to find. The Proposal would make significant textual revisions to sections 22-10 through 22-20, but the signage rules in 22-30 would remain unchanged.

2, 3, 4, 5, 7 and 8, are permitted in #Residence Districts# subject to the provisions of the following Sections:

- (a) Sections 22-11 (Use Group 1 – Agriculture and Open Uses) through 22-18 (Use Group 8 – Recreation, Entertainment and Assembly Spaces), inclusive, which establish general #use# allowances in Use Groups 1 through 8, including each #use# listed separately therein, by #Residence District#, and additional provisions for certain #uses# where applicable.
- (b) Section 22-20 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS), which set forth special provisions applicable to:
  - (1) #railroad or transit air space#, as set forth in Section 22-21 (Use of Railroad or Transit Air Space); and
  - (2) #detached# and #semi-detached# #two-family residences# in certain districts, as set forth in Section 22-22 (Detached and Semi-Detached Two-Family Residences);
- (c) Section 22-30 (SIGN REGULATIONS), inclusive, which 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.

## 22-10 USE ALLOWANCES

[USE PROVISIONS REORGANIZED AND MODIFIED INTO NEW USE GROUPS IN SECTIONS 22-11 THROUGH 22-18; SPECIAL PERMITS RELOCATED FROM SECTION 22-20 AND INTEGRATED INTO USE GROUPS AND USE TABLES]

The provisions of Sections 22-11 (Use Group 1 – Agriculture and Open Uses) through 22-18 (Use Group 8 – Recreation, Entertainment and Places of Assembly) establish #use# allowances by Use Group. For Use Groups 1 through 4 and 8, as set forth in Sections 22-11 through 22-14 (Use Group 4 – Public Service Facilities and Infrastructure), and Section 22-18, a brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group, followed by a table showing #use# allowances by zoning district. For each #use# and zoning district, the table contains up to two levels of notation in a particular cell:

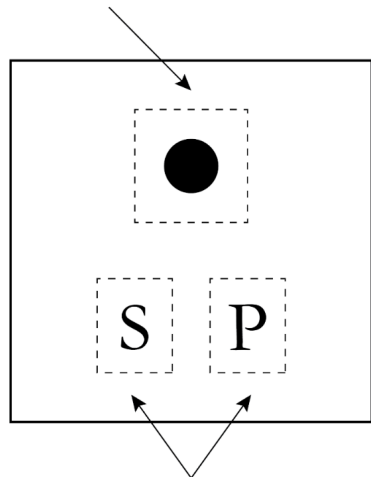
- (a) The top level will always contain a symbol and denotes:
  - (1) permitted as-of-right (“●”);

**Commented [Z3]:** This section lays out the structure of the new use groups and the charts that accompany them. This structure is meant to make it easier to find and apply the rules to different uses.

- (2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“◆”);
  - (3) allowed by special permit (“○”) of the Board of Standards and Appeals or the City Planning Commission; or
  - (4) not permitted in the district (“-”).
- (b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:
- (1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities; or
  - (2) additional conditions (“P”), including environmental standards or other measures other than size restrictions.

Such notations are illustrated in the following diagram:

For a given zoning district, #use# allowances are denoted as permitted as-of-right (“●”), with limited applicability (“◆”), by special permit (“○”) or not permitted in such district (“-”).



Additional conditions and requirements are grouped below #use# allowances. Such provisions include size restrictions (“S”) and additional conditions (“P”).

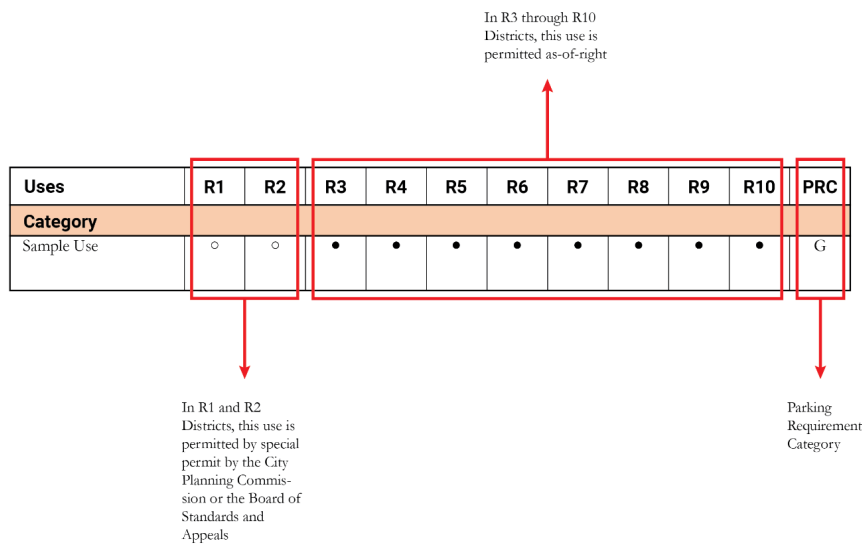
Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions, or exemptions from enclosure requirements.

Use Group tables, except in Section 22-12 (Use Group 2 – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of permitted non-residential #uses# to determine required accessory off-street parking spaces as set forth in the table in Section 25-31 (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as “N/A”, no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions or additional conditions. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

**ILLUSTRATIVE EXAMPLE**



**22-11**

**Use Group 1 – Agriculture and Open Uses**

**R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

Use Group 1 consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 22-111 (Use Group 1 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 22-112 (Use Group 1 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table; and
- (c) Section 22-113 (Use Group 1 – uses permitted by special permit) for #uses# permitted by special permit by the Board of Standards and Appeals, as denoted with “o” in the Use Group Table.

**22-111**

**Use Group 1 – general use allowances**

The following table includes #uses# classified as Use Group 1 and sets forth their allowances by #Residence District#. Notations found in the table are further described in Section 22-10 (USE ALLOWANCES). Where permitted as-of-right in a #Residence District#, such #uses# shall be unenclosed, except for ancillary #buildings or other structures#.

| USE GROUP 1 – AGRICULTURE AND OPEN USES   |        |        |        |        |        |        |        |        |        |        |        |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions |        |        |        |        |        |        |        |        |        |        |        |
| Uses  | R1     | R2     | R3     | R4     | R5     | R6     | R7     | R8     | R9     | R10    | PRC    |
| <b>Agriculture</b>  |        |        |        |        |        |        |        |        |        |        |        |
| Agricultural #uses#, including greenhouses, nurseries, or truck gardens   | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ○<br>G |
| <b>Open Uses</b>  |        |        |        |        |        |        |        |        |        |        |        |
| Cemeteries  | –      | –      | ●      | ●      | ●      | ●      | ●      | ●      | ●      | ●      | N/A    |

**Commented [Z4]:** Use Group 1 would collect primarily open uses found in the ZR in current community facility, commercial and manufacturing use groups into this category.

The Proposal would not intend to make changes to the rules for these uses. The terminology for skating and racket sports would also be updated to reflect contemporary usage.

|  |   |   |        |        |        |        |        |        |        |        |     |
|--|---|---|--------|--------|--------|--------|--------|--------|--------|--------|-----|
| Golf courses                                   | • | • | •      | •      | •      | •      | •      | •      | •      | •      | N/A |
| Outdoor racket courts                          | ○ | ○ | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | G   |
| Outdoor skating rinks                          | ○ | ○ | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | •<br>P | G   |
| #Public parks# or playgrounds or private parks | • | • | •      | •      | •      | •      | •      | •      | •      | •      | N/A |
| Sand, gravel, or clay pits                     | ○ | ○ | ○      | ○      | ○      | ○      | ○      | ○      | ○      | ○      | N/A |

**22-112**

**Use Group 1 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 22-111 (Use Group 1 – general use allowances), the following provisions shall apply:

- (a) Agricultural #uses# in all #Residence Districts#, including greenhouses, nurseries, or truck gardens, are permitted provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#.
- (b) Outdoor racket courts or skating rinks in all #Residence Districts# are permitted provided that all lighting shall be directed away from nearby #residences#.

**22-113**

**Use Group 1 – uses permitted by special permit**

For #uses# denoted with “○” in Section 22-111 (Use Group 1 – general use allowances), the following provisions of this Section shall apply:

- (a) Outdoor racket courts or skating rinks may be permitted in R1 or R2 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-111 (Outdoor racket courts or skating rinks).
- (b) Sand, gravel or clay pits may be permitted in all #Residence Districts# by special permit of the Board of Standards and Appeals, in accordance with the provisions of Section 73-111 (Sand, gravel or clay pits).

**22-12**

**Use Group 2 – Residences**

**Commented [Z5]:** Use Group 2 would collect the residential uses currently split into two groups (1 and 2). The Proposal would not intend to make changes to the rules for these uses.



**R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

Use Group 2 consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 22-121 (Use Group 2 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 22-122 (Use Group 2 – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “◆” in the Use Group table; and
- (c) Section 22-123 (Use Group 2 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

**22-121**

**Use Group 2 – general use allowances**

The following table includes #uses# classified as Use Group 2 and sets forth their allowances by #Residence District#. Notations found in the table are further described in Section 22-10 (USE ALLOWANCES).

| USE GROUP 2 – RESIDENTIAL USES  |                 |    |    |        |        |    |    |    |    |     |  |
|---|-----------------|----|----|--------|--------|----|----|----|----|-----|--|
| ● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions |                 |    |    |        |        |    |    |    |    |     |  |
| Uses  | R1              | R2 | R3 | R4     | R5     | R6 | R7 | R8 | R9 | R10 |  |
| <b>Residential Uses</b>   |                 |    |    |        |        |    |    |    |    |     |  |
| #Single-family residence#   | #Detached#      | ●  | ●  | ●      | ●      | ●  | ●  | ●  | ●  | ●   |  |
|   | #Zero lot line# | –  | –  | ◆      | ◆      | ◆  | ●  | ●  | ●  | ●   |  |
|   | #Semi-detached# | –  | –  | ◆      | ◆      | ◆  | ●  | ●  | ●  | ●   |  |
|   | Other Types     | –  | –  | ◆      | ◆      | ◆  | ●  | ●  | ●  | ●   |  |
| #Two-family residence#  | #Detached#      | –  | –  | ●<br>P | ●<br>P | ●  | ●  | ●  | ●  | ●   |  |
|   | #Zero lot line# | –  | –  | ◆      | ◆      | ◆  | ●  | ●  | ●  | ●   |  |
|   | #Semi-detached# | –  | –  | ◆<br>P | ◆<br>P | ◆  | ●  | ●  | ●  | ●   |  |

|   |             |   |   |   |   |   |   |   |   |   |   |
|---|-------------|---|---|---|---|---|---|---|---|---|---|
|   | Other Types | - | - | ◆ | ◆ | ◆ | ● | ● | ● | ● | ● |
| All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors# |             | - | - | ◆ | ◆ | ◆ | ● | ● | ● | ● | ● |

**22-122**

**Use Group 2 – uses permitted with limited applicability**

For #uses# denoted with “◆” in Section 22-121 (Use Group 2 – general use allowances), the following limitations shall apply:

- (a) In R3 Districts, all #residential uses# shall be permitted except that:
  - (1) in R3A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# and #single-# or #two-family# #zero lot line buildings#;
  - (2) in R3-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#; and
  - (3) in R3X Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences#.
- (b) In R4 Districts, all #residential uses# shall be permitted except that:
  - (1) in R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#, or #single-# or #two-family# #zero lot line buildings#;
  - (2) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#; and
  - (3) in R4A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences#.
- (c) In R5 Districts, all #residential uses# shall be permitted except that in R5A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences#.

**22-123**

**Use Group 2 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 22-121 (Use Group 2 – general use allowances), the following provisions shall apply:

- (a) In R3A, R3X or R4A Districts, #detached# #two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.
- (b) In R3-1 or R4-1 Districts, each #semi-detached# #two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.
- (c) The requirements of paragraph (a) or (b) may be waived pursuant to an authorization by the City Planning Commission, in accordance with Section 22-22 (Detached and Semi-detached Two-family Residences).

## 22-13

### Use Group 3 – Community Facilities

#### R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 22-131 (Use Group 3 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 22-132 (Use Group 3 – uses subject to size restrictions) for certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section 22-133 (Use Group 3 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section 22-134 (Use Group 3 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group tables; and
- (e) Section 22-135 (Use Group 3 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group tables.

## 22-131

### Use Group 3 – general use allowances

**Commented [Z6]:** Use Group 3 would collect community facility uses currently split into two separate use groups (3 and 4). To better reflect the way other regulations in the ZR consider community facilities, they would be separated into subcategories for those with and without sleeping accommodations. (Some of the terminology for specific uses in this group is outdated and should be updated in a future text amendment.)

The Proposal would not intend to make changes to the rules for these uses, except to make clear that doctor's offices follow the same use location rules as other other offices.





|  |        |        |        |        |        |        |        |        |        |        |        |    |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----|
| Libraries  | •      | •      | •      | •      | •      | •      | •      | •      | •      | •      | •      | G  |
| Museums  | •      | •      | •      | •      | •      | •      | •      | •      | •      | •      | •      | G  |
| Non-commercial recreation centers  | •      | •      | •      | •      | •      | •      | •      | •      | •      | •      | •      | B3 |
| Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities | •<br>s | •<br>s | •<br>s | •<br>s | •<br>s | •<br>s | •<br>s | •<br>s | •<br>s | •<br>s | •<br>s | B3 |
| Welfare centers  | ○      | ○      | •      | •      | •      | •      | •      | •      | •      | •      | •      | B3 |

**22-132**

**Use Group 3 – uses subject to size limitations**

For #uses# denoted with a “S” in Section 22-131 (Use Group 3 – general use allowances), the following provisions shall apply:

- (a) For any philanthropic or non-profit institutions, with or without sleeping accommodations, in all #Residence Districts#, the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8, R9 or R10 Districts, 25,000 square feet, whichever is greater.
- (b) Ambulatory diagnostic or treatment health care facilities in R3-1, R3A, R3X, R4-1, R4A or R4B Districts shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3-1, R3A, R3X, R4-1 or R4A Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital, as defined in the New York State Hospital Code, or a #long-term care facility#, such 1,500 square feet restriction shall not include #cellar# space.

In such #Residence Districts#, excluding #lower density growth management areas#, #ambulatory diagnostic or treatment health care facilities# may be permitted up to 10,000 square feet of #floor area# by special permit of the Board of Standards and Appeals, in accordance with Section 73-134 (Ambulatory diagnostic or treatment health care facilities).

## 22-133

### Use Group 3 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 22-131 (Use Group 3 – general use allowances), the following provisions shall apply:

- (a) #Long-term care facilities# in R3 through R10 Districts are permitted except that in certain areas, the following provisions shall apply:
- (1) In the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.
  - (2) In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, the #development# of nursing homes, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases the existing #floor area# by 15,000 square feet or more, are permitted only by special permit of the City Planning Commission pursuant to Section 74-131 (Long-term care facilities). However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in paragraph (a)(1) of this Section.
- (b) Ambulatory diagnostic or treatment health care facilities in all R3 through R10 Districts shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing.
- (c) #Non-profit hospital staff dwellings# in all #Residence Districts# shall be located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto, or would be contiguous but for its separation by a #street# or a #street# intersection. However, such conditions may be modified by special permit of the City Planning Commission, as set forth in Section 74-132 (NON-PROFIT HOSPITAL STAFF DWELLINGS).

## 22-134

### Use Group 3 – uses permitted by special permit

For #uses# denoted with “o” in Section 22-131 (Use Group 3 – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted in R1 or R2 Districts by special permit of the Board of Standards and Appeals:
  - (1) College or school student dormitories and fraternity or sorority student houses may be permitted in accordance with Section 73-131 (College or school student dormitories or fraternity or sorority student houses).
  - (2) Colleges or universities, including professional schools but excluding business colleges or trade schools may be permitted in accordance with Section 73-132 (Colleges or universities).
  - (3) Welfare centers may be permitted in accordance with Section 73-135 (Welfare centers).
- (b) The following #uses# may be permitted in R1 or R2 Districts by special permit of the City Planning Commission:
  - (1) #Long-term care facilities# may be permitted in accordance with Section 74-131 (Long-term care facilities).

## **22-135**

### **Use Group 3 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 22-131 (Use Group 3 – general use allowances), the following provisions shall apply:

- (a) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.
- (b) #Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section 25-021 (Applicability of regulations to non-profit hospital staff dwellings).

## **22-14**

### **Use Group 4 – Public Service Facilities and Infrastructure**

**R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

**Commented [Z7]:** Use Group 4 collects a wide variety of infrastructure and governmental uses found throughout the ZR. To better reflect the way other regulations in the ZR consider these uses, they are split into three categories - public service buildings, infrastructure, and renewable energy and green infrastructure.

The Proposal would not intend to make changes to the rules for these uses.







|  |   |   |   |   |   |   |   |   |   |   |     |
|--|---|---|---|---|---|---|---|---|---|---|-----|
| Water or sewage pumping stations   | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | N/A |
| <b>Transportation Infrastructure</b>   |   |   |   |   |   |   |   |   |   |   |     |
| Airports   | - | - | - | - | - | - | - | - | - | - | N/A |
| Boat launching facilities for non-commercial pleasure boats  | - | - | - | - | - | - | - | - | - | - | N/A |
| Bus stations   | - | - | - | - | - | - | - | - | - | - | N/A |
| Docks  | - | - | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | G   |
| Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations | - | - | - | - | - | - | - | - | - | - | D2  |
| Heliports  | - | - | - | - | - | - | - | - | - | - | N/A |
| Mooring facilities for non-commercial pleasure boats   | - | - | - | - | - | - | - | - | - | - | N/A |
| Public transit or railroad electric substations  | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | D2  |
| Public transit yards, including accessory motor fuel pumps   | - | - | - | - | - | - | - | - | - | - | D2  |
| Railroad or transit rights-of-way  | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | N/A |
| Railroad passenger stations  | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | N/A |
| Seaplane bases   | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | N/A |
| Truck weighing stations  | - | - | - | - | - | - | - | - | - | - | D2  |

**C. Renewable Energy and Green Infrastructure**

[USE GROUP 4C TABLE INCLUDES USES AND DEFINITIONS BEING PROPOSED BY CITY OF YES FOR CARBON NEUTRALITY]

**USE GROUP 4C – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE**

| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>- = Not permitted<br>S = Size restriction   P = Additional conditions |          |          |          |          |          |          |          |          |          |          |     |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----|
| Uses  | R1       | R2       | R3       | R4       | R5       | R6       | R7       | R8       | R9       | R10      | PRC |
| <b>Renewable Energy and Neighborhood-scale Infrastructure</b>   |          |          |          |          |          |          |          |          |          |          |     |
| #Energy infrastructure equipment#   | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | N/A |
| Public bicycle and micromobility parking  | -        | -        | -        | -        | -        | -        | -        | -        | -        | -        | N/A |
| Recycling, or organic material, receiving   | -        | -        | -        | -        | -        | -        | -        | -        | -        | -        | N/A |

**22-142**

**Use Group 4 – uses subject to size limitations**

For #uses# denoted with an “S” in Section 22-141 (Use Group 4 – general use allowances), the provisions of this Section shall apply. In all #Residence Districts#, #energy infrastructure equipment# shall be limited to an aggregate #lot area# of not more than 10,000 square feet.

**22-143**

**Use Group 4 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 22-141 (Use Group 4 – general use allowances), the provisions of this Section shall apply. In all #Residence Districts#, #energy infrastructure equipment# shall comply with the enclosure and screening provisions of Section 26-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

**22-144**

**Use Group 4 – uses permitted by special permit**

For #uses# denoted with “o” in Section 22-141 (Use Group 4 – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted in all #Residence Districts# by special permit of the Board of Standards and Appeals:
  - (1) Radio or television towers may be permitted in accordance with Section 73-141 (Radio or television towers).
  - (2) Telephone exchanges or other communications equipment structures may be permitted in accordance with Section 73-142 (Telephone exchanges or other communications equipment structures).

- (3) Electric utility substations on a site no greater than 40,000 square feet may be permitted in accordance with Section 73-143 (Electric or gas utility substations).
  - (4) Gas utility substations may be permitted in accordance with Section 73-143 (Electric or gas utility substations).
  - (5) Public utility stations for oil or gas metering or regulating may be permitted in accordance with Section 73-144 (Public utility stations or terminal facilities).
  - (6) Terminal facilities at river crossings for access to electric, gas or steam lines may be permitted in accordance with Section 73-144 (Public utility stations or terminal facilities).
  - (7) Water pumping stations be permitted in accordance with Section 73-145 (Water pumping stations).
  - (8) Public transit or railroad electric substations on a site no greater than 40,000 square feet may be permitted in accordance with Section 73-146 (Public transit or railroad electric substations);
- (b) The following #uses# may be permitted in all #Residence Districts# by special permit of the City Planning Commission, except as otherwise specified:
- (1) Fire or police stations may be permitted in accordance with Section 74-141 (Fire or police stations).
  - (2) Electric utility substations on a site greater than 40,000 square feet may be permitted in accordance with Section 74-142 (Electric utility substations).
  - (3) Sewage disposal plants may be permitted in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).
  - (4) Sewage pumping stations may be permitted in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).
  - (5) Docks for ferries or water taxis may be permitted, in all #Residence Districts# except R1 and R2 Districts, in accordance with Section 62-833 (Docks for ferries or water taxis in Residence Districts). However, in R6 through R10 districts, when located within Community District 1 in the Borough of Brooklyn, such docks are permitted by certification by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

- (6) Public transit or railroad electric substations on a site greater than 40,000 square feet may be permitted in accordance with Section 74-147 (Public transit or railroad electric substations).
- (7) Railroad passenger stations be permitted in accordance with Section 74-148 (Railroad passenger stations).
- (8) Seaplane bases may be permitted in accordance with Section 74-149 (Seaplane Bases).

**22-15**

**Use Group 5 – Transient Accommodations**

**R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

Use Group 5 consists of #uses# for transient occupancy of various types. #Uses# classified in this Use Group are not permitted in #Residence Districts# except that:

- (a) overnight camps may be permitted in all #Residence Districts# by special permit of the Board of Standards and Appeals, in accordance with Section 73-151 (Overnight camps); and
- (b) #transient hotels# may be permitted in R10H Districts by special permit of the City Planning Commission, in accordance with Section 74-151 (In R10H Districts).

**Commented [Z8]:** Use Group 5 would collect transient accommodations found in current commercial use groups into this category.

The Proposal would not intend to make changes to the rules for these uses.

**22-16**

**Use Group 6 – Retail and Services**

**R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

Use Group 6 consists of #uses# where goods or services are conveyed directly to consumers. #Uses# classified in this Use Group are not permitted in #Residence Districts# except as follows:

- (a) In all #Residence Districts#, #uses# listed in Use Group 6 that would be permitted in a C2 District pursuant to Section 32-16 (Use Group 6 – Retail and Services), may be permitted, in certain instances, by authorization by the City Planning Commission, in accordance with Section 75-11 (Corner stores or offices in Residence Districts) or 75-12 (Stores or offices on large-scale sites in Residence Districts).
- (b) In R10H Districts, an eating or drinking establishment may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 72-21 (Findings Required for Variances). Additionally, such establishments that operate a

**Commented [Z9]:** Use Group 6 would collect retail and service uses found in current commercial use groups into this category.

The Proposal would not intend to make changes to the rules for these uses, except to permit small-scale retail/service establishments through CPC authorization.

#sidewalk cafe# pursuant to the provisions of Article I, Chapter 4, may be #enlarged# into any open area that may exist between the #street wall# and the #street line#.

**22-17**

**Use Group 7 – Offices and Laboratories**

**R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

Use Group 7 consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. #Uses# classified in this Use Group are not permitted in #Residence Districts# except that:

- (a) laboratories meeting certain conditions may be permitted by special permit of the City Planning Commission, in accordance with Section 74-171 (Laboratories); and
- (b) offices may be permitted by authorization by the City Planning Commission, in certain instances, in accordance with Section 75-11 (Corner stores or offices in Residence Districts) or 75-12 (Stores or offices on large-scale sites in Residence Districts), or on #zoning lots# located wholly or partially within the #flood zone#, by special permit of the Board of Standards and Appeals, in accordance with Section 73-171 (Ground floor offices in the flood zone).

**Commented [Z10]:** Use Group 7 would collect offices and laboratories into the same category.

The Proposal would not intend to make changes to the rules for these uses, except to permit commercial laboratories on community facility campuses through a CPC special permit; and small-scale offices through CPC authorization.

**22-18**

**Use Group 8 – Recreation, Entertainment and Assembly Spaces**

**R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 22-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 22-182 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table; and
- (c) Section 22-183 (Use Group 8 – uses only permitted by special permit), for #uses# permitted only by special permit of the Board of Standards and Appeals or City Planning Commission, as denoted with “o” in the Use Group table.

**Commented [Z11]:** Use Group 8 would collect the wide range of entertainment and assembly spaces in the ZR into this category. To better reflect the way other regulations in the ZR consider these uses, they are organized into four sub-categories: amusement and recreation facilities, art galleries and studios, entertainment and sporting venues, and other assembly spaces.

The Proposal would not intend to make changes to the rules for these uses.

**22-181**

**Use Group 8 – general use allowances**





|                             |   |   |        |        |        |        |        |        |        |        |     |
|-----------------------------|---|---|--------|--------|--------|--------|--------|--------|--------|--------|-----|
| Meeting halls               | - | - | -      | -      | -      | -      | -      | -      | -      | -      | B1  |
| Non-commercial clubs        | ○ | ○ | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | ●<br>P | B3  |
| Observation decks           | - | - | -      | -      | -      | -      | -      | -      | -      | -      | B1  |
| Outdoor day camps           | ○ | ○ | ○      | ○      | ○      | ○      | ○      | ○      | ○      | ○      | G   |
| Publicly accessible spaces  | - | - | -      | -      | -      | -      | -      | -      | -      | -      | N/A |
| Riding academies or stables | ○ | ○ | ○      | ○      | ○      | ○      | ○      | ○      | ○      | ○      | A4  |
| Trade expositions           | - | - | -      | -      | -      | -      | -      | -      | -      | -      | B1  |

**22-182**

**Use Group 8 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 22-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) Art galleries in all #Residence Districts# shall be limited to non-commercial art galleries.
- (b) Non-commercial clubs in R3 through R10 Districts are permitted, provided that such #use# does not include:
  - (1) clubs, the chief activity of which is a service predominantly carried on as a business;
  - (2) non-commercial outdoor swimming pool clubs; or
  - (3) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#.

However, non-commercial outdoor swimming pool clubs or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line# may be permitted by special permit by the City Planning Commission, in accordance with Section 74-185 (Swimming pool clubs or certain non-commercial clubs).

**22-183**

**Use Group 8 – uses only permitted by special permit**

For #uses# denoted with “o” in Section 22-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) Non-commercial clubs in R1 or R2 Districts may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-184 (Non-commercial clubs) or by special permit of the City Planning Commission, in accordance with Section 74-185 (Swimming pool clubs or certain non-commercial clubs).
- (b) Outdoor day camps in all #Residence Districts# may be permitted by special permit of the Board of Standards and Appeals, as set forth in Section 73-185 (Outdoor day camps).
- (c) Riding academies or stables in all #Residence Districts# may be permitted by special permit of the Board of Standards and Appeals, as set forth in Section 73-186 (Riding Academies or Stables).

~~22-10~~

~~USES PERMITTED AS OF RIGHT~~

[TEXT OF 22-10, INCLUSIVE, BEING REPLACED BY NEW USE GROUP STRUCTURE]

~~22-11~~

~~Use Group 1~~

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~Use Group 1 consists of #single family# #detached# #residences#.~~

~~A. #Residential uses#~~

~~#Single family# #detached# #residence#~~

~~B. #Accessory# #uses#~~

~~22-12~~

~~Use Group 2~~

~~R3 R4 R5 R6 R7 R8 R9 R10~~

~~Use Group 2 consists of all other types of #residences#.~~

~~A. #Residential uses#~~

~~#Residences# of all kinds, including #apartment hotels# and #affordable independent residences for seniors# except that:~~

Commented [Z12]: The current text of 22-10, inclusive, would be removed.

- (1) in R3A, R3X, R4A and R5A Districts, residential uses shall be limited to single or two family detached residences except that in R3A Districts single or two family zero lot line buildings are also permitted;
- (2) in R3-1 and R4-1 Districts, residential uses shall be limited to single or two family detached or semi-detached except that in R4-1 Districts single or two family zero lot line buildings are also permitted;
- (3) in R4B Districts, residential uses shall be limited to single or two family residences in detached, semi-detached, attached, or zero lot line buildings.

B. Accessory uses

**22-13**

**Use Group 3**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of community facilities that:

- (1) may appropriately be located in residential areas to serve educational needs or to provide other essential services for the residents; or
- (2) can perform their activities more effectively in a residential environment, unaffected by objectionable influences from adjacent industrial or general service uses; and
- (3) do not create significant objectionable influences in residential areas.

A. Community facilities

Colleges or universities<sup>1</sup>, including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses<sup>1</sup>

Libraries, museums or non-commercial art galleries

Long term care facilities<sup>2,3,4</sup>

Monasteries, convents or novitiates, without restrictions as to use for living purposes or location in relation to other uses

Non-profit hospital staff dwellings located on the same zoning lot as the non-profit or voluntary hospital and related facilities or on a separate zoning lot that is immediately contiguous thereto or would be contiguous but for its separation by a

#street# or a #street# intersection

Philanthropic or non-profit institutions with sleeping accommodations<sup>5</sup>

#Schools#

**B. #Accessory# #uses#**

<sup>1</sup> — Not permitted in R1 or R2 Districts as of right

<sup>2</sup> — In R1 and R2 Districts, permitted only by special permit by the City Planning Commission pursuant to Section 74-901 (Long-term care facilities)

<sup>3</sup> — In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, are permitted only by special permit by the City Planning Commission pursuant to Section 74-901 (Long-term care facilities). However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)

<sup>4</sup> — In #high-risk flood zones#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# or #enlargement# of nursing homes and nursing home portions of continuing care retirement communities, as such facilities are defined in the New York State Public Health Law, are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)

<sup>5</sup> — The number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8, R9 or R10 Districts, 25,000 square feet, whichever is greater

**22-14**

**Use Group 4**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) — may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) — can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) — do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also

included.

A. ~~#Community facilities#~~

~~Ambulatory diagnostic or treatment health care facilities<sup>1</sup>, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor~~

~~Clubs<sup>2</sup>, except:~~

- ~~(a) — clubs, the chief activity of which is a service predominantly carried on as a business;~~
- ~~(b) — non-commercial outdoor swimming pool clubs; or~~
- ~~(c) — any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#~~

~~Community centers or settlement houses~~

~~Houses of worship, rectories or parish houses~~

~~Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face~~

~~Non-commercial recreation centers~~

~~#Non-profit hospital staff dwellings# restricted to location on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# immediately contiguous thereto~~

~~Non-profit or voluntary hospitals and related facilities, except animal hospitals~~

~~Philanthropic or non-profit institutions without sleeping accommodations excluding~~

ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts, the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

Proprietary hospitals and related facilities<sup>2</sup>, except animal hospitals

Seminaries

Welfare centers<sup>2</sup>

#### B. Open #uses#

Agricultural #uses#, including greenhouses, nurseries, or truck gardens, provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#

Cemeteries<sup>2</sup>

Golf courses

Outdoor tennis courts or ice skating rinks<sup>2</sup>, provided that all lighting shall be directed away from nearby #residences#

#Public parks# or playgrounds or private parks

Railroad or transit rights of way<sup>3</sup>

#### C. #Accessory# #uses#

<sup>1</sup> Not permitted in R1 or R2 Districts. In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, such #use# shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3-1, R3A, R3X, R4-1 or R4A Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital, as defined in the New York State Hospital Code, or a #long term care facility#, such 1,500 square feet restriction shall not include #cellar# space

<sup>2</sup> Not permitted in R1 or R2 Districts as of right

<sup>3</sup> Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space Over a Railroad or Transit Right of way or Yard)

## 22-15 Use Group 6C

R6 R7 R8 R9 R10

In the districts indicated, when located within Community District 1 in the Borough of Brooklyn, Use Group 6C, as set forth in Section 32-15 (Use Group 6), shall be limited to docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, and docks for water taxis, with a vessel capacity of up to 99 passengers, provided that such docks are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). Vessel capacity is the U.S. Coast Guard certified capacity of the largest vessel using a dock.

## 22-16

### **Special Regulations for Nursing Homes**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within the #high risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions).

In addition, in Community Districts where #long term care facilities# are allowed only by special permit pursuant to Section 74-901 (Long term care facilities), such special permit may not be applied to #developments# or #enlargements# of nursing homes and nursing home portions of continuing care retirement communities located in the areas subject to the provisions of this Section.

## 22-20

### **USES PERMITTED BY SPECIAL PERMIT**

### **SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS**

## 22-21

### **By the Board of Standards and Appeals**

### **Use of Railroad or Transit Air Space**

[MOVING SPECIAL PERMIT REFERENCES TO SECTIONS 22-11 – 22-18]

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.

R3-1, R3A, R3X, R4-1, R4A, R4B,

~~Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of #floor area#.~~

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Camps, overnight or outdoor day [PRC H]~~

~~R1 R2  
Clubs, except:~~

- ~~(a) — clubs, the chief activity of which is a service predominantly carried on as a business;~~
- ~~(b) — non-commercial outdoor swimming pool clubs; or~~
- ~~(c) — any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#~~

~~R1 R2  
Colleges or universities, including professional schools, but excluding business colleges or trade schools~~

~~R1 R2  
College or school student dormitories or fraternity or sorority student houses~~

~~R1 R2  
Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential# #zoning lots#~~

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Public utility or public service facilities~~

~~Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet~~

~~Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet~~

~~Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more than 40,000 square feet~~

~~Public utility stations for oil or gas metering or regulating~~

~~Telephone exchanges or other communications equipment structures~~

~~Terminal facilities at river crossings for access to electric, gas or steam lines~~

~~Water or sewage pumping stations~~



R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Radio or television towers, non #accessory#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Riding academies or stables [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Sand, gravel, or clay pits

R1 R2  
Welfare centers

[PROVISIONS FOR USE OF RAILROAD OR TRANSIT AIR SPACE RELOCATED FROM SECTION 22-41 WITH EDITORIAL CHANGE TO PREAMBLE AND PARAGRAPH (A) BELOW]

In all #Residence Districts#, #railroad or transit air space# may be #developed# or used in accordance with the provisions of this Section.

- (a) #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 74-61 (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 74-148 (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-148 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 74-148 may be changed to another #use# listed in a permitted Use Group, and no additional 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 through 11-33, 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 arrangements specified in the #zoning lot# definition in Section 12-10.

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

(b) When the #use# of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential development#, #large-scale community facility development# or #large-scale general development# requiring one or more special permits is proposed, 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# on such property. As a condition for such authorization, the Commission shall find that:

(1) the proposed #zoning lots#, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #development# 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 (DEFINITIONS).

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

22-22

**By the City Planning Commission**  
**Detached and Semi-detached Two-Family Residences**

[MOVING SPECIAL PERMIT REFERENCES TO SECTIONS 22-11 – 22-18]

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, or as otherwise indicated in this Section:

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section 62-833 (Docks for ferries or water taxis in Residence Districts), except in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Fire stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Long term care facilities#

#Long term care facilities# in R1 and R2 Districts

#Long term care facilities# in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more

However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial clubs with outdoor swimming pools less than 500 feet from any #lot line#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial outdoor swimming pool clubs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Non-profit hospital staff dwellings# located not more than 1,500 feet from the non-profit or voluntary hospital

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Police stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public transit, railroad or electric utility substations, limited in each case to a site of not less than 40,000 square feet and not more than 10 acres

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Railroad passenger stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Seaplane bases

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
Sewage disposal plants

R10H  
#Transient hotels#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

[PROVISIONS FOR DETACHED AND SEMI-DETACHED TWO-FAMILY RESIDENCES  
RELOCATED FROM SECTION 22-42 WITH MODIFICATIONS]

The City Planning Commission may, upon application, authorize the waiver of requirements for #detached# #two-family# #residences# in R3A, R3X or R4A Districts, as set forth in paragraphs (a) of Section 22-123 (Use Group 2 – uses subject to additional conditions) or #semi-detached# #two-family# #residences# in R3-1 or R4-1 Districts, as set forth in paragraph (b) of Section 22-123 provided that:

- (a) the #development# is compatible with the scale and character of the surrounding area;  
and
- (b) in R3A, R3X or R4A Districts, the design does not give the appearance of a #semi-detached# #building#; or
- (c) in R3-1 or R4-1 Districts, the design does not give the appearance of an #attached# #building#; and each #dwelling unit# has a perimeter wall with windows facing a #side yard#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

**22-30  
SIGN REGULATIONS**

\* \* \*

**22-40**

## SUPPLEMENTARY USE REGULATIONS

### 22-41

#### ~~Air Space Over a Railroad or Transit Right-of-way or Yard~~

[MOVING PROVISIONS FOR AIR SPACE OVER A RAILROAD OR TRANSIT RIGHT-OF-WAY OR YARD TO SECTION 22-21]

### 22-411

#### **Definitions**

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

### 22-412

#### ~~Use of railroad or transit air space~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (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) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit “use” as set forth in paragraph (b) of this Section.~~

~~If any “building or other structure” constructed in such “railroad or transit air space” in accordance with the provisions of Section 74-681 is “enlarged” or replaced by a new “building or other structure”, the provisions of this Section shall apply to such “enlargement” or replacement.~~

~~However, any “use” legally established in such “railroad or transit air space” in accordance with the provisions of Section 74-681 may be changed to another “use” listed in a permitted Use Group, and no additional 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 through 11-33, 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 arrangements specified in the #zoning lot# definition in Section 12-10 (DEFINITIONS).

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

- (b) When the #use# of a railroad or transit right of way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential development#, #large-scale community facility development# or #large-scale general development# requiring one or more special permits is proposed, 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# on such property. As a condition for such authorization, the Commission shall find that:

- (1) the proposed #zoning lots#, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #development# 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 (DEFINITIONS).

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

[MOVING PROVISIONS FOR DETACHED AND SEMI-DETACHED TWO-FAMILY RESIDENCES TO SECTION 22-22]

R3-1 R3A R3X R4-1 R4A

In R3A, R3X or R4A Districts, a ~~#detached# #two family# #residence#~~ shall be designed so that at least 75 percent of the ~~#floor area#~~ of one ~~#dwelling unit#~~ is located directly above or directly below the other, and in R3-1 or R4-1 Districts, each ~~#semi-detached# #two family# #residence#~~ shall be designed so that at least 75 percent of the ~~#floor area#~~ of one ~~#dwelling unit#~~ is located directly above or directly below the other.

The City Planning Commission may, upon application, authorize the waiver of these requirements, provided that:

- (a) ~~the #development# is compatible with the scale and character of the surrounding area; and~~
- (b) ~~in R3A, R3X or R4A Districts, the design does not give the appearance of a #semi-detached# #building#; or~~
- (c) ~~in R3-1 or R4-1 Districts, the design does not give the appearance of an #attached# #building#; and each #dwelling unit# has a perimeter wall with windows facing a #side yard#.~~

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

\* \* \*

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 II  
 RESIDENCE DISTRICT REGULATIONS**

**Chapter 5  
 Accessory Off-street Parking and Loading Regulations**

**Off-street Parking Regulations**

**25-00  
 GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

**25-02  
 Applicability**

\* \* \*

**25-028  
 Applicability of regulations to certain community facility uses in lower density growth management areas**

[UPDATING CROSS REFERENCE]

- (a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:
  - (1) ambulatory diagnostic or treatment health care facilities, as listed in ~~Section 22-14 (Use Group 4)~~ 22-13(Use Group 3 – Community Facility) except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or
  - (2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for

**Commented [Z1]:** Article II Chapter 5 contains the parking and loading regulations for Residence Districts.

Consistent with changes to the use groups, the Proposal would update the organization of the parking requirements in this chapter. It would also make similar changes to the organization of loading and bicycle parking requirements. These changes would not, on their own, change the requirements but would make it easier to understand and follow them.

The Proposal would also make some limited changes to update the loading rules in line with more contemporary requirements found in special purpose districts.

Cross references would also be updated.



houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

\* \* \*

**25-10  
PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

**25-11  
General Provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, subject to the provisions set forth in the following Sections:

Section 25-12 (Maximum Size of Accessory Group Parking Facilities)

Section 25-15 (Maximum Spaces for Single-Family Detached Residences)

Section 25-16 (Maximum Spaces for Other Than Single-Family Detached Residences)

Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections ~~73-49~~ 73-48 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

\* \* \*

**25-14  
Exceptions to Maximum Size of Accessory Group Parking Facilities**

**25-141  
For hospitals**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the Board of Standards and Appeals may permit #group parking facilities# #accessory# to hospitals, with more than 150 spaces, in accordance with the

provisions of Section ~~73-48~~ 73-47 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

**25-142**

**For accessory# #uses in large-scale residential developments**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the City Planning Commission may permit #group parking facilities# #accessory# to #uses# in #large-scale residential developments# with more than the prescribed maximum of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), in accordance with the provisions of Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities).

\* \* \*

**25-30**

**REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES**

**25-31**

**General Provisions**

[UPDATING PARKING REQUIREMENT TABLE  
TO REFLECT CHANGES IN USE GROUPS PER PROJECT GOALS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 at the end of this Section for all #development# after December 15, 1961, for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

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

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

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

**Commented [Z2]:** The Proposal would make changes to the organizational structure of the parking requirements to make them easier to understand. These changes would not effect the rules themselves.

The primary change would be to switch the Parking Requirement Categories (PRCs) from a framework based on a confusing mix of uses to one based on the calculation method for parking. Doing this would make it easier to find and understand the requirements for different uses. It would also allow the parking requirement to more easily be included in the use group charts in Article II, Chapter II.

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 25-33 (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (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 25-63 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 25-35 (Waiver for Locally Oriented Houses of Worship); or
- (d) for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section 25-37 (Waiver of Requirements for Certain Small Zoning Lots).

In the event that the number of #accessory# off-street parking spaces required under the provisions of this Section exceeds the maximum number of spaces permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

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.

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

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

| <u>Type of #Use#</u> | <u>Parking Spaces Required in Relation to Specified Unit of</u> | <u>District</u> |
|----------------------|---|-----------------|
|----------------------|---|-----------------|

|  | Measurement   |                            |
|--|---|----------------------------|
| <b>FOR COMMUNITY FACILITY USES:</b>  |   |                            |
| Agricultural #uses#, including greenhouses, nurseries or truck gardens   | Square feet of #lot area# used for selling purposes:  |                            |
|  | None required   | R7-2 R7A R7D R7X R8 R9 R10 |
|  | 1 per 1,000 sq ft   | R1 R2 R3 R4 R5             |
|  | 1 per 2,500 sq ft   | R6 R7-1 R7B                |
| Ambulatory diagnostic or treatment health care facilities listed in Use Group 4  | Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage. In #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements: |                            |
|  | None required   | R7-2 R7A R7D R7X R8 R9 R10 |
|  | 1 per 400 sq ft   | R3                         |
|  | 1 per 500 sq ft   | R4 R5                      |
|  | 1 per 800 sq ft   | R6 R7-1 R7B                |
| Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers, provided that in R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities | Rated capacity:   |                            |
|  | None required   | R7-2 R7A R7D R7X R8 R9 R10 |
|  | 1 per 10 persons  | R1 R2 R3 R4 R5             |
|  | 1 per 20 persons  | R6 R7-1 R7B                |
| College student dormitories, fraternity or sorority student houses   | None required   | R7-2 R7A R7D R7X R8 R9 R10 |

|   |                                 |                            |
|---|---------------------------------|----------------------------|
|   | 1 per 6 beds                    | R1 R2 R3 R4 R5             |
|   | 1 per 12 beds                   | R6 R7 1 R7B                |
| Colleges, universities, or seminaries   | Square feet of #floor area#:    |                            |
| —(a) Classrooms, laboratories, student centers or offices   | None required                   | R7 2 R7A R7D R7X R8 R9 R10 |
|   | 1 per 1,000 sq ft               | R1 R2 R3 R4 R5             |
|   | 1 per 2,000 sq ft               | R6 R7 1 R7B                |
| —(b) Theaters, auditoriums, gymnasiums or stadiums  | Rated capacity:                 |                            |
|   | None required                   | R7 2 R7A R7D R7X R8 R9 R10 |
|   | 1 per 8 persons                 | R1 R2 R3 R4 R5             |
|   | 1 per 16 persons                | R6 R7 1 R7B                |
| Hospitals and related facilities*   | 1 per 5 beds                    | R1 R2 R3 R4 R5             |
|   | 1 per 8 beds                    | R6 R7 1 R7B                |
|   | 1 per 10 beds                   | R7 2 R7A R7D R7X R8 R9 R10 |
| Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room | None required                   | R6 R7 R8 R9 R10            |
|   | 1 per 10 persons rated capacity | R1 R2 R3                   |
|   | 1 per 15 persons rated capacity | R4 R5                      |
| Libraries, museums or non-commercial art galleries**  | Square feet of #floor area#:    |                            |
|   | None required                   | R7 2 R7A R7D R7X R8 R9 R10 |
|   | 1 per 1,000 sq ft               | R1 R2 R3 R4 R5             |
|   | 1 per 2,000 sq ft               | R6 R7 1 R7B                |
| Outdoor skating rinks   | Square feet of #lot area#:      |                            |
|   | None required                   | R7 2 R7A R7D R7X R8 R9 R10 |
|   | 1 per 800 sq ft                 | R1 R2 R3 R4 R5             |
|   | 1 per 2,000 sq ft               | R6 R7 1 R7B                |
| Outdoor tennis courts   | None required                   | R7 2 R7A R7D R7X R8 R9 R10 |

|   |   |                            |
|---|---|----------------------------|
|   | 1 per 2 courts                                | R1 R2 R3 R4 R5             |
|   | 1 per 5 courts                                | R6 R7 1 R7B                |
| Philanthropic or non-profit institutions with sleeping accommodations; #long-term care facilities#, except that independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 25-20. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02 | None required                                 | R7-2 R7A R7D R7X R8 R9 R10 |
|   | 1 per 10 beds                                 | R1 R2 R3 R4 R5             |
|   | 1 per 20 beds                                 | R6 R7 1 R7B                |
| #Schools#   | Square feet of #floor area#:                  |                            |
|   | None required                                 | R3 R4 R5 R6 R7 R8 R9 R10   |
|   | 1 per 1,500 sq ft                             | R1 R2                      |
| For child care services in #lower density growth management areas#:   | 1 per 1,000 sq ft                             | R1 R2 R3 R4 R5             |
| FOR ACCESSORY COMMERCIAL USES IN LARGE-SCALE RESIDENTIAL DEVELOPMENTS:  |   |                            |
| Food stores with 2,000 or more square feet of #floor area# per establishment – #uses# in parking requirement category A in Use Group 6A   | Square feet of #floor area#:                  |                            |
|   | None required                                 | R7-2 R8 R9 R10             |
|   | 1 per 100 sq ft                               | R1 R2 R3                   |
|   | 1 per 200 sq ft                               | R4 R5                      |
|   | 1 per 300 sq ft                               | R6 R7 1                    |
| General retail #uses# – food stores with less than 2,000 square feet of #floor area# or #uses# in parking requirement category B in Use Group 6A.   | Square feet of #floor area#:<br>None required | R7-2 R8 R9 R10             |
|   |   |                            |
|   | 1 per 150 sq ft                               | R1 R2 R3                   |
|   | 1 per 300 sq ft                               | R4 R5                      |

|  |  |                                |
|--|--|--------------------------------|
|  | 1 per 400 sq ft  | R6-R7-1                        |
| Post offices   | Square feet of #floor area#:   |                                |
|  | None required  | R7-2 R7A R7D R7X R8 R9 R10     |
|  | 1 per 800 sq ft  | R1 R2 R3                       |
|  | 1 per 1,200 sq ft  | R4 R5                          |
|  | 1 per 1,500 sq ft  | R6 R7-1 R7B                    |
| <b>FOR USES PERMITTED BY SPECIAL PERMIT:</b>   |  |                                |
| Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees | 1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces | R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 |
| Docks for ferries  | Parking requirement, as provided in Section 62-43  | R3 R4 R5 R6 R7 R8 R9 R10       |
| Fire or police stations  | Square feet of #floor area#:   |                                |
|  | None required  | R7-2 R7A R7D R7X R8 R9 R10     |
|  | 1 per 500 sq ft  | R1 R2 R3 R4 R5                 |
|  | 1 per 800 sq ft  | R6 R7-1 R7B                    |
| Riding academies or stables  | Square feet of #floor area#:   |                                |
|  | None required  | R7-2 R7A R7D R7X R8 R9 R10     |
|  | 1 per 500 sq ft  | R1 R2 R3 R4 R5                 |
|  | 1 per 800 sq ft  | R6 R7-1 R7B                    |

\* Requirements in the table are in addition to the area used for ambulance parking

\*\* Requirements in the table apply only to the #floor area# not used for storage.

| Parking Requirement Category | PRC - A                                      |                 |               |     | PRC - B                    |               |                       | PRC - C                       |
|------------------------------|--|-----------------|---------------|-----|----------------------------|---------------|-----------------------|-------------------------------|
|                              | A1 <sup>1</sup>                              | A2 <sup>1</sup> | A3            | A4  | B1                         | B2            | B3                    |                               |
| Unit of measurement          | per square feet of #floor area# <sup>2</sup> |                 |               |     | per persons-rated capacity |               |                       | per square feet of #lot area# |
| R1 R2                        | 1 per 100                                    | 1 per 150       | n/a           | n/a | n/a                        | 1 per 8       | 1 per 10 <sup>3</sup> | n/a                           |
| R3                           |  |                 | 1 per 400     |     |                            |               |                       |                               |
| R4 R5                        | 1 per 200                                    | 1 per 300       | 1 per 500     |     |                            |               |                       |                               |
| R6 R7-1 R7B                  | 1 per 300                                    | 1 per 400       | 1 per 800     |     |                            |               |                       |                               |
| R7-2 R7A R7D R7X R8 R9 R10   | None required                                | None required   | None required |     |                            |               |                       |                               |
|                              |  |                 |               |     |                            | 1 per 16      | 1 per 20 <sup>3</sup> |                               |
|                              |  |                 |               |     |                            | None required | None required         |                               |

<sup>1</sup> For #accessory# #commercial# #uses# in #large-scale residential developments#.

<sup>2</sup> 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. However, in #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements.

<sup>3</sup> In R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

| Parking Requirement Category | PRC - D  |     | PRC - E              |         |                 | PRC - F                  |     |
|------------------------------|--|-----|----------------------|---------|-----------------|--------------------------|-----|
|                              | D1   | D2  | E1                   | E2      | E3 <sup>5</sup> | F1                       | F2  |
| Unit of measurement          | per square feet of #floor area# or per employees |     | per bed              |         |                 | per guest room or suites |     |
| R1 R2                        | n/a  | n/a | 1 per 5 <sup>4</sup> | 1 per 6 | 1 per 10        | n/a                      | n/a |
| R3                           |  |     |                      |         |                 |                          |     |



|                                       |  |  |                              |                      |                      |  |
|---------------------------------------|--|--|------------------------------|----------------------|----------------------|--|
| <u>R4 R5</u>                          |  |  |                              |                      |                      |  |
| <u>R6 R7-1 R7B</u>                    |  |  | <u>1 per 8</u> <sup>4</sup>  | <u>1 per 12</u>      | <u>1 per 20</u>      |  |
| <u>R7-2 R7A R7D<br/>R7X R8 R9 R10</u> |  |  | <u>1 per 10</u> <sup>4</sup> | <u>None required</u> | <u>None required</u> |  |

<sup>4</sup> Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

<sup>5</sup> Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 25-20. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02.

| <b>Parking Requirement Category</b> | <b>PRC - G</b>   |                              |                                      |  |  |  |   |
|-------------------------------------|--|------------------------------|--------------------------------------|--|--|--|---|
|                                     | <b>Agricultural #uses#</b>                                     | <b>Outdoor racket courts</b> | <b>Outdoor skating rinks</b>         | <b>Colleges, universities or seminaries</b>  | <b>#Schools#</b>                       | <b>Houses of worship</b>                       | <b>Libraries, museums or non-commercial art galleries</b> |
| <b>Unit of measurement</b>          | <u>per square feet of #lot area# used for selling purposes</u> | <u>per court</u>             | <u>per square feet of #lot area#</u> | <u>per square feet of #floor area# used for classrooms, laboratories, student centers or offices</u> | <u>per square feet of #floor area#</u> | <u>per persons-rated capacity</u> <sup>6</sup> | <u>per square feet of #floor area#</u> <sup>7</sup>       |
| <u>R1 R2</u>                        |  |                              |                                      |  | <u>1 per 1,500</u>                     |  |   |
| <u>R3</u>                           | <u>1 per 1,000</u>   | <u>1 per 2</u>               | <u>1 per 800</u>                     | <u>1 per 1,000</u>   |  | <u>1 per 10</u>                                | <u>1 per 1,000</u>  |
| <u>R4 R5</u>                        |  |                              |                                      |  | <u>None required</u>                   | <u>1 per 15</u>                                |   |
| <u>R6 R7-1 R7B</u>                  | <u>1 per 2,500</u>   | <u>1 per 5</u>               | <u>1 per 2,000</u>                   | <u>1 per 2,000</u>   |  | <u>None required</u>                           | <u>1 per 2,000</u>  |

|                               |                  |                  |                  |               |  |                  |                  |
|-------------------------------|------------------|------------------|------------------|---------------|--|------------------|------------------|
| R7-2 R7A R7D<br>R7X R8 R9 R10 | None<br>required | None<br>required | None<br>required | None required |  | None<br>required | None<br>required |
|-------------------------------|------------------|------------------|------------------|---------------|--|------------------|------------------|

<sup>6</sup> Parking requirements for houses of worship shall be applicable only to the facility's largest room of assembly. However, rooms separated by movable partitions shall be considered a single room.

<sup>7</sup> Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

| Parking Requirement Category     | PRC - G (continued)             |                                 |                         |                   |  |                                 |                                 |                                 |
|----------------------------------|---------------------------------|---------------------------------|-------------------------|-------------------|--|---------------------------------|---------------------------------|---------------------------------|
|                                  | Court houses                    | Fire or Police stations         | Prisons                 | Docks             | Camps, overnight and day                       | Post offices <sup>8</sup>       | Funeral establishments          | Riding academies or stables     |
| Unit of measurement              | 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# |
| R1 R2                            | n/a                             | 1 per 500                       | n/a                     | see Section 62-43 | 1 per 2,000 or 1 per 3                         | 1 per 800                       | n/a                             | 1 per 500                       |
| R3                               |                                 |                                 |                         |                   |  |                                 |                                 |                                 |
| R4 R5                            |                                 |                                 |                         |                   |  | 1 per 1,200                     |                                 |                                 |
| R6 R7-1 R7B                      |                                 | 1 per 1,500                     |                         |                   |  | 1 per 800                       |                                 |                                 |
| R7-2 R7A<br>R7D R7X R8<br>R9 R10 |                                 | None required                   |                         |                   |  | None required                   |                                 |                                 |

<sup>8</sup> For #accessory# #commercial# #uses# in #large-scale residential developments#.

**25-311  
Special Provisions in Certain Areas**

[RELOCATING REQUIREMENTS FROM TABLE]

In #lower density growth management areas#, the parking requirements for child care services,

as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in R1 through R5 Districts, shall be 1 per 1,000 square feet.

\* \* \*

**25-37**

**Waiver of Requirements for Certain Small Zoning Lots**

[RELOCATING WAIVERS FROM SECTION 25-31]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the parking requirements of Section 25-31 (General Provisions) for camps, overnight or day, shall only apply to #developments# or #enlargements# with a minimum of either 10,000 square feet of #lot area# or 10 employees.

\* \* \*

**25-60**

**ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**26-62**

**Size and Location of Spaces**

\* \* \*

**25-623**

**Maneuverability standards for community facility uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

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

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

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in ~~Use Groups 9 or 16~~ Use Group 6.

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

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

#### 25-624

##### **Special parking regulations for certain community facility uses in lower density growth management areas**

- (a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:
  - (1) ~~ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4)~~ ambulatory diagnostic or treatment health care facilities, except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
  - (2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

\* \* \*

**25-625**

**Special certification to modify the parking regulations for certain community facility uses in lower density growth management areas**

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, the Chairperson of the City Planning Commission may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the parking regulations of paragraphs (b)(3), (b)(4), and (b)(5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), for any #enlargement# of a #building# containing a #use# listed in paragraphs (a) or (b) of this Section, or a change of #use# to, or an #extension# of, such #use#, provided that the applicant submits a site plan that demonstrates to the Chairperson that the location of the existing #building# on the #zoning lot# impedes compliance with the parking requirements of Sections 25-31 and 25-624, and that the Chairperson certifies to the Department of Buildings, that the #enlargement#, #extension# or change of #use# complies with such requirements to the maximum extent feasible.

- (a) ~~ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4)~~ **ambulatory diagnostic or treatment health care facilities**, except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
- (b) ~~Child~~ **child** care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship and, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility# #use# on the #zoning lot#.

\* \* \*

**25-67**

**Parking Lot Landscaping**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:

**Commented [Z3]:** Updates to cross references and terminology.

- (1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
- (2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and
- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in ~~Use Groups 9 or 16~~ Use Group 6.

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

Notwithstanding the provisions of this Section, where parking requirements are waived, pursuant to Section 25-33, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #community facility# #uses# or curb cuts accessing #community facility# #uses# are shown on the site plan required pursuant to Section 25-623, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

\* \* \*

**25-70  
OFF-STREET LOADING REGULATIONS**

\* \* \*

**25-72  
Required Accessory Off-street Loading Berths**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 following table for all #development# or #enlargement# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

**Commented [Z4]:** The Proposal would make changes to the organizational structure of the loading requirements to make them easier to understand. These changes would not effect the rules themselves.

The primary change would be to create Loading Requirement Categories (LRCs), similar to the new PRCs for parking. This would create a framework based on the calculation method for loading, rather than based on a confusing mix of uses.

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

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

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

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS

| <u>Type of #Use#</u>  | <u>For #Floor Area#<br/>(in square feet)</u> | <u>Required<br/>Berths</u> | <u>District</u>      |
|---|--|----------------------------|----------------------|
| Hospitals and related facilities*                             | First 10,000                                 | None                       | R1 R2 R3 R4 R5       |
|   | Next 290,000                                 | ±                          | R6 R7 R8 R9<br>R10   |
|   | Each additional 300,000 or fraction thereof  | ±                          |                      |
| #commercial# #uses# in #large-scale residential developments# | First 8,000                                  | None                       | R1 R2 R3 R4 R5<br>R6 |
|   | Next 17,000                                  | ±                          |                      |
|   | Next 15,000                                  | ±                          |                      |
|   | Next 20,000                                  | ±                          |                      |
|   | Next 40,000                                  | ±                          |                      |
|   | Each additional 150,000 or fraction thereof  | ±                          |                      |
| #commercial# #uses# in #large-scale residential developments# | First 25,000                                 | None                       | R7 R8 R9 R10         |
|   | Next 15,000                                  | ±                          |                      |
|   | Next 60,000                                  | ±                          |                      |

Each additional 150,000 or  
fraction thereof 4

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

| Loading Requirement Category | Districts   |  |
|------------------------------|---|--|
|                              | R1 R2 R3 R4 R5 R6   | R7 R8 R9 R10   |
| <b>LRC-A</b>                 | n/a   |  |
| <b>LRC-B</b> <sup>1</sup>    | <u>First 8,000 sq ft: None</u><br><u>Next 17,000 sq ft: 1</u><br><u>Next 15,000 sq ft: 1</u><br><u>Next 20,000 sq ft: 1</u><br><u>Next 40,000 sq ft: 1</u><br><u>Each additional 150,000 sq ft: 1</u> | <u>First 25,000 sq ft: None</u><br><u>Next 15,000 sq ft: 1</u><br><u>Next 60,000 sq ft: 1</u><br><u>Each additional 150,000 sq ft: 1</u> |
| <b>LRC-C</b>                 | n/a   |  |
| <b>LRC-D</b> <sup>2</sup>    | <u>First 10,000 sq ft: None</u><br><u>Next 290,000 sq ft: 1</u><br><u>Each additional 300,000 sq ft: 1</u>  |  |
| <b>LRC E</b>                 | n/a   |  |

<sup>1</sup> For #accessory# #commercial# #uses# in #large-scale residential developments#.

<sup>2</sup> Requirements in this table are in addition to area utilized for ambulance parking.

\* \* \*

**25-74**  
**Size of Required Berths**

[UPDATING TERMINOLOGY AND REQUIRED LENGTH PER PROJECT GOALS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

**Commented [Z5]:** The Proposal would update the dimensions of required loading berths to bring them in line with recent changes in special purpose districts and the Manhattan Core. The dimensions for box trucks listed in the current text (33') does not match contemporary standards (37') and compliance with the rule can lead to trucks "sticking out" onto the sidewalk. To better ensure loading does not impact the streetscape, these would be made consistent citywide.



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

|   | Length | Width | Vertical clearance |
|---|--------|-------|--------------------|
| Hospitals and related facilities                              | 33     | 12    | 12                 |
| #commercial# #uses# in #large-scale residential developments# | 33     | 12    | 14                 |

|                           | Length     | Width      | Vertical Clearance |
|---------------------------|------------|------------|--------------------|
| <u>LRC-A</u>              | <u>n/a</u> | <u>n/a</u> | <u>n/a</u>         |
| <u>LRC-B</u> <sup>1</sup> | <u>37</u>  | <u>12</u>  | <u>14</u>          |
| <u>LRC-C</u>              | <u>n/a</u> | <u>n/a</u> | <u>n/a</u>         |
| <u>LRC-D</u>              | <u>37</u>  | <u>12</u>  | <u>12</u>          |
| <u>LRC-E</u>              | <u>n/a</u> | <u>n/a</u> | <u>n/a</u>         |

<sup>1</sup> For #accessory# #commercial# #uses# in #large-scale residential developments#

\* \* \*

**25-80 BICYCLE PARKING**

\* \* \*

**25-81 Required Bicycle Parking Spaces**

**25-811 Enclosed bicycle parking spaces**

[UPDATING CHART TO REFLECT USE GROUP CHANGES]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at

**Commented [Z6]:** The Proposal would update the organization of the existing bicycle parking requirements to reflect the changes to the use groups. These changes would not effect the rules themselves.

least that amount specified for the applicable #use# set forth in the table in this Section. For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL OR COMMUNITY FACILITY USES

| Type of #Use#  | Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement |
|--|--|
| <b>FOR RESIDENTIAL USES</b>  |  |
| <del>Use Group 1</del> #Single-family# #detached# #residences#   | None required  |
| <del>Use Group 2</del> All other types of #residences#   | 1 per two #dwelling units#   |
| #Affordable independent residences for seniors#  | 1 per 10,000 square feet of #floor area#                                     |
| <b>FOR COMMUNITY FACILITY USES <sup>1</sup></b>  |  |
| College or #school# student dormitories or fraternity and sorority student houses  | 1 per 2,000 square feet of #floor area#                                      |
| Colleges, universities, or seminaries <sup>2</sup>   |  |
| (a) Classrooms, laboratories, student centers or offices   | 1 per 5,000 square feet of #floor area#                                      |
| (b) Theaters, auditoriums, gymnasiums or stadiums  | 1 per 20,000 square feet of #floor area#                                     |
| Libraries, museums or non-commercial art galleries   | 1 per 20,000 square feet of #floor area#                                     |
| Monasteries, convents or novitiates; required houses of worship, rectories or parish houses; <del>Use Group 4</del> <del>Use Group 1</del> | None required  |
| All other <del>Use Group 3</del> and <del>Use Group 4</del> <del>Use Group 3</del> #uses# not otherwise listed in this table               | 1 per 10,000 square feet of #floor area#                                     |

<sup>1</sup> #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group 2 #residential uses#.

<sup>2</sup> Up to half of required spaces may be provided as unenclosed bicycle parking spaces pursuant to the requirements of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces)

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are #accessory# to:

- (a) #buildings# or #building segments# containing 10 #dwelling units# or less;
- (b) colleges, universities or seminaries where the number of required bicycle parking spaces is six or less;
- (c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or
- (d) all other #community facility# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

\* \* \*

**25-85**

**Floor Area Exemption**

[UPDATING TABLE FORMAT]

\* \* \*

MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM FLOOR AREA

| Type of #Use#  | Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement |
|--|--|
| <b>FOR RESIDENTIAL USES</b>  |  |
| #Affordable independent residences for seniors#  | 1 per 2,000 square feet of #floor area#  |
| <b>FOR COMMUNITY FACILITY USES</b>   |  |
| Philanthropic or non-profit institutions with sleeping accommodation                           | 1 per 2,000 square feet of #floor area#  |
| Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals | 1 per 5,000 square feet of #floor area#  |

\* \* \*

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 III**  
**COMMERCIAL DISTRICT REGULATIONS**

**Chapter 1**  
**Statement of Legislative Intent**

**31-00**  
**GENERAL PURPOSES OF COMMERCIAL DISTRICTS**

The Commercial 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 in proximity to residential areas, for local retail development catering to the regular shopping needs of the occupants of nearby residences, with due allowance for the need for a choice of sites;
- (b) to provide appropriate space and, in particular, sufficient depth from a street, to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of local retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;
- (c) to protect both local retail development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;
- (d) to protect both local retail development and nearby residences against congestion, particularly in areas where the established pattern is predominantly residential but includes local retail uses on the lower floors, by regulating the intensity of local retail development, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;
- (e) to provide sufficient and appropriate space and, in particular, sufficient depth from the street, to meet the needs of the city's expected future economy for modern commercial floor space in central, major or secondary commercial centers, including the need for off-street parking space in areas where a large proportion of customers come by automobile, with due allowance for the need for a choice of sites, and to encourage the natural

**Commented [Z1]:** Article III, Chapter 1 describes the legislative intent of the Commercial Districts.

The Proposal would make changes to the text describing various Commercial Districts to reflect some of its substantive changes that are described in the Commercial use regulations (32-00).

tendency of commercial development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;

- (f) to protect commercial development in central, major or secondary commercial centers, as far as is possible and appropriate in each area, against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;
- (g) to protect commercial development in central, major or secondary commercial centers against congestion, as far as possible, by limiting the bulk of buildings in relation to the land around them and to one another, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;
- (h) to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, with due allowance for the need for a choice of sites;
- (i) to provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms, within proper standards;
- (j) 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; and
- (k) to promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial 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.

### 31-10 PURPOSES OF SPECIFIC COMMERCIAL DISTRICTS

#### **31-11** **C1-Local Retail Districts-Local Commercial Districts**

~~These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. Since these establishments are required in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting local service and manufacturing establishments which tend to break such continuity.~~

These districts are designed to provide for local shopping and include a wide range of retail

**Commented [Z2]:** The Proposal would change the name of the C1 district to better reflect the variety of uses permitted there. The descriptive text below would reflect the proposed expansion of permitted uses in the district.

stores and personal service establishments which cater to frequently recurring needs. These districts also provide for a wide range of other essential local services and limited amusement and recreation as well as small-scale production uses. Since these districts provide amenities in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped.

**31-12**

### **C2 Local Service Districts ~~Local Commercial Districts~~**

~~These districts are designed to provide for a wide range of essential local services not involving regular local shopping. Since these establishments are less frequently visited by customers, they tend to break the continuity of prime retail frontage and, therefore, hamper the development of convenient shopping. The permitted services create relatively few objectionable influences for nearby residential areas.~~

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. These districts also provide for a wide range of other essential local services and limited amusement and recreation as well as small-scale production uses. Since these districts provide amenities in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped.

**Commented [Z3]:** The Proposal would change the title of the C2 district to better reflect the variety of uses permitted there. The descriptive text below would reflect the proposed expansion of permitted uses in the district.

**31-13**

### **C3 Waterfront Recreation District ~~Districts~~**

~~This district is~~ These districts are designed to provide for the growing recreational activities of pleasure boating and fishing by permitting rental, servicing and storage of boats in appropriate waterfront areas, normally adjacent to residential development.

**Commented [Z4]:** Changed to reflect there are currently multiple C3 districts.

**31-14**

### **C4 General Commercial Districts**

~~These districts comprise the City's major and secondary shopping and business centers, which provide for occasional family shopping needs and for essential services to business establishments over a wide area, and which have a substantial number of large stores generating considerable traffic. These districts are also designed to provide for the wide range of office, amusement and recreation, service, production and related uses normally found in major and secondary shopping centers but to exclude non-retail uses which generate a large volume of trucking. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting service and manufacturing establishments which tend to break up such continuity.~~

**Commented [Z5]:** The Proposal would change the descriptive text below to reflect the proposed expansion of permitted uses in the C4 district.

31-15

### C5 Restricted General Central Commercial Districts

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities ~~which occupy the prime retail frontage in the central business district, and which serve the entire metropolitan region and regional commercial centers.~~ These districts are also designed to provide for the wide range of amusement and recreation, service, production and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which generate a large volume of trucking. Special signage regulations are designed to reflect the character of this area. The district regulations also permit a few high value custom manufacturing establishments which are generally associated with the predominant retail activities, and which depend on personal contacts with persons living all over the region. The district regulations are also designed to provide for continuous retail frontage. The district regulations also permit a few high value custom manufacturing establishments which are generally associated with the predominant retail activities, and which depend on personal contacts with persons living all over the region. The district regulations are also designed to provide for continuous retail frontage.

**Commented [Z6]:** The Proposal would change the title and descriptive text below to reflect the proposed expansion of permitted uses in the C5 district.

Changes would also be made to also reflect that rezonings over time have expanded the C5 district beyond the Manhattan central business district, and that special signage rules apply in C5 districts.

31-16

### C6 General Central Commercial Districts

These districts are designed to provide for the wide range of retail, office, amusement and recreation, service, ~~custom manufacturing production~~ and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which generate a large volume of trucking.

**Commented [Z7]:** Changes would reflect updated terminology in the use groups.

31-17

### C7 General Commercial Amusement District Districts

This district is designed to ~~permit large open commercial amusement parks and is mapped in only a few areas.~~ provide for a wide range of retail, service, office, open and enclosed amusement and recreation, production and related uses, but not residential uses.

**Commented [Z8]:** The Proposal would changes the title of the C7 district to better reflect the variety of uses that would be permitted there. The descriptive text below would reflect the proposed expansion of permitted uses in the district.

31-18

### C8 General Service Districts

These districts are designed to provide for necessary services for a wider area than is served by the Local ~~Service~~ Commercial Districts. Since these service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, they are incompatible with both residential and retail uses. New residential development is excluded from these districts.

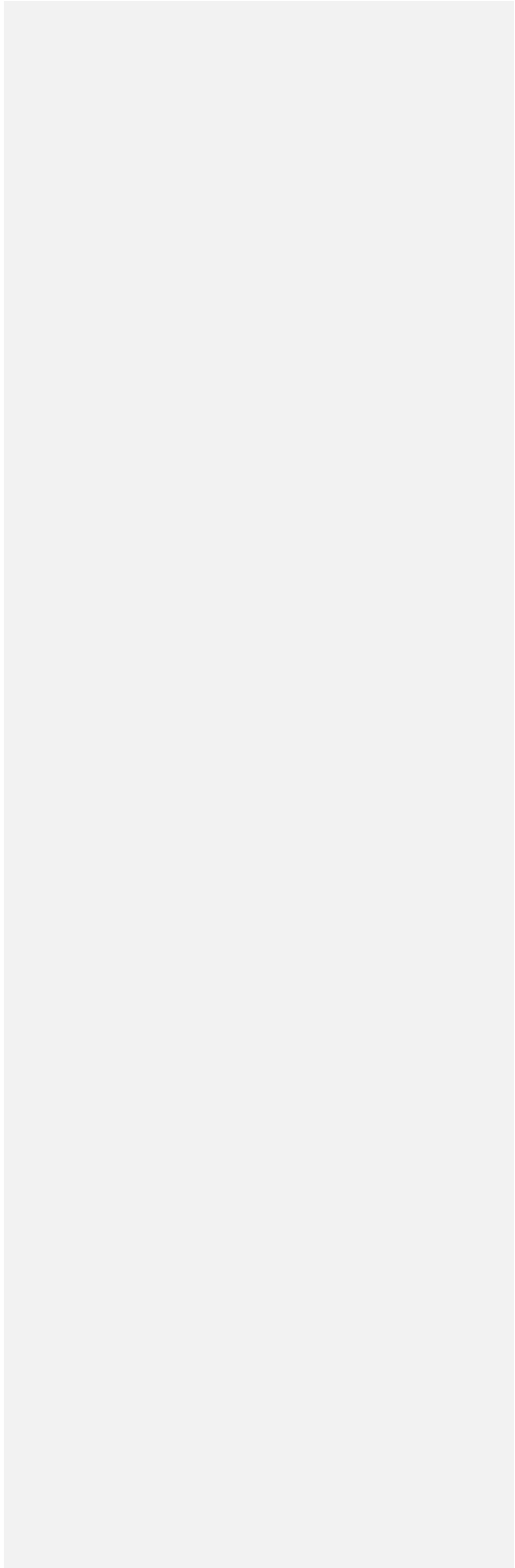
**Commented [Z9]:** Update to reflect changes above.

**31-20**

**SPECIAL MIDTOWN DISTRICT**

The regulations regarding C5P, C5-2.5, C5-3.5, C6-4.5, C6-6.5 and C6-7.5 Districts and any other underlying districts within the #Special Midtown District# are set forth in Article VIII, Chapter 1 (Special Midtown District).

\* \* \*





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 III  
 COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2  
 Use Regulations**

**32-00  
 GENERAL PROVISIONS**

[GENERAL PROVISIONS MOVED AND REORGANIZED TO REFLECT PROPOSAL;  
 VARIOUS PROVISIONS INCORPORATED INTO SECTIONS 32-10 AND 32-20]

~~In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, including each #use# listed separately therein, are permitted in #Commercial Districts# as indicated in Sections 32-11 through 32-25, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 32-01 (Special Provisions for Adult Establishments).~~

~~In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non #residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residences# of Article II (Residence District Regulations).~~

~~All districts indicated in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the sections indicated in Column C.~~

| Column A          | Column B | Column C |
|-------------------|----------|----------|
| C1 and C2 in R9A  | R9       | 32-43    |
| C1 and C2 in R10A | R10      | 32-43    |
| C1-8A             | C1-8     | 32-43    |

**Commented [Z1]:** Article III, Chapter 2 contains the use regulations for Commercial Districts. The Proposal would make a number of modifications in this chapter.

First, it would reorganize the current uses in the 18 "use groups " into 10 categories that better reflect the land use activities that occur in the city (eg, housing, retail/service, storage, production, etc). While this change wouldn't, on its own, change any zoning regulations, it would make it easier to understand what rules apply. Many other sections of the chapter would also be reorganized into this new framework so they are easier to find.

Second, the Proposal would update the list of retail/service (Use Group 6) and production (Use Group 10) uses to reflect the current range of activities in these categories. This would remove some of the ZRs most outdated terminology (telegraph office, shoddy manufacturing, etc). The uses within these two categories would be assigned to zoning districts and parking categories based on the current rules today.

Third, the changes reflect more specific changes that would be in the Proposal. This includes:

- Permitting the same uses in C1/C2 district and in the C4,C5,C6 districts.
- Updating rules for eating or drinking establishments and motor vehicle repair shops
- Permitting small-scale production in these districts.
- Adding citywide streetscape regulations
- Transforming C7 from an amusement district into a business-oriented district where residences are not permitted.

All changes like this are highlighted in the text.

|                  |                 |   |
|------------------|-----------------|---|
| <del>C1-9A</del> | <del>C1-9</del> | <del>32-43</del>                              |
| <del>C2-7A</del> | <del>C2-7</del> | <del>32-43</del>                              |
| <del>C2-8A</del> | <del>C2-8</del> | <del>32-43</del>                              |
| <del>C4-6A</del> | <del>C4-6</del> | <del>32-43</del>                              |
| <del>C4-7A</del> | <del>C4-7</del> | <del>32-43</del>                              |
| <del>C6-1A</del> | <del>C6-1</del> | <del>32-15 32-16 32-17<br/>32-20 32-644</del> |

~~In a C8 District, any #use# listed in Use Group 11A or 16 that involves the production, processing, cleaning, servicing, testing or repair of products, goods or materials shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28 inclusive, relating to Performance Standards.~~

~~In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in existing enclosed #buildings# erected prior to December 15, 1961, shall be considered conforming and shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28, inclusive, relating to Performance Standards. Such #uses# may be #extended# within #buildings# or into #abutting# #buildings# on the same #zoning lot#.~~

~~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 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 36-21 (General Provisions).~~

~~The #uses# listed in the various Use Groups set forth in Sections 32-11 to 32-25, 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 meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.~~

~~In the area, which as a result of #zoning map# change 840260 ZMM is zoned C6-2A, existing lawful meat markets listed in Use Group 17A, in existing enclosed #buildings# erected prior to December 15, 1961, shall be a conforming #use#.~~

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

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

The following chart sets forth the Use Groups permitted in the various #Commercial Districts#.

| USE GROUPS PERMITTED IN COMMERCIAL DISTRICTS |               |   |                      |   |                         |   |   |   |   |    |    |    |    |    |    |              |
|--|---------------|---|----------------------|---|-------------------------|---|---|---|---|----|----|----|----|----|----|--------------|
| Districts                                    | Use Groups    |   |                      |   |                         |   |   |   |   |    |    |    |    |    |    |              |
|  | #Residential# |   | #Community Facility# |   | Retail and #Commercial# |   |   |   |   |    |    |    |    |    |    | Gen. Service |
|  | 1             | 2 | 3                    | 4 | 5                       | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |              |
| Local Retail C1                              | X             | X | X                    | X | X                       | X |   |   |   |    |    |    |    |    |    |              |
| Local Service C2                             | X             | X | X                    | X | X                       | X | X | X | X |    |    |    |    | X  |    |              |
| Waterfront Recreation C3                     | X             | X | X                    | X |                         |   |   |   |   |    |    |    |    | X  |    |              |
| General Commercial C4                        | X             | X | X                    | X | X                       | X |   | X | X | X  |    | X  |    |    |    |              |
| Restricted Central Commercial C5             | X             | X | X                    | X | X                       | X |   |   | X | X  | X  |    |    |    |    |              |
| General Central Commercial C6                | X             | X | X                    | X | X                       | X | X | X | X | X  | X  | X  |    |    |    |              |
| Commercial Amusement C7                      |               |   |                      |   |                         |   |   |   |   |    |    | X  | X  | X  | X  |              |
| General Service C8                           |               |   |                      | X | X                       | X | X | X | X | X  | X  | X  | X  | X  | X  | X            |

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 10 separate Use Groups with similar characteristics. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, are permitted in #Commercial Districts# subject to the provisions of the following Sections:

- (a) Sections 32-11 (Use Group 1 – Agriculture and Open Uses) through 32-20 (Use Group 10 – Production Uses), inclusive, establish general #use# allowances in Use Groups 1 through 10, including each #use# listed separately therein, by #Commercial District#, and additional provisions for certain #uses# where applicable.
- (b) Section 32-30 (STREETSCAPE REGULATIONS), inclusive, sets forth streetscape regulations on designated street frontages.

**Commented [Z2]:** This section would lay out how the use regulations for Commercial Districts are organized so as to make them easier to find. The Proposal would make significant textual revisions to sections 32-10 through 32-50, but the signage rules in 32-60 would remain unchanged except to reflect changes to the C7 Commercial District.

- (c) Section 32-40 (SUPPLEMENTARY USE REGULATIONS), inclusive, sets forth supplementary #use# regulations and special provisions applying along district boundaries, including:
  - (1) enclosure within buildings, as set forth in Section 32-41, inclusive;
  - (2) location within buildings, as set forth in Section 32-42, inclusive; and
  - (3) limitations on business entrances, show windows or #signs#, as set forth in Section 32-43, inclusive.
- (d) Section 32-50 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS), inclusive, sets forth special provisions applicable to certain areas.
- (e) Section 32-60 (SIGN REGULATIONS), inclusive, 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.

**32-01  
Special Provisions for Adult Establishments**

\* \* \*

**32-02  
Special Provisions for Hotels**

[SPECIAL PROVISIONS FOR HOTELS RELOCATED TO SECTION 32-15, INCLUSIVE]

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

~~In all Districts, #transient hotels# shall be permitted only as set forth in this Section.~~

(a) **Applicability**

~~A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-802 (Transient hotels within Commercial Districts) shall be applicable to:~~

- (1) ~~the #development# of a #transient hotel#;~~

**Commented [Z3]:** Since these rules apply to many transient uses, which are currently found in many use groups later in the chapter, they were located here even though they were often hard for readers to find.

The Proposal would move them into the new "transient accommodations" category where all the applicable uses can be found. Even though the Proposal would make no changes to these rules, reorganization like this would increase the legibility of the rules.

- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 9, 2021, did not contain such #use#; or
- (3) an #enlargement# or #extension# of a #transient hotel# that existed prior to December 9, 2021, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

Notwithstanding the above, the provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;
- (2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before December 9, 2021 and such application has been approved after January 1, 2018, provided that:
  - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and
  - (ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction); or
- (3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before December 9, 2021, and has been approved by the Commission after January 1, 2018, provided that:
  - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and
  - (ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to

renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332. For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.

(e) Existing hotels

- (1) Any #transient hotel# existing on December 9, 2021, shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-802 or other applicable section of this Resolution.
- (2) The provisions of paragraph (c)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021, to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.
- (3) In the event a casualty damages or destroys a #transient hotel# that was in such #use# as of December 9, 2021, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(d) Vesting regulations

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, the following provisions shall apply:

- (1) If, on or before May 12, 2021, an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on or before December 9, 2022, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. The application may be revised and retain vested status,

provided that the #floor area# for the #transient hotel# is not increased beyond the amount approved.

- (2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018, and has not received a permit contingent on zoning approval on or before December 9, 2022, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before December 9, 2022 a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.
- (3) In the case of an application filed after December 9, 2021, for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of December 9, 2021, has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before December 9, 2023, the Department of Buildings has approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For the purposes of this paragraph, “substantially vacant” shall mean that at least 90 percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20 percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until December 9, 2031. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

## 32-10 USE ALLOWANCES

**Commented [Z4]:** This section lays out the structure of the new use groups and the charts that accompany them. This structure is meant to make it easier to find and apply the rules to different uses.

[USE PROVISIONS REORGANIZED AND MODIFIED INTO TEN USE GROUPS IN SECTIONS 32-11 THROUGH 32-20; HOTEL PROVISIONS RELOCATED FROM SECTION 32-02 AND INTEGRATED INTO USE ALLOWANCE PROVISIONS; PROVISIONS FOR HEALTH AND FITNESS ESTABLISHMENTS RELOCATED FROM 32-413 AND INTEGRATED INTO USE ALLOWANCE PROVISIONS; SPECIAL PERMITS RELOCATED FROM SECTION 32-30 AND INTEGRATED INTO USE GROUPS AND USE TABLES.

PRIOR USE GROUPS AND USES THEREIN FROM SECTIONS 32-10 THROUGH 32-25 ARE SHOWN BELOW THE PROPOSAL IN CONTINUOUS STRIKEOUT FOR LEGIBILITY]

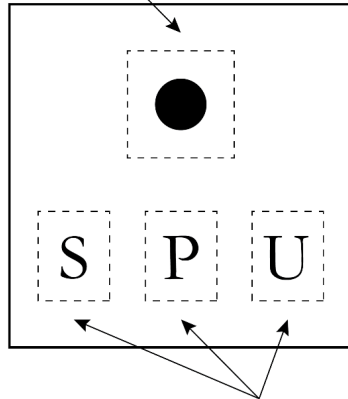
The provisions of Sections 32-11 (Use Group 1 – Agriculture and Open Uses) through 32-20 (Use Group 10 – Production Uses), inclusive, establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group, followed by a table showing #use# allowances by zoning district. For each #use# and zoning district, the table contains up to two levels of symbology in a particular cell:

- (a) The top level will always contain a symbol and denotes where #uses# are:
  - (1) permitted as-of-right (“●”);
  - (2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“◆”);
  - (3) allowed by special permit (“○”) of the Board of Standards and Appeals or the City Planning Commission; or
  - (4) not permitted in the district (“–”).
  
- (b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:
  - (1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities;
  - (2) additional conditions (“P”), including environmental standards or other measures other than size restrictions or open #use# regulations; or
  - (3) open #use# regulation #use# regulations, or permissions for unenclosed #uses# (“U”).

Such notations are illustrated in the following diagram:



For a given zoning district, #usc# allowances are denoted as permitted-as-of-right (“●”), with limited applicability (“◆”), by special permit (“○”) or not permitted in such district (“-”)



Additional conditions and requirements are grouped below #usc# allowances. Such provisions include size restrictions (“S”), additional conditions (“P”) or exemption from enclosure requirements (“U”)

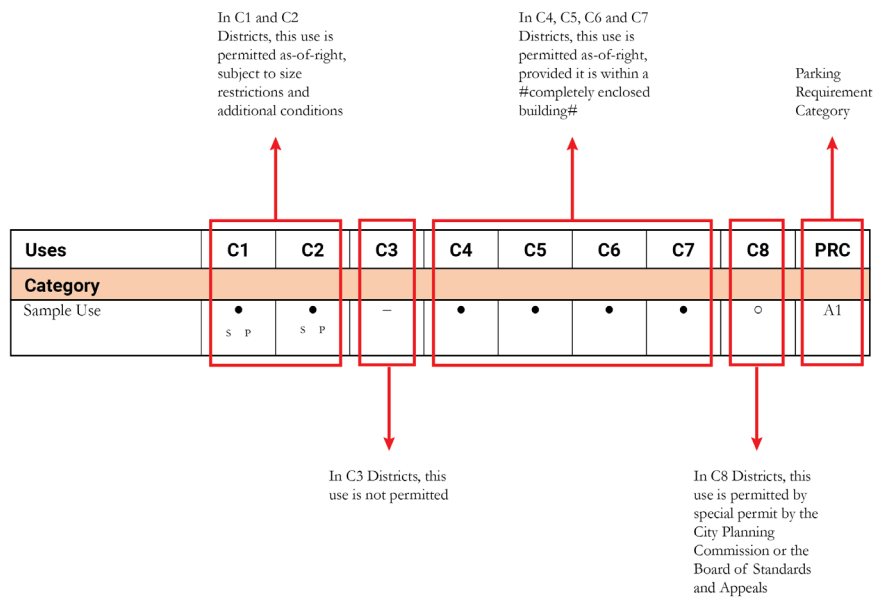
Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions, or exemptions from enclosure requirements. However, all #uses#, where applicable, are subject to the provisions of Section 32-40 (SUPPLEMENTARY USE REGULATIONS), inclusive.

Use Group tables, except in Section 32-12 (Use Group 2 – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# to determine required accessory off-street parking spaces as set forth in the table in Section 36-21 (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as “N/A”, no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions, additional conditions, or permission for unenclosed #uses#. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

**ILLUSTRATIVE EXAMPLE**



**32-111**

**Use Group 1 – Agriculture and Open Uses**

**C1 C2 C3 C4 C5 C6 C7 C8**

Use Group 1 consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-111 (Use Group 1 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-112 (Use Group 1 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;

**Commented [Z5]:** Use Group 1 would collect primarily open uses found in the ZR in current community facility, commercial and manufacturing use groups into this category.

The Proposal would not intend to make changes to the rules for these uses, except to clarify that agricultural uses can be open or enclosed in Commercial Districts. The terminology for skating and racket sports would also be updated to reflect contemporary usage.

The permitted uses for C7 districts moving forward would follow those for C6 today.



**32-112**

**Use Group 1 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-111 (Use Group 1 – general use allowances), the following limitations shall apply:

- (a) Agricultural #uses#, including greenhouses, nurseries, or truck gardens, are permitted in all #Commercial Districts# provided that no offensive odors or dust are created, and that there is no sale of products which are not produced on the same #zoning lot#.
- (b) Outdoor racket courts or skating rinks are permitted in all #Commercial Districts# provided that all lighting shall be directed away from nearby #residences#.
- (c) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare).

**32-113**

**Use Group 1 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 32-111 (Use Group 1 – general use allowances), a #use# may be open or enclosed without restriction.

**32-113**

**Use Group 1 – uses permitted by special permit**

For #uses# denoted with “o” in Section 32-111 (Use Group 1 – general use allowances), the provisions of this Section shall apply. Sand, gravel or clay pits may only be permitted in all #Commercial Districts#, by special permit of the Board of Standards and Appeals, in accordance with Section 73-112 (Sand, gravel or clay pits).

**32-12**

**Use Group 2 – Residences**

**C1 C2 C3 C4 C5 C6**

Use Group 2 consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-121 (Use Group 2 – general use allowances) which includes the compilation of #uses# in the Use Group table;

**Commented [Z6]:** Use Group 2 would collect the residential uses currently split into two groups (1 and 2). The Proposal would not intend to make changes to the rules for these uses.

- (b) Section 32-122 (Use Group 2 – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “◆” in the Use Group table; and
- (c) Section 32-123 (Use Group 2 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

**32-121**

**Use Group 2 – general use allowances**

The following table includes #uses# classified as Use Group 2 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

| <b>USE GROUP 2 – RESIDENTIAL USES</b>   |                 |           |           |           |           |           |           |           |   |
|---|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---|
| ● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |                 |           |           |           |           |           |           |           |   |
| <b>Uses</b>   | <b>C1</b>       | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> |   |
| <b>Residential Uses</b>   |                 |           |           |           |           |           |           |           |   |
| #Single-family residence#   | #Detached#      | ●         | ●         | ●         | ●<br>P    | ●         | ●         | –         | – |
|   | #Zero lot line# | ●         | ●         | ●         | ●<br>P    | ●         | ●         | –         | – |
|   | #Semi-detached# | ●         | ●         | ◆         | ●<br>P    | ●         | ●         | –         | – |
|   | Other Types     | ●         | ●         | ◆         | ●<br>P    | ●         | ●         | –         | – |
| #Two-family residence#  | #Detached#      | ●         | ●         | ●         | ●<br>P    | ●         | ●         | –         | – |
|   | #Zero lot line# | ●         | ●         | ●         | ●<br>P    | ●         | ●         | –         | – |
|   | #Semi-detached# | ●         | ●         | ◆         | ●<br>P    | ●         | ●         | –         | – |
|   | Other Types     | ●         | ●         | ◆         | ●<br>P    | ●         | ●         | –         | – |
| All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#   | ●               | ●         | ◆         | ●<br>P    | ●         | ●         | –         | –         |   |

**32-122**

### **Use Group 2 – uses permitted with limited applicability**

For #uses# denoted with “♦” in Section 32-121 (Use Group 2 – general use allowances), the provisions of this Section shall apply. In C3A Districts, only #single-# or #two-family detached# or #zero lot line residences# shall be permitted.

### **32-123**

#### **Use Group 2 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-121 (Use Group 2 – general use allowances), the provisions of this Section shall apply. In C4 Districts, all #residential uses# shall be permitted except that in #lower density growth management areas# within the Borough of Staten Island, no #residences# shall be allowed on the following #zoning lots# in C4-1 Districts, except by special permit of the City Planning Commission in accordance with Section 74-121 (Residential use in C4-1 Districts in Staten Island):

- (a) any #zoning lot# where such zoning district occupies at least four acres within a block; or
- (b) any other #zoning lot# with a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

### **32-13**

#### **Use Group 3 – Community Facilities**

#### **C1 C2 C3 C4 C5 C6 C7 C8**

Use Group 3 consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-131 (Use Group 3 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 32-132 (Use Group 3 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with a “S” in the Use Group tables;
- (c) Section 32-133 (Use Group 3 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section 32-134 (Use Group 3 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group tables; and

**Commented [Z7]:** Use Group 3 would collect community facility uses currently split into two separate use groups (3 and 4). To better reflect the way other regulations in the ZR consider community facilities, they would be separated into subcategories for those with and without sleeping accommodations. (Some of the terminology for specific uses in this group is outdated and should be updated in a future text amendment.)

The Proposal would not intend to make changes to the rules for these uses, except to permit ambulatory facilities to follow the same use location rules as other community facilities.

The permitted uses for C7 districts moving forward would follow those for C6 today.







|  |   |   |   |   |   |   |   |   |    |
|--|---|---|---|---|---|---|---|---|----|
| diagnostic or treatment health care facilities |   |   |   |   |   |   |   |   |    |
| Welfare centers                                | • | • | • | • | • | • | • | • | B3 |

**32-132**

**Use Group 3 – uses subject to size limitations**

For #uses# denoted with an “S” in Section 32-131 (Use Group 3 – general use allowances), the provisions of this Section shall apply. For any philanthropic or non-profit institutions, with or without sleeping accommodations, in all #Commercial Districts#, the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, except that in #Commercial Districts# mapped within, or with an equivalent of an R8, R9 or R10 District, 25,000 square feet, whichever is greater.

**32-133**

**Use Group 3 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-131 (Use Group 3 – general use allowances), the following provisions shall apply:

- (a) Monasteries, convents or novitiates in C8 Districts, used only for living purposes, are permitted provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face.
- (b) #Long-term care facilities# in C1 through C7 Districts are permitted except that in certain areas, the following provisions shall apply:
  - (1) In the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.
  - (2) In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, developments of nursing homes, as defined in the New York State Public

Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, are permitted only by special permit of the City Planning Commission pursuant to Section 74-131 (Long-term care facilities). However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in paragraph (a) of this Section.

- (c) Ambulatory diagnostic or treatment health care facilities in all #Commercial Districts# shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing.
- (d) #Non-profit hospital staff dwellings# in all #Commercial Districts# shall be located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto. However, in C1 through C7 Districts, such separate #zoning lot# may also include those that would be contiguous but for its separation by a #street# or a #street# intersection. Such conditions may be further modified by special permit of the City Planning Commission, in accordance with Section 74-132 (Non-profit hospital staff dwelling).

### **32-134**

#### **Use Group 3 – uses permitted by special permit**

For #uses# denoted with “o” in Section 32-131 (Use Group 3 – general use allowances), the provisions of this Section shall apply. #Schools# may permitted in C8 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-133 (Schools).

### **32-135**

#### **Use Group 3 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 32-131 (Use Group 3 – general use allowances), the following provisions shall apply:

- (a) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.
- (b) #Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section 36-021 (Applicability of regulations to non-profit hospital staff dwellings).

**32-14**

**Use Group 4 – Public Service Facilities and Infrastructure**

**C1 C2 C3 C4 C5 C6 C7 C8**

Use Group 4 consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-141 (Use Group 4 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 32-142 (Use Group 4 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section 32-143 (Use Group 4 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section 32-144 (Use Group 4 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables; and
- (e) Section 32-145 (Use Group 4 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group tables.

**32-141**

**Use Group 4 – general use allowances**

The following tables include #uses# classified as Use Group 4 and set forth their allowances by #Commercial District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of this Section. Notations found in the tables are further described in Section 32-10 (USE ALLOWANCES).

**A. Public Service Buildings**

| <b>USE GROUP 4A – PUBLIC SERVICE FACILITIES</b>   |    |    |    |    |    |    |    |    |     |
|---|----|----|----|----|----|----|----|----|-----|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |    |    |    |    |    |    |    |    |     |
| Uses  | C1 | C2 | C3 | C4 | C5 | C6 | C7 | C8 | PRC |

**Commented [Z8]:** Use Group 4 collects a wide variety of infrastructure and governmental uses found throughout the ZR. To better reflect the way other regulations in the ZR consider these uses, they are split into three categories - public service buildings, infrastructure, and renewable energy and green infrastructure.

The Proposal does not intend to make changes to the rules for these uses, except to no longer permit prisons in neighborhood commercial districts and to clarify that many boating-oriented uses are permitted in all Commercial Districts.

The permitted uses for C7 districts moving forward would follow those for C6.



|  |            |            |            |            |            |            |            |            |            |     |
|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----|
| Radioactive waste disposal services involving the handling or storage of radioactive waste   | -          | -          | -          | -          | -          | -          | -          | -          | -          | D1  |
| Sewage disposal plants   | o          | o          | o          | o          | o          | o          | o          | o          | o          | D1  |
| Water or sewage pumping stations   | •          | •          | -          | •          | •          | •          | •          | •          | •          | N/A |
| <b>Transportation Infrastructure</b>   |            |            |            |            |            |            |            |            |            |     |
| Airports   | -          | -          | -          | -          | -          | -          | -          | -          | -          | N/A |
| Boat launching facilities for non-commercial pleasure boats  | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | N/A |
| Bus stations   | o          | o          | -          | o          | o          | o          | o          | o          | o          | N/A |
| Docks  | •<br>S P U | •<br>S P U | •<br>S P U | •<br>S P U | •<br>S P U | •<br>S P U | •<br>S P U | •<br>S P U | •<br>S P U | G   |
| Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations | -          | -          | -          | -          | -          | -          | -          | -          | -          | D2  |
| Heliports  | -          | -          | o          | o          | o          | o          | o          | o          | o          | N/A |
| Mooring facilities for non-commercial pleasure boats   | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | N/A |
| Public transit or railroad electric substations  | o          | o          | o          | o          | o          | o          | o          | o          | o          | D2  |
| Public transit yards, including accessory motor fuel pumps   | -          | -          | -          | -          | -          | -          | -          | •<br>P U   | -          | D2  |
| Railroad or transit rights-of-way  | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | •<br>U     | N/A |
| Railroad passenger stations  | o          | o          | o          | o          | o          | o          | o          | o          | o          | N/A |
| Seaplane bases   | o          | o          | o          | o          | o          | o          | o          | o          | o          | N/A |
| Truck weighing stations  | -          | -          | -          | -          | -          | -          | -          | -          | -          | D2  |

C. Renewable Energy and Green Infrastructure

[USE GROUP 4C TABLE INCLUDES USES AND DEFINITIONS BEING PROPOSED BY CITY OF YES FOR CARBON NEUTRALITY]

| <b>USE GROUP 4C – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE</b>   |           |           |           |           |           |           |           |           |            |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |           |           |           |           |           |            |
| <b>Uses</b>   | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> | <b>PRC</b> |
| <b>Renewable Energy and Green Infrastructure</b>  |           |           |           |           |           |           |           |           |            |
| #Energy infrastructure equipment#   | ●<br>P U  | ●<br>P U  | ●<br>P U  | ●<br>P U  | ●<br>P U  | ●<br>P U  | ●<br>P U  | ●<br>U    | N/A        |
| Public bicycle and micromobility parking  | ●<br>U    | ●<br>U    | ●<br>U    | ●<br>U    | ●<br>U    | ●<br>U    | ●<br>U    | ●<br>U    | N/A        |
| Recycling, or organic material, receiving   | ●<br>S    | ●<br>S    | ●<br>S    | ●<br>S    | ●<br>S    | ●<br>S    | ●<br>S    | ●<br>S    | N/A        |

**32-142**

**Use Group 4 – uses subject to size limitations**

For #uses# denoted with an “S” in Section 32-141 (Use Group 4 – general use allowances), the following provisions shall apply:

- (a) Electric or gas utility substations in C1 or C2 Districts, or C4 through C8 Districts, are limited to a site of not more than 10,000 square feet. However, electric utility substations on a site in excess of 10,000 square feet may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-143 (Electric or gas utility substations) or by special permit of the City Planning Commission, in accordance with Section 74-142 (Electric utility substations).
- (b) The following capacity limitations shall apply to docks:
  - (1) In C1 through C3 Districts, docks for ferries shall be limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour except that such limitation on operational passenger load may be modified by authorization by the City Planning Commission in accordance with Section 62-821 (Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels). In C4 through C8 Districts, docks for ferries shall be permitted without restriction on passenger load.
  - (2) Docks for water taxis shall be limited to a vessel capacity up to 99 passengers.
  - (3) Docks for sightseeing, excursion or sport fishing vessels shall be limited to the following aggregate dock capacities per #zoning lot#, whereby “dock capacity” is

the U.S. Coast Guard-certified capacity of the largest vessel using a dock and “aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot#:

- (i) 200 in C1, C2 and C3 Districts;
- (ii) 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2 and C8-3 Districts; and
- (iii) 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C7 and C8-4 Districts.

- (c) In all #Commercial Districts#, recycling, or organic material, receiving, shall be limited to 5,000 square feet per establishment.

### **32-143**

#### **Use Group 4 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-141 (Use Group 4 – general use allowances), the following provisions shall apply:

- (a) For telephone exchanges or other communications equipment structures in C1 or C2 Districts, or C4 through C8 Districts, and not existing on December 15, 1961, the height above #curb level# shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.
- (b) Docks in all #Commercial Districts# shall be limited to ferries, water taxis, sightseeing, excursion or sport fishing vessels, and non-commercial pleasure boats, except that:
  - (1) In C6 Districts, docks for passenger ocean vessels may be permitted by special permit by the City Planning Commission, in accordance with Section 62-833 (Docks for passenger ocean vessels in C6 Districts).
  - (2) In all #Commercial Districts#, docks for #gambling vessels# may be permitted by special permit by the City Planning Commission, in accordance with Section 62-838 (Docks for gambling vessels).
  - (3) In Community District 1 in the Borough of Brooklyn, docks for ferries and water taxis shall be allowed provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

- (c) Public transit yards in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.
- (d) #Energy infrastructure equipment# in all #Commercial Districts#, except in C8 Districts, are subject to the screening and enclosure provisions of Section 37-20 (SCREENING AND ENCLOSURE PROVISIONS).

### **32-144**

#### **Use Group 4 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 32-141 (Use Group 4 – general use allowances), a #use# may be open or enclosed without restriction.

### **32-145**

#### **Use Group 4 – uses only permitted by special permit**

For #uses# denoted with “o” in Section 32-141 (Use Group 4 – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:
  - (1) Radio or television towers may be permitted in all #Commercial Districts#, in accordance with Section 73-141 (Radio or television towers).
  - (2) Electric utility substations on a site no greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section 73-143 (Electric or gas utility substations).
  - (3) Public transit or railroad electric substations on a site no greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section 73-146 (Public transit or railroad electric substations).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:
  - (1) Electric utility substations on a site greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section 74-142 (Electric utility substations).



- (2) Sewage disposal plants may be permitted in all #Commercial Districts#, in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).
- (3) Bus stations may be permitted in C1 or C2 Districts, or C4 through C8 Districts, in accordance with Section 74-145 (Bus stations).
- (4) Heliports may be permitted in C3 through C8 Districts, in accordance with Section 74-146 (Heliports).
- (5) Public transit or railroad electric substations on a site greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section 74-147 (Public transit or railroad electric substations).
- (6) Railroad passenger stations may be permitted in all #Commercial Districts#, in accordance with Section 74-148 (Railroad passenger stations).
- (7) Seaplane bases may be permitted in all #Commercial Districts#, in accordance with Section 74-149 (Seaplane bases).

### **32-15**

#### **Use Group 5 – Transient Accommodations**

#### **C1 C2 C3 C4 C5 C6 C8**

Use Group 5 consists of #uses# for transient occupancy of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-151 (Use Group 5 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-152 (Use Group 5 – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with a “♦” in the Use Group table;
- (c) Section 32-153 (Use Group 5 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 32-154 (Use Group 5 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 32-155 (Use Group 5 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with a “o” in the Use Group table; and

**Commented [Z9]:** Use Group 5 would collect transient accommodations found in current commercial use groups into this category.

The Proposal would not intend to make changes to the rules for these uses, except to permit the same range of uses in C1/C2 districts and in C4/C5/C6/7 districts.

In addition, boatels would be removed from the ZR since the current definition is anachronistic and no known version of the use exists.

(f) Section 32-156 (Use Group 5 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

**32-151**

**Use Group 5 – general use allowances**

The following table includes #uses# classified as Use Group 5 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

| <b>USE GROUP 5 – TRANSIENT ACCOMMODATIONS</b>   |           |           |           |           |           |           |           |           |            |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |           |           |           |           |           |            |
| <b>Uses</b>   | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> | <b>PRC</b> |
| <b>Transient Accommodations</b>   |           |           |           |           |           |           |           |           |            |
| Camps, overnight  | ○         | ○         | ○         | ○         | ○         | ○         | ○         | ●<br>U    | G          |
| #Motels#  | ♦<br>P    | ♦<br>P    | –         | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | E1         |
| #Tourist cabins#  | ♦<br>P    | ♦<br>P    | –         | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | E1         |
| #Transient hotels#  | ♦<br>P    | ♦<br>P    | –         | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | *<br>–     |

**32-152**

**Use Group 5 – uses permitted with limited applicability**

For #uses# denoted with a “♦” in Section 32-151 (Use Group 5 – general use allowances), the provisions of this Section shall apply. In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3 or C2-4 Districts, #motels#, #tourist cabins# or #transient hotels#, as permitted pursuant to the provisions of Section 32-153 (Use Group 5 – uses subject to additional conditions), shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#.

**32-153**

**Use Group 5 – uses subject to additional conditions**

[RELOCATING SPECIAL PROVISIONS FOR HOTELS FROM SECTION 32-02

WITH EDITORIAL CHANGES TO PREAMBLE]

For #uses# denoted with a “P” in Section 32-151 (Use Group 5 – general use allowances), the provisions of this Section shall apply. For the purposes of this Section, #transient hotels# shall also include #motels# and #tourist cabins#.

In all #Commercial Districts#, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-152 (In Commercial Districts) shall be applicable to:

- (1) the #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 9, 2021, did not contain such #use#; or
- (3) an #enlargement# or #extension# of a #transient hotel# that existed prior to December 9, 2021, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

Notwithstanding the above, the provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;
- (2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before December 9, 2021 and such application has been approved after January 1, 2018, provided that:
  - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and
  - (ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and

Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction); or

(3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before December 9, 2021, and has been approved by the Commission after January 1, 2018, provided that:

(i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and

(ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332. For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.

(c) Existing hotels

(1) Any #transient hotel# existing on December 9, 2021, shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-152 or other applicable section of this Resolution.

(2) The provisions of paragraph (c)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021, to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.

(3) In the event a casualty damages or destroys a #transient hotel# that was in such #use# as of December 9, 2021, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying

building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(d) Vesting regulations

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, the following provisions shall apply.

- (1) If, on or before May 12, 2021, an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on or before December 9, 2022, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. The application may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased beyond the amount approved.
- (2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018, and has not received a permit contingent on zoning approval on or before December 9, 2022, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before December 9, 2022 a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.
- (3) In the case of an application filed after December 9, 2021, for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of December 9, 2021, has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before December 9, 2023, the Department of Buildings has approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For the purposes of this paragraph, “substantially vacant” shall mean that at least 90 percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20 percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until December 9, 2031. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332.

### **32-154**

#### **Use Group 5 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 32-151 (Use Group 5 – general use allowances), a #use# may be open or enclosed without restriction.

### **32-155**

#### **Use Group 5 – uses permitted by special permit**

For #uses# denoted with a “o” in Section 32-151 (Use Group 5 – general use allowances), the provisions of this Section shall apply. In C1 through C7 Districts, overnight camps may only be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-151 (Overnight camps).

### **32-156**

#### **Use Group 5 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 32-151 (Use Group 5 – general use allowances), the provisions of this Section shall apply. For #transient hotels#, #floor area# used for sleeping accommodations shall be classified as PRC F2. #Floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls or radio or television studios shall be classified as PRC B1.

### **32-16**

#### **Use Group 6 – Retail and Services**

#### **C1 C2 C3 C4 C5 C6 C7 C8**

Use Group 6 consists of #uses# where goods or services are conveyed directly to consumers. The provisions regulating #uses# classified in this Use Group are set forth as follows:

**Commented [Z10]:** Use Group 6 would collect retail and service uses found in current commercial use groups into this category.

The Proposal would make significant changes to the rules for these uses. The current list of retail and service uses, many of which are outdated, would be updated to reflect contemporary uses in the city. The applicability for uses would be unchanged, except for more specific changes below or highlighted in the chart itself.

The Proposal would permit the same range of retail and service uses in C1/C2 districts and in C4/C5/C6/C7 districts.

- (a) Section 32-161 (Use Group 6 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 32-162 (Use Group 6 – uses subject to size limitations) for size limitations that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section 32-163 (Use Group 6 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section 32-164 (Use Group 6 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables;
- (e) Section 32-165 (Use Group 6 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with “o” in the Use Group tables; and
- (f) Section 32-166 (Use Group 6 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group tables.

The provisions of Sections 32-162, 32-163 and 32-164, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-161 (Retail and service uses), or by special permit of the City Planning Commission, in accordance with Section 74-161 (Retail and service uses).

### **32-161** **Use Group 6 – general use allowances**

The following tables include #uses# classified as Use Group 6 and sets forth their allowances by #Commercial District#. Such #uses# are categorized as retail trade establishments or general service establishments, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 32-10 (USE ALLOWANCES).

Included in the retail trade establishment table, for reference purposes only, are the three-digit subsector categories from the retail trade sector (sectors 44-45) of the 2022 North American Industry Classification System (NAICS). Included in the general service establishments table, for reference purposes only, are the three-digit subsector categories from the relevant transportation and warehousing sector (48-49), information sector (51), finance and insurance sector (52), real estate and rental and leasing sector (53), professional, scientific, and technical services (54), management of companies and enterprises (55), administrative and support and waste management and remediation services sector (56), educational services (61), accommodation and food services sector (72) and other services sector (81) of the 2022 NAICS.

For each #use# under the three-digit subsector categories in retail and general service establishments, the four-digit industry groups, five-digit NAICS industries, or six-digit industries are referenced. However, where such four-digit five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

A. Retail Trade Establishments

| <b>USE GROUP 6A – RETAIL TRADE ESTABLISHMENTS</b>   |   |           |           |           |           |           |           |           |            |
|---|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |   |           |           |           |           |           |           |           |            |
| <b>Uses (NAICS Code)</b>  | <b>C1</b>                                 | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> | <b>PRC</b> |
| <b>Motor Vehicle and Parts Dealer (441)</b>   |   |           |           |           |           |           |           |           |            |
| Automobile dealers (4411)   | ●<br>P                                    | ●<br>P    | –         | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>U    | Δ4         |
| Other motor vehicle dealers (4412)  | Boat dealers (441222)                     | ●<br>P    | ●<br>U    | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>U    | Δ4         |
|   | All other motor vehicle dealers (in 4412) | ●<br>P    | ●<br>P    | –         | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>U    | Δ4         |
| Automotive parts, accessories and tire retailers (4413)   | ●   | ●         | –         | ●         | ●         | ●         | ●         | ●         | Δ2         |
| <b>Building Material and Garden Equipment and Supplies Dealer (444)</b>   |   |           |           |           |           |           |           |           |            |
| Building material and supplies dealers (4441)   | ●<br>S                                    | ●<br>S    | –         | ●         | ●         | ●         | ●         | ●<br>U    | Δ3         |
| Lawn and garden equipment and supplies retailers (4442)   | ●<br>U                                    | ●<br>U    | –         | ●<br>U    | ●<br>U    | ●<br>U    | ●<br>U    | ●<br>U    | Δ2         |
| <b>Food and Beverage Retailers (445)</b>  |   |           |           |           |           |           |           |           |            |
| Grocery and convenience retailers (4451)  | ●   | ●         | –         | ●         | ●         | ●         | ●         | ●         | *          |
| Specialty food retailers (4452)   | ●   | ●         | ●         | ●         | ●         | ●         | ●         | ●         | *          |
| Beer, wine and liquor retailers (4453)  | ●   | ●         | –         | ●         | ●         | ●         | ●         | ●         | Δ2         |
| <b>Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)</b>  |   |           |           |           |           |           |           |           |            |
| Furniture and home furnishing retailers (4491)  | ●<br>S                                    | ●<br>S    | –         | ●         | ●         | ●         | ●         | ●         | Δ3         |
| Electronics and appliance retailers (4492)  | ●<br>S                                    | ●<br>S    | –         | ●         | ●         | ●         | ●         | ●         | Δ3         |
| <b>General Merchandise Retailers (455)</b>  |   |           |           |           |           |           |           |           |            |

**Commented [Z11]:** The Proposal would make clear that lawn and equipment stores can have open areas for the growth or sale of their goods.

**Commented [Z12]:** Here is a good example of outdated terminology. The current use is listed as "package liquor stores", which has caused confusion for establishments that only sell other forms of alcohol. The Proposal would make clear that all forms of alcohol sales are similarly permitted.



|  |  |          |          |          |          |          |          |          |            |          |     |
|--|--|----------|----------|----------|----------|----------|----------|----------|------------|----------|-----|
| Department stores (4551)   | •<br>s   | •<br>s   | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |
| Warehouse clubs, supercenters, and other general merchandise retailers (4552)            | •<br>s   | •<br>s   | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |
| <b>Health and Personal Care Retailers (456)</b>  |  |          |          |          |          |          |          |          |            |          |     |
| Health and personal care retailers (4561)  | •  | •        | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |
| <b>Gasoline Stations and Fuel Dealers (457)</b>  |  |          |          |          |          |          |          |          |            |          |     |
| Gasoline stations (4571)   | #Automotive service stations#                              | ○        | ○        | -        | ○        | ○        | ○        | ○        | ○          | •<br>P U | N/Δ |
|  | Electric vehicle charging and battery swapping             | •<br>U   | •<br>U   | •<br>U   | •<br>U   | •<br>U   | •<br>U   | •<br>U   | •<br>U     | •<br>U   | N/Δ |
|  | Boat fuel sales  | •<br>P U | •<br>P U | •<br>P U | •<br>P U | •<br>P U | •<br>P U | •<br>P U | •<br>P U   | •<br>U   | Δ4  |
| Fuel dealers (4572)  | -  | -        | -        | -        | -        | -        | -        | -        | •<br>S P U | Δ3       |     |
| <b>Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)</b>                  |  |          |          |          |          |          |          |          |            |          |     |
| Clothing and clothing accessories retailers (4581)                                       | •<br>s   | •<br>s   | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |
| Shoe retailers (4582)  | •  | •        | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |
| Jewelry, luggage, and leather goods retailers (4583)                                     | •  | •        | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |
| <b>Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)</b> |  |          |          |          |          |          |          |          |            |          |     |
| Sporting goods, hobby, and musical instrument retailers (4591)                           | Sporting goods retailers (45911)                           | •        | •        | •        | •        | •        | •        | •        | •          | Δ2       |     |
|  | All other hobby and musical instrument retailers (in 4591) | •        | •        | -        | •        | •        | •        | •        | •          | Δ2       |     |
| Book retailers and news dealers (4592)   | Book retailers   | •        | •        | -        | •        | •        | •        | •        | •          | Δ2       |     |
|  | News dealers   | •<br>U   | •<br>U   | -        | •<br>U   | •<br>U   | •<br>U   | •<br>U   | •<br>U     | •<br>U   | Δ2  |
| Florists (4593)  | •<br>U   | •<br>U   | -        | •<br>U   | •<br>U   | •<br>U   | •<br>U   | •<br>U   | •<br>U     | Δ2       |     |
| Office supplies, stationery, and gift retailers (4594)                                   | •  | •        | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |
| Used merchandise retailers (4595)  | •  | •        | -        | •        | •        | •        | •        | •        | •          | Δ2       |     |

**Commented [Z13]:** The Proposal would make clear that florists can have open areas for the growth or sale of flowers.

|                                   |   |   |   |   |   |   |   |   |   |    |
|-----------------------------------|---|---|---|---|---|---|---|---|---|----|
| Miscellaneous retailers<br>(4599) | • | • | - | • | • | • | • | • | • | Δ2 |
|-----------------------------------|---|---|---|---|---|---|---|---|---|----|

**B. Service Establishments**

| <b>USE GROUP 6B – SERVICE USES</b>  |           |           |           |           |           |           |           |           |            |          |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|----------|
| • = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |           |           |           |           |           |            |          |
| <b>Uses (NAICS Code)</b>  | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> | <b>PRC</b> |          |
| <b>Postal Service (491) / Couriers and Messengers (492)</b>   |           |           |           |           |           |           |           |           |            |          |
| Postal service<br>(4911)  | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ2       |
| Couriers and express delivery<br>services (4921)  | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ2       |
| Local messengers and local<br>delivery (4922)   | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ2       |
| <b>Telecommunications (517)</b>   |           |           |           |           |           |           |           |           |            |          |
| Wired and wireless<br>telecommunications (5171)   | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ2       |
| <b>Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)</b>   |           |           |           |           |           |           |           |           |            |          |
| Computing infrastructure<br>providers, data processing, web<br>hosting, and related services (5182)   | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ3       |
| <b>Credit Intermediation and Related Activities (522)</b>   |           |           |           |           |           |           |           |           |            |          |
| Savings, loan and other financial<br>services<br>(5221, 5222 and 5223)  | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ3       |
| <b>Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)</b>  |           |           |           |           |           |           |           |           |            |          |
| Securities, commodity contracts,<br>and other financial investments<br>and related activities (5231, 5232<br>and 5239)  | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ3       |
| <b>Insurance Carriers and Related Activities (524)</b>  |           |           |           |           |           |           |           |           |            |          |
| Insurance carriers and related<br>activities (5241 and 5242)  | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ3       |
| <b>Funds, Trusts and Other Financial Vehicles (525)</b>   |           |           |           |           |           |           |           |           |            |          |
| Funds, trusts and other financial<br>vehicles (5251 and 5259)   | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ3       |
| <b>Real Estate (531)</b>  |           |           |           |           |           |           |           |           |            |          |
| Real estate (5311, 5312, and 5313)  | •         | •         | -         | •         | •         | •         | •         | •         | •          | Δ3       |
| <b>Rental and Leasing Services (532)</b>  |           |           |           |           |           |           |           |           |            |          |
| Automotive equipment rental and<br>leasing (5321)   | •         | •         | -         | •         | •         | •         | •         | •         | •          | N/A<br>u |

**Commented [Z14]:** As the city's economy has grown and changed, the ZRs list of service uses has become significantly deficient. By listing this greater range of uses that occur in store-like spaces, the Proposal would provide more clarity as to where different businesses can locate.

|   |   |   |   |   |   |   |   |   |   |   |    |
|---|---|---|---|---|---|---|---|---|---|---|----|
| Consumer goods rental (5322)  | Consumer electronics and appliances rental (53221)      | • | • | – | • | • | • | • | • | • | Δ3 |
|   | Recreational goods rental (532284)                      | • | • | • | • | • | • | • | • | • | Δ3 |
|   | All other consumer goods rental (in 5322)               | • | • | – | • | • | • | • | • | • | Δ3 |
| General rental centers (5323)   | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| Commercial and industrial machinery and equipment rental and leasing (5324) | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| <b>Professional, Scientific, and Technical Services (541)</b>               |   |   |   |   |   |   |   |   |   |   |    |
| Veterinary services (54194)   | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| All other professional, scientific, and technical services (in 541)         | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| <b>Management of Companies and Enterprises (551)</b>                        |   |   |   |   |   |   |   |   |   |   |    |
| Management of companies and enterprises (5511)                              | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| <b>Administrative and Support Services (561)</b>                            |   |   |   |   |   |   |   |   |   |   |    |
| Travel and reservation services (5615)                                      | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| Services to buildings and dwellings (5617)                                  | Carpet and upholstery cleaning services (56174)         | – | – | – | – | – | – | – | • | • | D1 |
|   | All other services to buildings and dwellings (in 5617) | • | • | – | • | • | • | • | • | • | Δ3 |
| All other administrative and support services (in 561)                      | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| <b>Educational Services (611)</b>   |   |   |   |   |   |   |   |   |   |   |    |
| Business schools and computer and management training (6114)                | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| Technical and trade schools (6115)  | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| All other schools and instruction (6116 and 6117)                           | •   | • | – | • | • | • | • | • | • | • | Δ3 |
| <b>Food Services and Drinking Places (722)</b>                              |   |   |   |   |   |   |   |   |   |   |    |
| Special food services (7223)  | •   | • | • | • | • | • | • | • | • | • | Δ3 |
| Eating or drinking establishments (7224 and 7225)                           | •   | • | • | • | • | • | • | • | • | • | *  |
| <b>Repair and Maintenance (811)</b>   |   |   |   |   |   |   |   |   |   |   |    |

**Commented [Z15]:** The Proposal would remove an unclear distinction between "veterinary medicine" and "animal hospitals", which were treated differently in the existing use groups. All veterinary services would be permitted in C1/C2 and C4/C5/C6/C7 districts.

**Commented [Z16]:** The Proposal would make changes to the regulations for eating or drinking establishments. Specific rules are listed in the "S", "P" and "U" sections below. In addition, it would allow some eating or drinking establishments in C3 districts as of right.

|   |   |          |          |          |          |          |          |          |          |          |     |
|---|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----|
| Automotive repair and maintenance (8111)  | #Heavy motor vehicle repair and maintenance shops#                      | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>P   | A4  |
|   | #Light motor vehicle repair and maintenance shops#                      | ○        | ○        | -        | ○        | ○        | ○        | ○        | ○        | ●<br>P   | A3  |
|   | Car washes (811192)   | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>P   | N/A |
| Electronic and precision equipment repair and maintenance (8112)                |   | ●        | ●        | -        | ●        | ●        | ●        | ●        | ●        | ●        | A3  |
| Commercial and industrial machinery and equipment repair and maintenance (8113) |   | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>P   | A3  |
| Personal and Household Goods Repair and Maintenance (8114)                      | Bicycle repair  | ●        | ●        | ●        | ●        | ●        | ●        | ●        | ●        | ●        | A3  |
|   | Recreational boat repair  | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | A4  |
|   | Home and garden equipment and appliance repair and maintenance (81141)  | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>P   | A3  |
|   | All other personal and household goods repair and maintenance (in 8114) | ●        | ●        | -        | ●        | ●        | ●        | ●        | ●        | ●        | A3  |
| <b>Personal and Laundry Services (812)</b>                                      |   |          |          |          |          |          |          |          |          |          |     |
| Personal care services (8121)   | #Health and fitness establishments#                                     | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>U   | A2  |
|   | All other personal care services (in 8121)                              | ●        | ●        | -        | ●        | ●        | ●        | ●        | ●        | ●        | A2  |
| Death care services (8122)  | Funeral homes and funeral services (81221)                              | ●        | ●        | -        | ●        | ●        | ●        | ●        | ●        | ●        | G   |
|   | Crematoriums  | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>P   | A4  |
| Drycleaning and laundry services (8123)   | Personal laundry or dry cleaning  | ●<br>S P | ●<br>S P | -        | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P   | A2  |
|   | Industrial dry cleaning and laundry services                            | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>P   | D1  |
| Other personal services   | Pet care services (81291)   | ●<br>P   | ●<br>P   | -        | ●<br>P   | ●<br>P   | ●<br>P   | ●<br>P   | ●<br>P   | ●        | A2  |

**Commented [Z17]:** Today, uses like tire installation or mirror shops are permitted as of right in some Commercial Districts. The Proposal would require a BSA permit to locate new light motor vehicle repair uses in the fuller range of C districts (C1/C2 or C4/C5/C6/C7 districts).

|        |                                       |   |   |   |   |   |   |   |   |    |
|--------|---------------------------------------|---|---|---|---|---|---|---|---|----|
| (8129) | All other personal services (in 8129) | • | • | – | • | • | • | • | • | Δ3 |
|--------|---------------------------------------|---|---|---|---|---|---|---|---|----|

**32-162**

**Use Group 6 - uses subject to size limitations**

For #uses# denoted with an “S” in Section 32-161 (Use Group 6 – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

- (a) fuel dealers in C8 Districts shall be limited to 5,000 square feet of #floor area# per establishment;
- (b) eating or drinking establishments in C1 through C3 Districts, providing entertainment with cover charge or specified showtime, shall be limited to a capacity of 200 persons or fewer. However, such establishment providing entertainment with cover charge or specified showtime, and a capacity of more than 200 persons may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-162 (Eating or drinking establishments). All other types of eating or drinking establishments shall be permitted without limitation on capacity; and
- (c) personal laundry or dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to 2,500 square feet of #floor area# per establishment.

**Commented [Z18]:** In C1 through C3 districts, the Proposal would limit eating and drinking establishments with cover charges or specified showtimes for any form of entertainment to a capacity of 200 persons as of right. This would remove distinctions between rock shows (permitted) and comedy clubs (often restricted) or dancing (restricted) while ensuring these forms of scheduled entertainment are limited in size in local commercial districts.

Any eating or drinking without cover charges or specified showtimes would continue to be permitted without restriction in C districts.

**32-163**

**Use Group 6 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-161 (Use Group 6 – general use allowances), the following conditions shall apply:

- (a) **Service Limitations**
  - (1) Automobile dealers and all other motor vehicle dealers in C1 or C2 Districts, or C4 through C7 Districts, shall not include repair services or preparation of vehicles for delivery.
  - (2) The following provisions shall apply to boat dealers and recreational boat repair services:
    - (i) In C1 through C7 Districts, boat dealers shall be restricted to boats less than 100 feet in length. Additionally, in C1 or C2 Districts, or C4 through C7 Districts, such establishment shall not include repair services or preparation of vehicles for delivery.

**Commented [Z19]:** The Proposal would maintain the current requirements for these specified uses, except it clarifies that veterinary services or pet care establishments cannot board pets overnight in C1-C7 districts. This is consistent with DOBs interpretation today.

(ii) In all #Commercial Districts#, recreational boat repair services shall be restricted to boats less than 100 feet in length.

(3) Veterinary service or pet care service establishments in C1 or C2 Districts, or C4 through C7 Districts, shall not include overnight boarding or accommodations.

(b) Location and Other Building Requirements

(1) Boat fuel sales establishments in C1 through C7 District shall be restricted to location within 10 feet of a boat dock berth.

(2) For veterinary services in C1 or C2 Districts, or C4 through C7 Districts, where such #building# contains a #residential use#, no access shall be from an entrance serving the #residential# portion.

(3) Eating or drinking establishments in C4 through C7 Districts, providing entertainment with cover charge or specified showtime, and a capacity of more than 200 persons, except those that are located within hotels, shall be subject to the following conditions:

(i) In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit of the Board of Standards and Appeals, in accordance with Section 73-162 (Eating or drinking establishments);

(ii) In C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, the entrance to such establishment shall be a minimum of 100 feet from the nearest #Residence District# boundary;

(iii) In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons are permitted only by special permit of the Board of Standards and Appeals, in accordance with Section 73-162; and

(iv) In C4, C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

(c) Environmental Conditions

**Commented [Z20]:** The Proposal maintains the current requirements for these specified uses, though the locational and design requirements for eating or drinking establishments in some C6 districts would be extended to comparable C5 districts.

**Commented [Z21]:** The Proposal maintains the current requirements for these specified uses.

- (1) Technical and trade schools in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to establishments not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects.

[RELOCATING PROVISIONS FOR HEALTH AND FITNESS ESTABLISHMENTS  
FROM SECTION 32-413]

- (2) For #health and fitness establishments# in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#. Where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, such #use# shall be required to have an acoustical engineer verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection. Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (i) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (ii) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

- (3) Personal laundry or drycleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to solvents with a flash point of not less than 138.2 degrees Fahrenheit, and total aggregate dry load capacity of machines shall not exceed 60 pounds.

- (4) The following #uses# in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive:

#Automotive service stations#

Car wash

Commercial and industrial machinery and equipment repair and maintenance

Crematorium

Fuel dealers

#Heavy motor vehicle repair and maintenance shops#

Home and garden equipment and appliance repair and maintenance

Industrial dry cleaning and laundry services

#Light motor vehicle repair and maintenance shops#

Personal laundry or drycleaning

Technical and trade schools

Veterinary services

### **32-164**

#### **Use Group 6 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 32-161 (Use Group 6 – general use allowances), a #use# may be open or enclosed without restriction except that:

- (a) for the following #uses# in C8 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet:

Automotive equipment rental and leasing;

Building material and supplies dealers;

Commercial and industrial machinery and equipment rental and leasing; and

Recreational goods rental;

- (b) boat dealers in C3 Districts may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;
- (c) for lawn and garden equipment and supplies retailers or florists in C1 or C2 Districts, or C4 through C6 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet. In C7 or C8 Districts, such #use# may be open or enclosed without restriction;
- (d) for eating or drinking establishments, such open #use# shall be limited to outdoor table service;

**Commented [Z22]:** The Proposal would maintain the current enclosure requirements for specific uses, except that it permits florists and lawn and garden retailers to have open portions of their use.



- (e) recreational boat repair in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and

[RELOCATING PROVISIONS FOR HEALTH AND FITNESS ESTABLISHMENTS FROM SECTION 32-413]

- (f) #health and fitness establishments# in all #Commercial Districts# may be unenclosed except in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#.

### **32-165**

#### **Use Group 6 - uses permitted by special permit**

For #uses# denoted with “o” in Section 32-161 (Use Group 6 – general use allowances), the following provisions shall apply:

- (a) #Automotive service stations# may be permitted in C1 and C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-163 (Automotive service stations).
- (b) #Light motor vehicle repair and maintenance shops# may be permitted in C1 and C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-164 (Light motor vehicle repair and maintenance shops).

However, notwithstanding the above, #light motor vehicle repair and maintenance shops# existing prior to [date of adoption] shall be considered a conforming #use# and thereafter may be continued, structurally altered, #extended# or #enlarged# subject to the applicable #bulk# regulations for the district. However, in no event shall the additional #floor area# associated with an #enlarged# or #extended# portion exceed 50 percent of the #floor area# of such #light motor vehicle repair and maintenance shop# as it existed on [date of adoption].

### **32-166**

#### **Use Group 6 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 32-161 (Use Group 6 – general use allowances), the following provisions shall apply:

- (a) Grocery and convenience retailers or specialty food retailers with 2,500 square feet or more of #floor area# per establishment shall be classified as PRC A1. Such retailers with less than 2,500 square feet of #floor area# shall be classified as PRC A2.

**Commented [Z23]:** The Proposal would require a BSA permit to open a new light motor vehicle repair and maintenance shop. However, the Proposal would allow existing establishments to be treated as conforming uses and they would be given the ability to make limited enlargements without requiring the BSA permit.

**Commented [Z24]:** The Proposal would maintain the current parking requirements for specified uses, except that it updates the threshold where food stores apply different parking requirements from 2,000 sf to 2,500 sf. This would align this provision with other size requirements in the ZR (which are typically either 2.5k, 5k, or 10k). It would also better align with the typical size of a small ground floor space on most commercial corridors.

- (b) Eating or drinking establishments, including those providing entertainment with cover charge or specified showtime and a capacity of 200 persons or fewer, shall be classified as PRC A2. Such establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons shall be classified as PRC B1.

**32-17**

**Use Group 7 – Offices and Laboratories**

**C1 C2 C4 C5 C6 C7 C8**

Use Group 7 consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. #Use# allowances by zoning district are listed in a chart provided in this Section. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-171 (Use Group 7 – general use allowances) which includes the compilation of #uses# in the Use Group table; and
- (b) Section 32-172 (Use Group 7 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

**32-171**

**Use Group 7 – general use allowances**

The following table includes #uses# classified as Use Group 7 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

| <b>USE GROUP 7 – OFFICES AND LABORATORIES</b>   |           |           |           |           |           |           |           |           |            |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |           |           |           |           |           |            |
| <b>Uses</b>   | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> | <b>PRC</b> |
| <b>Laboratories</b>   |           |           |           |           |           |           |           |           |            |
| Laboratories  | ●<br>P    | ●<br>P    | –         | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | ●<br>P    | A3         |
| <b>Offices</b>  |           |           |           |           |           |           |           |           |            |
| Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental   | ●         | ●         | –         | ●         | ●         | ●         | ●         | ●         | A3         |

**Commented [Z25]:** Use Group 7 would collect offices and laboratories into the same category since they have many physical similarities (both typically locate in the upper stories of commercial buildings) and they share many current zoning requirements.

The Proposal would permit the same range of these uses in C1/C2 districts and in C4/C5/C6/C7 districts. Laboratories are already permitted in C2, C4, C5, and C6 districts. Offices are already permitted in these districts and C1.

The Proposal would also update the terminology for laboratories in Commercial Districts from the current "medical or dental laboratory" to make the ZR consistent with DOBs interpretation that laboratories of all type are permissible in these districts subject to environmental conditions.

## 32-172

### Use Group 7 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 32-171 (Use Group 7 – general use allowances), the provisions of this Section shall apply. In C1 or C2 Districts, or C4 through C8 District, laboratories shall not involve any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects. However, other laboratories may be permitted by special permit by the City Planning Commission, as set forth in Section 74-171 (Laboratories).

## 32-18

### Use Group 8 – Recreation, Entertainment and Assembly Spaces

#### C1 C2 C3 C4 C5 C6 C7 C8

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 32-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 32-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 32-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 32-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 32-182, 32-183 and 32-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**Commented [Z26]:** Use Group 8 would collect the wide range of entertainment and assembly spaces in the ZR into this category. To better reflect the way other regulations in the ZR consider these uses, they are organized into four sub-categories: amusement and recreation facilities, art galleries and studios, entertainment and sporting venues, and other assembly spaces.

The Proposal would permit the same range of these uses in C1/C2 districts and in C4/C5/C6/C7 districts, though C7 would permit a wider range of open entertainment uses.

To better reflect the wide range of amusement and recreation facilities in the city, the Proposal would create a singular use (“amusement and recreation facility”). The new use would replace a cacophony of dated and overly specific uses (billiard parlors, indoor golf recreation centers, table tennis halls, freak shows). The use would have to be indoors in C1-C6 districts and limited to 10k in C1 and C2 districts. Open versions of the use would require a BSA permit in those districts. This use would be separate from outdoor amusement parks, which would be limited in size to 10k.

Production studios, which are currently not permitted in C1 and C2 districts, would similarly be allowed up to 10k. The terminology would be updated to remove reference to specific art forms (film, radio, etc).

In addition, two new uses would be added to this category reflecting uses found in the city - observation decks and publicly accessible spaces. This ensure that these uses can be clearly located in these districts.

The regulations for other uses in this category would remain unchanged.

**32-181**

**Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

| <b>USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES</b>  |           |           |           |           |           |           |           |           |            |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |           |           |           |           |           |            |
| <b>Uses</b>   | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> | <b>PRC</b> |
| <b>Amusement and Recreation Facilities</b>  |           |           |           |           |           |           |           |           |            |
| #Amusement or recreation facilities#  | ●<br>s    | ●<br>s    | ○         | ●         | ●         | ●         | ●<br>u    | ●<br>u    | *<br>_     |
| #Outdoor amusement parks#   | –         | –         | –         | –         | –         | –         | ●<br>s u  | ●<br>s u  | C          |
| <b>Art Galleries and Studios</b>  |           |           |           |           |           |           |           |           |            |
| Art galleries   | ●         | ●         | –         | ●         | ●         | ●         | ●         | ●         | *<br>_     |
| Art, music, dancing or theatrical studios   | ●         | ●         | –         | ●         | ●         | ●         | ●         | ●         | A2         |
| Production or entertainment studios   | ●<br>s    | ●<br>s    | –         | ●         | ●         | ●         | ●         | ●         | B1         |
| <b>Entertainment and Sporting Venues</b>  |           |           |           |           |           |           |           |           |            |
| Arenas or auditoriums   | –         | –         | –         | ●<br>s    | ●<br>s    | ●<br>s    | ●<br>s    | ●<br>s    | B1         |
| Drive-in theaters   | –         | –         | –         | –         | –         | –         | ○         | ○         | N/A        |
| Racetracks  | –         | –         | –         | –         | –         | –         | –         | ○         | B1         |
| Stadiums  | –         | –         | –         | ●<br>s u  | ●<br>s u  | ●<br>s u  | ●<br>s u  | ●<br>s u  | B1         |
| Theaters  | ●<br>p    | ●<br>p    | –         | ●<br>p    | ●<br>p    | ●<br>p    | ●         | ●<br>p    | B1         |
| <b>Other Assembly Spaces</b>  |           |           |           |           |           |           |           |           |            |
| Banquet, function or reception halls  | ●         | ●         | –         | ●         | ●         | ●         | ●         | ●         | B1         |
| Historical exhibits   | ●         | ●         | –         | ●         | ●         | ●         | ●         | ●         | B1         |

|                             |        |        |   |        |        |        |        |          |        |
|-----------------------------|--------|--------|---|--------|--------|--------|--------|----------|--------|
| Meeting halls               | •      | •      | – | •      | •      | •      | •      | •        | B1     |
| Non-commercial clubs        | •      | •      | • | •      | •      | •      | •      | •        | *<br>– |
| Observation decks           | •      | •      | – | •      | •      | •      | •      | •        | B1     |
| Outdoor day camps           | ○      | ○      | ○ | ○      | ○      | ○      | ○      | •<br>U   | G<br>U |
| Publicly accessible spaces  | •<br>U | •<br>U | – | •<br>U | •<br>U | •<br>U | •<br>U | •<br>U   | N/A    |
| Riding academies or stables | ○      | ○      | ○ | ○      | ○      | ○      | ○      | •<br>P U | A4     |
| Trade expositions           | –      | –      | – | •<br>S | •<br>S | •<br>S | •<br>S | •<br>S   | B1     |

**32-182**

**Use Group 8 – uses subject to size limitations**

For #uses# denoted with an “S” in Section 32-181 (Use Group 8 – general use allowances), the specific size limitations shall be as follows:

- (a) #Amusement or recreation facilities# and production or entertainment studios in C1 or C2 Districts are limited to 10,000 square feet of #floor area# per establishment.
- (b) #Outdoor amusement parks# in C7 or C8 Districts are limited to 10,000 square feet of #lot area#, except as permitted by special permit by the Board of Standards and Appeals, in accordance with Section 73-183 (Outdoor Amusement Parks).
- (c) Arenas, auditoriums or stadiums in C4 through C8 Districts are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section 74-182 (Arenas, auditoriums, stadiums or trade expositions).

**Commented [Z27]:** The Proposal would maintain the current size limitations, but it would also permit studios in C1 and C2 districts up to 10k in size.

**32-183**

**Use Group 8 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) Motion picture theaters, in a new or existing #building# in C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C5, C6 and C8-4 Districts, shall provide a

**Commented [Z28]:** The Proposal would maintain these existing conditions, but extend the theater provision to comparable C1 and C5 districts.

minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

- (b) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

### **32-184**

#### **Use Group 8 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 32-181 (Use Group 8 – general use allowances), a #use# may be open or enclosed without restriction except that stables in C8 Districts shall be enclosed.

### **32-185**

#### **Use Group 8 – uses permitted by special permit**

For #uses# denoted with “o” in Section 32-181 (Use Group 8 – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:
- (1) Waterfront-oriented #amusement or recreation facilities# may be permitted in C3 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73- 182 (Outdoor Recreation and Amusement Facilities).
  - (2) Outdoor day camps may be permitted in C1 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-185 (Outdoor day camps).
  - (3) Riding academies or stables may be permitted in C1 through C7 Districts, by special permit of the Board of Standards and Appeals in accordance with Section 73-186 (Riding academies or stables).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:

**Commented [Z29]:** The Proposal would maintain the current framework of discretionary actions for these uses, except that a new BSA permit would be made available in C3 districts for water-oriented amusement and recreation uses. It would replace a series of BSA permits for such uses in C3 districts.

- (1) Drive-in theaters may be permitted in C7 or C8 Districts by special permit of the City Planning Commission, in accordance with Section 74-183 (Drive-in theaters).
- (2) Racetracks may be permitted in C8 Districts by special permit of the City Planning Commission, in accordance with Section 74-184 (Racetracks).

### **32-186**

#### **Use Group 8 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 32-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) #Amusement or recreation facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.
- (b) Art galleries shall be classified as PRC A2 except that non-commercial art galleries shall be classified as PRC G.
- (c) Non-commercial clubs shall be classified as PRC B1 except that such non-commercial clubs meeting the requirements of paragraph (b) of Section 22-182 (Use Group 8 – uses subject to additional conditions) shall be classified as PRC B3.

### **32-19**

#### **Use Group 9 – Storage** **C1 C2 C3 C4 C5 C6 C7 C8**

Use Group 9 consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-191 (Use Group 9 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-192 (Use Group 9 – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “♦” in the Use Group table;
- (c) Section 32-193 (Use Group 9 – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (d) Section 32-194 (Use Group 9 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;

**Commented [Z30]:** Use Group 9 would collect the wide range of storage related uses in the ZR into this category. To better reflect the way other regulations in the ZR consider these uses, they are organized into three sub-categories: general and specialized storage, and vehicle storage.

The Proposal would permit the same range of these uses in C1/C2 districts and in C4/C5/C6/C7 districts.

To better reflect the need for small-scale distribution facilities in commercial areas, the Proposal would include a new use called a "micro-distribution facility". It would be restricted to 2,500 sf in C1 and C2 districts. In C4-C7, it would be allowed up to 5k sf on the ground floor and up to 10k above. Larger establishments in these districts would require a discretionary action. This new use would replace the small-scale "moving or storage office" that was identified by DOB as the most similar use to the online grocery micro-fulfillment centers recently seen in the city.

The regulations for other uses in this category would remain unchanged, except that depositories in C4-C7 would be restricted to 5k on the ground floor to ensure a more active streetscape.

- (e) Section 32-195 (Use Group 9 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (f) Section 32-196 (Use Group 9 – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “o” in the Use Group table; and
- (g) Section 32-197 (Use Group 9 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

**32-191**  
**Use Group 9 – general use allowances**

The following table includes #uses# classified as Use Group 9 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

| <b>USE GROUP 9 – STORAGE</b>  |           |           |           |           |           |           |           |           |            |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |           |           |           |           |           |            |
| <b>Uses</b>   | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> | <b>C6</b> | <b>C7</b> | <b>C8</b> | <b>PRC</b> |
| <b>General Storage</b>  |           |           |           |           |           |           |           |           |            |
| Building materials or contractors' yard   | –         | –         | –         | –         | –         | –         | –         | ●<br>S U  | D2         |
| Depositories for storage of office records, microfilm or computer tapes, or for data processing   | –         | –         | –         | ●<br>S    | ●<br>S    | ●<br>S    | ●<br>S    | ●         | D2         |
| Micro-distribution facility   | ●<br>S    | ●<br>S    | –         | ●<br>S    | ●<br>S    | ●<br>S    | ●<br>S    | –         | D2         |
| Moving or storage offices   | –         | –         | –         | –         | –         | –         | –         | ●         | D2         |
| #Self-service storage facility#   | –         | –         | –         | –         | –         | –         | –         | ●         | D2         |
| Trucking terminals or motor freight stations  | –         | –         | –         | –         | –         | –         | –         | ●<br>S U  | D2         |
| Warehouses  | –         | –         | –         | –         | –         | –         | –         | ●         | D2         |
| Wholesale establishments  | ●<br>S P  | ●<br>S P  | –         | ●<br>S P  | ●<br>S P  | ●<br>S P  | ●<br>S P  | ●<br>P    | *<br>–     |
| <b>Specialized Storage</b>  |           |           |           |           |           |           |           |           |            |



|  |          |          |          |          |          |          |          |          |          |     |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----|
| Coal or gas storage  | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Explosives storage, when not prohibited by other ordinances                  | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Grain storage  | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Junk or salvage yards, including auto wrecking or similar establishments     | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Lumber yard  | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Manure, peat or topsoil storage  | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Petroleum or petroleum products, storage or handling                         | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Refrigerating plants   | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| Scrap metal, junk, paper or rags storage, sorting, or baling                 | -        | -        | -        | -        | -        | -        | -        | -        | -        | D2  |
| <b>Vehicle Storage</b>   |          |          |          |          |          |          |          |          |          |     |
| Boat storage   | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | ●<br>P U | A4  |
| Commercial or public vehicle storage, including #accessory# motor fuel pumps | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>U   | D2  |
| Dead storage of motor vehicles   | -        | -        | -        | -        | -        | -        | -        | -        | ●<br>U   | N/A |
| #Public parking garages# or #public parking lots#                            | ◆<br>P U | ◆<br>P U | -        | ◆<br>P U | ◆<br>P U | ◆<br>P U | ◆<br>P U | ◆<br>P U | ◆<br>P U | N/A |

### **32-192**

#### **Use Group 9 – uses permitted with limited applicability**

For #uses# denoted with “◆” in Section 32-191 (Use Group 9 – general use allowances), the provisions of this Section shall apply. For #public parking garages# and #public parking lots# the following provisions shall apply:

- (a) In the #Manhattan Core#, such #uses are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6;
- (b) In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7 outside the #expanded Transit Zone#, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, #public parking garages# and #public parking lots# with a capacity of

up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section 74-193 (Public parking garages or public parking lots outside high density areas); and

- (c) In C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C5, C6, C7 inside the #expanded Transit Zone#, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section 74-194 (Public parking garages or public parking lots in high density central areas).

### **32-193**

#### **Use Group 9 – uses subject to size limitations**

For #uses# denoted with an “S” in Section 32-191 (Use Group 9 – general use allowances), the following provisions shall apply:

- (a) Building materials or contractors’ yards in C8 Districts shall be limited to 10,000 square feet of #lot area# per establishment.
- (b) Depositories for storage of office records, microfilm or computer tapes, or for data processing, in C4 through C7 Districts, shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor, and without limitation above the ground floor.
- (c) For micro-distribution facilities, the following size limitations shall apply:
- (1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.
- (2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor and 10,000 square feet above the ground floor. Such size limit may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-191 (Micro-distribution facilities), or by special permit of the City Planning Commission, in accordance with Section 74-191 (Micro-distribution facilities).
- (d) Trucking terminals or motor freight stations in C8 Districts are limited to 20,000 square feet of #lot area# per establishment, except that establishments with a #lot area# in excess of 20,000 square feet may be permitted by special permit by the City Planning Commission pursuant to Section 74-195 (Trucking terminals or motor freight stations).
- (e) For wholesale establishments, the following size limitations shall apply:

**Commented [Z31]:** The Proposal's size limitations for the new micro-distribution use would be located here. In addition, the current size limits for wholesale establishments, which are based on the size of the accessory storage area, would be updated to cover the overall establishment. This would treat the use like others in the ZR.

- (1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.
- (2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment except that such limitation shall not apply to establishments above the ground floor where storage is restricted to samples.

### **32-194**

#### **Use Group 9 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-191 (Use Group 9 – general use allowances), the following provisions shall apply:

- (a) Wholesale establishment in C1 or C2 Districts, or C4 through C8 Districts, shall not include produce or meat markets.
- (b) Boat storage in all #Commercial Districts# shall be restricted to boats less than 100 feet in length.
- (c) #Public parking garages# and #public parking lots# in all applicable districts, shall be subject to the provisions set forth for #accessory# off-street parking spaces in Section 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening).

### **32-195**

#### **Use Group 9 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 32-191 (Use Group 9 – general use allowances), a #use# may be open or enclosed without restriction except that:

- (a) boat storage in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;
- (b) building materials or contractors’ yards in C8 Districts may be open or enclosed provided that not more than 5,000 square feet of such #lot area# is used for open storage; and
- (c) #public parking garages#, in all applicable districts, may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

### **32-196**

### **Use Group 9 – uses permitted by special permit**

For #uses# denoted with “o” in Section 32-191 (Use Group 9 – general use allowances), the provisions of this Section shall apply. #Public parking garages# may be permitted in C5 or C6 Districts by special permit by the City Planning Commission in accordance with Section 74-194 (Public parking garages or public parking lots in high density central areas). In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

### **32-197**

#### **Use Group 9 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 32-191 (Use Group 9 – general use allowances), the provisions of this Section shall apply. Wholesale establishments in C1 or C2 Districts, or C4 through C7 Districts, shall be classified as PRC A3. In C8 Districts, such #use# shall be classified as PRC A4.

### **32-20**

#### **Use Group 10 – Production Uses**

#### **C1 C2 C4 C5 C6 C7 C8**

Use Group 10 consists of #uses# engaged in the mechanical, physical, or chemical transformation of materials into new goods. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-201 (Use Group 10 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-202 (Use Group 10 – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table; and
- (c) Section 32-203 (Use Group 10 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

The provisions of Sections 32-202 and 32-203, except as otherwise specified in such Sections, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-211 (Production uses), or by special permit of the City Planning Commission, in accordance with Section 74-211 (Production uses).

### **32-201**

#### **Use Group 10 - general use allowances**

**Commented [Z32]:** Use Group 10 would collect the production-oriented uses found in commercial and manufacturing use groups into this category.

The Proposal would make significant changes to the rules for these uses. Limited production uses are already allowed in Commercial Districts. For example, uses like dressmaking are allowed in C1, C2 and C4 districts. In C5 and C6 districts, a broader range of custom manufacturing is also permitted for products like precision instruments and jewelry. C8 districts broaden this to include uses like blacksmiths.

The current list of uses, many of which are outdated, would be updated to reflect contemporary production uses in the city. The production uses that would be permitted in Commercial Districts would only include those similar to the light manufacturing uses allowed in MX districts today.

In addition, the Proposal would allow production in a wider variety of commercial districts but subject to size and environmental controls. C1 and C2 districts would permit them up to 5k. C4 through C7 districts would permit them up to 10k on the ground floor and higher above. These uses would also be subject to environmental standards applied in MX districts.



|   |          |          |   |          |          |          |          |        |    |
|---|----------|----------|---|----------|----------|----------|----------|--------|----|
| Other leather and allied product manufacturing (3169)                                     | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Wood Product Manufacturing (321)</b>   |          |          |   |          |          |          |          |        |    |
| Sawmills and wood preservation (3211)   | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| Veneer, plywood, and engineered wood product manufacturing (3212)                         | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| Other wood product manufacturing (3219)   | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Paper Manufacturing (322)</b>  |          |          |   |          |          |          |          |        |    |
| Pulp, paper, and paperboard mills (3221)  | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| Converted paper product manufacturing (3222)  | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Printing and Related Support Activities (323)</b>                                      |          |          |   |          |          |          |          |        |    |
| Printing and related support activities (3231)  | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Petroleum and Coal Products Manufacturing (324)</b>                                    |          |          |   |          |          |          |          |        |    |
| Petroleum and coal products manufacturing (3241)  | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| <b>Chemical Manufacturing (325)</b>   |          |          |   |          |          |          |          |        |    |
| Pharmaceutical and medicine manufacturing (3254)  | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| Soap, cleaning compound, and toilet preparation manufacturing (3256)                      | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| All other chemical manufacturing (in 325)   | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| <b>Plastics and Rubber Products Manufacturing (326)</b>                                   |          |          |   |          |          |          |          |        |    |
| Plastics and rubber products manufacturing (326)  | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| <b>Nonmetallic Mineral Product Manufacturing (327)</b>                                    |          |          |   |          |          |          |          |        |    |
| Clay product and refractory, glass and glass product manufacturing (3271 and 3272)        | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| All other nonmetallic mineral product manufacturing (in 327)                              | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| <b>Primary Metal Manufacturing and Fabricated Metal Product Manufacturing (331 - 332)</b> |          |          |   |          |          |          |          |        |    |
| Primary metal manufacturing (331)   | —        | —        | — | —        | —        | —        | —        | —      | D1 |
| Fabricated metal product manufacturing (332)  | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Machinery Manufacturing (333)</b>  |          |          |   |          |          |          |          |        |    |
| Machinery manufacturing (333)   | ●<br>S P | ●<br>S P | — | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Computer and Electronic Product Manufacturing (334)</b>                                |          |          |   |          |          |          |          |        |    |

|   |  |          |          |          |          |          |          |        |    |
|---|--|----------|----------|----------|----------|----------|----------|--------|----|
| Computer and peripheral equipment manufacturing (334)                     | ●<br>S P   | ●<br>S P | —        | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Electrical Equipment, Appliance, and Component Manufacturing (335)</b> |  |          |          |          |          |          |          |        |    |
| Electric lighting equipment manufacturing (3351)                          | ●<br>S P   | ●<br>S P | —        | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| Household appliance manufacturing (3352)                                  | Small electrical appliance manufacturing (33521) | ●<br>S P | ●<br>S P | —        | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
|   | Major household appliance manufacturing (33522)  | —        | —        | —        | —        | —        | —        | —      | D1 |
| All other electrical equipment and component manufacturing (in 335)       | —  | —        | —        | —        | —        | —        | —        | —      | D1 |
| <b>Transportation Equipment Manufacturing (336)</b>                       |  |          |          |          |          |          |          |        |    |
| Transportation equipment manufacturing (336)                              | —  | —        | —        | —        | —        | —        | —        | —      | D1 |
| <b>Furniture and Related Product Manufacturing (337)</b>                  |  |          |          |          |          |          |          |        |    |
| Furniture and related product manufacturing (337)                         | ●<br>S P   | ●<br>S P | —        | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| <b>Miscellaneous Manufacturing (339)</b>                                  |  |          |          |          |          |          |          |        |    |
| Medical equipment and supplies manufacturing (3391)                       | ●<br>S P   | ●<br>S P | —        | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |
| Other miscellaneous manufacturing (3399)                                  | ●<br>S P   | ●<br>S P | —        | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>S P | ●<br>P | D1 |

**32-202**

**Use Group 10 - uses subject to size limitations**

For #uses# denoted with a “S” in Section 32-201 (Use Group 10 – general use allowances), the specific size limitations shall be as follows:

- (a) All permitted #uses# in C1 or C2 Districts shall not exceed 5,000 square feet of #floor area# per establishment.
- (b) All permitted #uses# in C4 through C7 Districts shall not exceed 10,000 square feet of #floor area# per establishment on the ground floor and without limitation on overall #floor area# above the ground floor.

**32-203**

**Use Group 10 - additional conditions**

**Commented [Z33]:** The Proposal would subject these uses to environmental requirements similar to those required for production uses in Special Mixed Use Districts. They would restrict the use of toxic substances or the emission of air contaminants.

For #uses# denoted with a “P” in Section 32-201 (Use Group 10 – general use allowances), the limitations in this Section shall apply.

- (a) Permitted #uses# in all #Commercial Districts# shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive. However, beverage manufacturing establishments shall not be subject to the provisions of Section 42-47 (Performance Standards Regulating Fire and Explosive Hazards).
- (b) In addition to the requirements of paragraph (a) of this Section, in C1 or C2 Districts, or C4 through C7 Districts, all permitted #uses# shall meet the following requirements:
  - (1) Such #use# does not have a New York City or New York State environmental rating of “A”, “B” or “C” under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
  - (2) Such #use# is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

**Commented [Z34]:** The Proposal would remove an anachronistic performance standard for beverage manufacturing that was developed before, and conflicts with, the current Fire Code.

**32-205**  
**Use Group 10 – additional provisions for parking requirement category**

In C1 or C2 Districts, or C4 through C8 Districts, all permitted #uses# are classified in parking requirement category B except that #uses# located above the ground floor shall be classified in parking requirement category C.

**32-10**  
**USES PERMITTED AS OF RIGHT**

**Commented [Z35]:** The Proposal would remove these and replace them with the new text right before it.

**32-11**  
**Use Groups 1 and 2**

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Sections 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single# or #two-family# #detached# or #zero-lot-line residences#.

In #lower-density-growth-management-areas# in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed-buildings#. However, no



~~#residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in Staten Island):~~

- ~~(a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#; or~~
- ~~(b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.~~

**32-12**  
**Use Group 3**

~~C1 C2 C3 C4 C5 C6~~

~~Use Group 3, as set forth in Section 22-13.~~

**32-13**  
**Use Group 4**

~~C1 C2 C3 C4 C5 C6 C8~~

~~Use Group 4, as set forth in Section 22-14.~~

**32-14**  
**Use Group 5**

~~C1\* C2\*\* C4 C5 C6 C8~~

~~Use Group 5 consists of hotels used primarily for transient occupancy.~~

~~A. Transient Accommodations~~

~~#Hotels, transient#\*\*\* [PRC-H]~~

~~B. #Accessory# #uses#~~

~~\* — In a C1-1, C1-2, C1-3 or C1-4 District, a #transient hotel# shall not be permitted~~

~~\*\* — In a C2-1, C2-2, C2-3 or C2-4 District, each #transient hotel# shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#~~

\*\*\* — Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

### 32-15

#### Use Group 6

C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) — provide for a wide variety of local consumer needs; and
- (2) — have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

The #uses# listed in subgroup A are also permitted within a #large scale residential development# to provide daily convenience shopping for its residents.

#### A. Convenience Retail or Service Establishments

~~Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment [PRC-B]~~

~~Barber shops [PRC-B]~~

~~Beauty parlors [PRC-B]~~

~~Drug stores [PRC-B]~~

~~Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds [PRC-B]~~

~~Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime, and those which have #accessory# drive through facilities<sup>3</sup> [PRC-B]~~

~~Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores [PRC-Either A or B<sup>3</sup>]~~

~~Hardware stores [PRC-B]~~

~~Laundry establishments, hand or automatic self-service<sup>1</sup> [PRC-B]~~

~~Liquor stores, package [PRC-B]~~

~~Post offices [PRC-H]~~

~~Shoe or hat repair shops [PRC-B]~~

~~Stationery stores [PRC-B]~~

~~Tailor or dressmaking shops, custom [PRC-B]~~

~~Variety stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]~~

#### ~~B. Offices~~

~~Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental [PRC-B1]~~

~~Veterinary medicine for small animals, provided all activities are conducted within a #completely enclosed# #building#, where such #building# contains a #residential# #use#, no access shall be from an entrance serving the #residential# portion [PRC-B1]~~

#### ~~C. Retail or Service Establishments~~

~~Antique stores [PRC-B]~~

~~Art galleries, commercial [PRC-B]~~

~~Artists' supply stores [PRC-B]~~

~~Automobile supply stores, with no installation or repair services [PRC-B]~~

~~Banks, including drive-in banks [PRC-B]~~

~~Bicycle sales [PRC-B]~~

~~Book stores [PRC-B]~~

~~Candy or ice cream stores [PRC-B]~~

~~Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B1]~~

~~Cigar or tobacco stores [PRC-B]~~

~~Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]~~

~~Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment [PRC-B]~~

~~Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U. S. Coast Guard certified capacity of the largest vessel using the dock [PRC-H]~~

~~Docks for water taxis, with a vessel capacity of up to 99 passengers. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U. S. Coast Guard certified capacity of the largest vessel using the dock~~

~~Docks or mooring facilities for non-commercial pleasure boats [PRC-H]~~

~~Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]~~

~~Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer<sup>4</sup> [PRC-B]~~

~~Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or fewer [PRC-B]~~

~~Electrolysis studios [PRC-B]~~

~~Fishing tackle or equipment, rental or sales [PRC-B1]~~

~~Florist shops [PRC-B]~~

~~Frozen food lockers<sup>1</sup> [PRC-B]~~

~~Furniture stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B1]~~

~~Furrier shops, custom [PRC-B]~~

~~Gift shops [PRC-B]~~

~~#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]~~

~~Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]~~

~~Jewelry or art metal craft shops [PRC-B]~~

~~Leather goods or luggage stores [PRC-B]~~

~~Loan offices<sup>†</sup> [PRC-B1]~~

~~Locksmith shops<sup>†</sup> [PRC-B]~~

~~Medical or orthopedic appliance stores [PRC-B]~~

~~Meeting halls<sup>†</sup> [PRC-D]~~

~~Millinery shops [PRC-B]~~

~~Music stores [PRC-B]~~

~~Newsstands, open or enclosed [PRC-B]~~

~~Optician or optometrist establishments [PRC-B]~~

~~Paint stores [PRC-B]~~

~~Pet shops [PRC-B]~~

~~Photographic equipment or supply stores [PRC-B]~~

~~Photographic studios [PRC-B]~~

~~Picture framing shops [PRC-B]~~

~~Record stores [PRC-B]~~

~~Seed or garden supply stores [PRC-B]~~

~~Sewing machine stores, selling household machines only [PRC-B]~~

~~Shoe stores [PRC-B]~~

~~Sporting or athletic stores [PRC-B]~~

~~Stamp or coin stores [PRC-B]~~

~~Telegraph offices [PRC-B]~~

~~Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]~~

~~Toy stores [PRC-B]~~

~~Travel bureaus [PRC-B]~~

~~Typewriter stores [PRC-B]~~

~~Wallpaper stores [PRC-B]~~

~~Watch or clock stores or repair shops [PRC-B]~~

#### ~~D. Public Service Establishments<sup>5</sup>~~

~~Court houses [PRC-C]~~

~~Electric or gas utility substations, open or enclosed, limited in each case to a site of not more than 10,000 square feet<sup>†</sup>~~

~~Fire or police stations [PRC-C]~~

~~Public utility stations for oil or gas metering or regulating<sup>†</sup>~~

~~Solar energy systems~~

~~Telephone exchanges or other communications equipment structures. In all districts the height above #curb level# of such structures not existing on December 15, 1961, shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.~~

~~Terminal facilities at river crossings for access to electric, gas, or steam lines<sup>†</sup>~~

~~Water or sewage pumping stations<sup>†</sup>~~

#### ~~E. Clubs~~

Non-commercial clubs, without restrictions on activities or facilities [PRC-D]

F. #Accessory# #uses#

<sup>1</sup> In C5 Districts, a #use# in Use Group 6, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

<sup>2</sup> Eating or drinking places with #accessory# drive-through facilities shall be permitted in C1 Districts only as provided in Section 73-243, and shall not be permitted in C5 Districts

<sup>3</sup> Food stores with 2,000 square feet or more of #floor area# per establishment are classified in parking requirement category A and food stores with less than 2,000 square feet of #floor area# are classified in parking requirement category B, pursuant to Section 36-21 (General Provisions)

<sup>4</sup> Permitted in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3 and C5 Districts, only as provided in Section 73-241

<sup>5</sup> In a C6-1A District, #uses# in Use Group 6D are not permitted

## 32-16

### Use Group 7

C2-C6\* C8

Use Group 7 consists primarily of home maintenance or repair services which:

- (1) fulfill recurrent needs of residents in nearby areas;
- (2) have a relatively small service area and are, therefore, widely distributed throughout the City; and
- (3) are incompatible in primary retail districts since they break the continuity of retail frontage.

#### A. Transient Accommodations

#Motels#, #tourist cabins# or #boatels### [PRC-H]

In C2 Districts, each #motel# or #tourist cabin# shall be located on a #zoning lot# in

~~whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#~~

#### ~~B. Retail or Service Establishments~~

~~Bicycle rental or repair shops [PRC-B1]~~

~~Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]~~

~~Exterminators [PRC-B1]~~

~~Funeral establishments [PRC-H]~~

~~Gun repairs [PRC-B1]~~

~~Monument sales establishments, with incidental processing to order, but not including the shaping of headstones [PRC-C]~~

~~Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment [PRC-B1]~~

~~Refreshment stands, drive-in [PRC-H]~~

~~Sailmaking establishments [PRC-C]~~

~~Sign painting shops, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]~~

~~Taxidermist shops [PRC-B1]~~

~~Trade embalmers [PRC-B1]~~

~~Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]~~

~~Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services [PRC-B1]~~

#### ~~C. Wholesale Establishments~~

~~Wholesale establishments, with not more than 1,500 square feet of #accessory# storage~~



per establishment [PRC-B1]

#### D. Auto Service Establishments

~~Automobile glass and mirror shops [PRC-B1]~~

~~Automobile seat cover or convertible top establishments, selling or installation [PRC-B1]~~

~~Electric vehicle charging stations and automotive battery swapping facilities [PRC-B1]~~

~~Tire sales establishments, including installation services [PRC-B1]~~

#### E. #Accessory# #uses#

\* ——— In a C6-1A District, #uses# in Use Group 7 are not permitted

\*\* ——— Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

### **32-17**

#### **Use Group 8**

~~C2-C4-C6-C8~~

~~Use Group 8 consists primarily of amusement or service establishments which:~~

- ~~(1) — are appropriate in local service districts to serve nearby residential areas; or~~
- ~~(2) — depend on a wide service radius and may appropriately be located in secondary or major commercial centers.~~

~~Since these establishments are generally patronized by customers for special purposes not associated with retail shopping, they are appropriate neither in local shopping areas nor in the restricted central commercial areas.~~

#### A. Amusements

~~\*Billiard parlors or pool halls [PRC-D]~~

~~\*Bowling alleys, limited to not more than 16 lanes per establishment [PRC-D]~~

~~Model car hobby center, including racing, limited to not more than 8,000 square feet of #floor area# per establishment [PRC-D]~~

~~Theaters [PRC-D]~~

In C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C6 and C8-4 Districts, in order to prevent obstruction of #street# areas, a new motion picture theater, in a new or existing #building#, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

#### B. Retail or Service Establishments

\*Automobile driving schools [PRC-B]

Ice vending machines, coin operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Lumber stores, limited to 5,000 square feet of #floor area# per establishment exclusive of that #floor area# used for office and display area, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size [PRC-B]

\*Pawn shops [PRC-B1]

Television, radio, phonograph or household appliance repair shops [PRC-B]

\*Upholstering shops dealing directly with consumers [PRC-B1]

#### C. Automotive Service Establishments

Automobile rental establishments, except that in the #Long Island City area#, as defined in Section 16-02 (Definitions), the number of automobiles that may be stored in such establishments in C2, C4 or C6 Districts shall not exceed 100 spaces and the maximum size in square feet of such storage area shall not exceed 200 times the number of parking spaces provided, exclusive of entrance/exit ramps

#Public parking garages# or #public parking lots# with a capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as of right in C6-1A Districts and such #public parking garages# are not permitted as of right in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter

~~3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.~~

~~D. Public Service Establishments~~

~~Prisons [PRC-H]~~

~~E. #Accessory# #uses#~~

~~\*—— In a C4 District, a #use# in Use Group 8, marked with an asterisk shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)~~

**32-18**

**Use Group 9**

~~C2-C4-C5-C6-C8~~

Use Group 9 consists primarily of business and other services which:

- ~~(1)—— serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and~~
- ~~(2)—— are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.~~

~~A. Retail or Service Establishments~~

~~Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery [PRC-C]~~

~~\*Banquet halls [PRC-D]~~

~~\*Blueprinting or photostating establishments [PRC-B1]~~

~~\*Business schools or colleges [PRC-B1]~~

~~\*Catering establishments [PRC-B1]~~

~~\*Clothing or costume rental establishments [PRC-B]~~

~~Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:~~

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

\*##Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

\*Musical instrument repair shops [PRC-B1]

Plumbing, heating or ventilating equipment showrooms, without repair facilities [PRC-B1]

\*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production [PRC-B1]

Public auction rooms [PRC-D]

\*Studios, art, music, dancing or theatrical [PRC-B]

\*Trade, or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

\*Typewriter or other small business machine sales, rental or repairs [PRC-B1]

\*Umbrella repair shops [PRC-B]

\*Wedding chapels [PRC-D]

## B. Wholesale Establishments

Hair products for headwear, wholesaling including styling [PRC-B1]

Photographic developing or photographic printing establishments, limited to 2,500 square feet of #floor area# per establishment except that such #floor area# limitation shall not apply in C6 Districts provided such #use# conforms to the performance standards for M1 Districts and to the applicable regulations of Chapter 19 (Fire Prevention Code) of the

Administrative Code [PRC-B1]

C. #Accessory# #uses#

<sup>a</sup>— In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

<sup>aa</sup>— In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

~~32-19~~

~~Use Group 10~~

~~C4-C5-C6-C8~~

~~Use Group 10 consists primarily of large retail establishments (such as department stores) that:~~

- ~~(1) — serve a wide area, ranging from a community to the whole metropolitan area, and are, therefore, appropriate in secondary, major or central shopping areas; and~~
- ~~(2) — are not appropriate in local shopping or local service areas because of the generation of considerable pedestrian, automobile or truck traffic.~~

~~A. Retail or Service Establishments~~

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

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

~~Department stores [PRC-B]~~

~~Depositories for storage of office records, microfilm or computer tapes, or for data processing [PRC-G]~~

~~Docks for ferries, other than #gambling vessels#, with no restriction on passenger load. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) [PRC-H]~~

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

~~Eating or drinking places, without restrictions on entertainment or dancing, but limited to~~

~~location in hotels [PRC-D]~~

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

~~Office or business machine stores, sales or rental [PRC-B1]~~

~~Photographic or motion picture production studios [PRC-D]~~

~~Radio or television studios [PRC-D]~~

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

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

#### ~~B. Wholesale Establishments~~

~~Wholesale offices or showrooms, with storage restricted to samples [PRC-B1]~~

#### ~~C. #Accessory# #uses#~~

### **32-20**

#### **Use Group 11**

~~C5-C6\*\* C8~~

~~Use Group 11 consists of a few types of essentially custom manufacturing activities that:~~

- ~~(1) — benefit from a central location and are appropriate in the central business district;~~
- ~~(2) — generally do not create any significant objectionable influences; and~~
- ~~(3) — involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.~~

#### ~~A. Manufacturing Establishments~~

~~\*Art needlework, hand weaving or tapestries [PRC-F]~~

~~\*Books, handbinding or tooling [PRC-F]~~

~~\*Ceramic products, custom manufacturing [PRC-F]~~

~~\*Clothing, custom manufacturing or altering for retail [PRC-F]~~

~~\*Hair products, custom manufacturing [PRC-F]~~

~~\*Jewelry manufacturing from precious metals [PRC-F]~~

~~\*Medical, dental, drafting instruments, optical goods, or similar precision instruments [PRC-F]~~

~~\*Musical instruments, except pianos and organs [PRC-F]~~

~~\*Orthopedic or medical appliances, custom manufacturing [PRC-F]~~

~~\*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production, provided that such #floor area# limitation shall not apply in C6 Districts [PRC-F]~~

~~\*Watchmaking [PRC-F]~~

#### B. Wholesale or Similar Establishments

~~\*Ship chandlers [PRC-F]~~

~~\*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment [PRC-B1]~~

#### C. #Accessory# #uses#

\* — In a C5 District, a #use# in Use Group 11, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

\*\* — In a C6-1A District, #uses# in Use Group 11 are not permitted

### **32-21**

#### **Use Group 12**

~~C4 C6 C7 C8~~

Use Group 12 consists primarily of fairly large entertainment facilities that:

- ~~(1) — have a wide service area and generate considerable pedestrian, automotive or truck traffic; and~~
- ~~(2) — are, therefore, appropriate only in secondary, major or central commercial areas.~~

Certain public service establishments are also included.

#### A. Amusements

Arenas or auditoriums, with capacity limited to 2,500 seats [PRC-D]

\*Billiard parlor or pool halls [PRC-D]

\*Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment [PRC-D]

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

In C4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit pursuant to Section 73-244.

In C6-1, C6-2, C6-3 and C6-4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In these districts, the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residential District# boundary.

Historical exhibits, provided such #use# is contained within a #completely enclosed# #building# [PRC-D]

Indoor golf recreation centers [PRC-D]

Model car hobby center, including racing, with no limitation on #floor area# per establishment [PRC-D]

Public auction rooms [PRC-D]

Skating rinks, enclosed [PRC-D]

Stadiums, with capacity limited to 2,500 seats [PRC-D]



~~Trade expositions, with rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings [PRC-D]~~

**B. Retail Establishments**

~~Antique stores [PRC-B]~~

~~Art gallery, commercial [PRC-B]~~

~~Book stores [PRC-B]~~

~~Candy or ice cream stores [PRC-B]~~

~~Cigar and tobacco stores [PRC-B]~~

~~Delicatessen stores [PRC-B]~~

~~Drug stores [PRC-B]~~

~~Gift shops [PRC-B]~~

~~Jewelry or art metal craft shops [PRC-B]~~

~~Music stores [PRC-B]~~

~~Newsstands [PRC-B]~~

~~Photographic equipment stores [PRC-B]~~

~~Record stores [PRC-B]~~

~~Stationery stores [PRC-B]~~

~~Toy stores [PRC-B]~~

**C. Public Service Establishments**

~~Police stations [PRC-C]~~

~~Water or sewage pumping stations~~

**D. Automotive Service Establishments**

~~#Public parking garages# or #public parking lots# with capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and~~

~~36-56 (Screening), and provided that such #public parking lots# are not permitted as of right in C7 Districts and such #public parking garages# are not permitted as of right in C4-5, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.~~

~~In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.~~

~~E. #Accessory# #uses#~~

~~\* — In a C4 District, a #use# in Use Group 12, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)~~

~~\*\* — In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16<sup>th</sup> Street and West 17<sup>th</sup> Street, and a line 100 feet east of Sixth Avenue, 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~~

**32-22**

**Use Group 13**

**C7-C8**

Use Group 13 consists of open or low coverage #uses#, mostly open amusement establishments, which either:

- ~~(1) — generate noise and traffic, particularly at night, and are therefore not appropriate in local retail or local service areas; or~~
- ~~(2) — attract customers for special purposes not associated with retail shopping, and are therefore not appropriate in local, secondary, major or central shopping areas.~~

**A. Amusements, Open or Enclosed**

~~Camps, overnight or outdoor day [PRC-H]~~

~~Children's amusement parks, provided that the total area of the #zoning lot# shall not~~

~~exceed 10,000 square feet, and that no amusement attractions shall be located within 20 feet of a #Residence District# boundary [PRC-E]~~

~~Circuses, carnivals or fairs of a temporary nature [PRC-E]~~

~~Commercial beaches or swimming pools [PRC-E]~~

~~Golf driving ranges [PRC-E]~~

~~Miniature golf courses [PRC-E]~~

~~Outdoor roller skating rinks [PRC-E]~~

~~Outdoor skateboard parks, provided that the total area of the #zoning lot#, excluding the area used for #accessory# off-street parking spaces, shall not exceed two acres, and provided further that temporary enclosure of the skating runs, such as air-supported structures, shall not be permitted [PRC-E]~~

~~Outdoor skating rinks [PRC-E]~~

~~Theaters [PRC-D]~~

#### **B. Retail Establishments**

~~Banquet halls [PRC-D]~~

~~Catering establishments [PRC-B1]~~

~~Refreshment stands, drive-in [PRC-H]~~

#### **C. Service Establishments**

~~Boat fuel sales, open or enclosed, without restriction as to location [PRC-C]~~

#### **D. #Accessory# #uses#**

### **32-23**

#### **Use Group 14**

~~C2-C3-C7-C8~~

~~Use Group 14 consists of the special services and facilities required for boating and related activities.~~

#### **A. Retail or Service**

~~Bicycle rental or repair shops [PRC-B1]~~

~~Bicycle sales [PRC-B]~~

~~Boat fuel sales, open or enclosed, restricted to location within 10 feet of a boat dock berth [PRC-C]~~

~~Boat launching facilities for non-commercial pleasure boats~~

~~Boat rentals, open or enclosed [PRC-H]~~

~~Boat showrooms or sales, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed# #building# only if located at a distance greater than 100 feet from a #Residence District# boundary [PRC-C]~~

~~Boat storage, repair, or painting, including the incidental sale of boats, boat parts, or accessories, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed# #building# only if located at a distance greater than 100 feet from a #Residence District# boundary [PRC-C]~~

~~Candy or ice cream stores [PRC-B]~~

~~Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) [PRC-H]~~

~~Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:~~

~~200 in C2, C3 Districts; 500 in C7, C8-1, C8-2, C8-3 Districts; 2,500 in C8-4 Districts.~~

~~"Dock capacity" is the U.S. Coast Guard certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot#.~~

~~Docks for water taxis, with a vessel capacity up to 99 passengers. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U.S. Coast Guard certified capacity of the largest vessel using the dock~~

~~Docks or mooring facilities for non-commercial pleasure boats [PRC-H]~~

~~Fishing tackle or equipment, rental or sales [PRC-B1]~~

~~#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]~~

~~Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines~~

~~Sailmaking establishments [PRC-C]~~

~~Sale or rental of sporting goods or equipment, including instruction in skiing, sailing or skin diving [PRC-B]~~

#### ~~B. Clubs~~

~~Non-commercial clubs, without restrictions on activities or facilities [PRC-D]~~

#### ~~C. #Accessory# #uses#~~

### **32-24**

#### **Use Group 15**

~~€7~~

~~Use Group 15 consists of large open commercial amusement establishments which:~~

- ~~(1) — generate considerable noise or traffic; and~~
- ~~(2) — are appropriate only in a few areas designated for open amusement parks.~~

#### ~~A. Amusements~~

~~Amusement arcades [PRC-E]~~

~~Amusement parks, children's, with no limitation on #floor area# per establishment [PRC-E]~~

~~Animal exhibits [PRC-E]~~

~~Ferris wheels, roller coasters, whips, parachute jumps, merry-go-rounds or similar open midway attractions [PRC-E]~~

Freak shows, wax museums, dodgem scooters or similar open or enclosed midway attractions [PRC-E]

Open booths with games of skill or chance, including shooting galleries [PRC-E]

### 32-25

#### Use Group 16

C8

Use Group 16 consists of automotive and other necessary semi-industrial #uses# which:

- (1) — are required widely throughout the city; and
- (2) — involve offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare or other objectionable influences, making such #uses# incompatible with #residential# #uses# and other #commercial# #uses#.

#### A. Retail or Service Establishments

Animal hospitals or kennels [PRC-B1]

Animal pounds or crematoriums [PRC-C]

Automobile, motorcycle, trailer or boat sales, open or enclosed [PRC-C]

Blacksmith shops [PRC-C]

Building materials sales, open or enclosed, limited to 10,000 square feet of #lot area# per establishment, provided that not more than 5,000 square feet of such #lot area# is used for open storage [PRC-B1]

Carpentry, custom woodworking or custom furniture making shops [PRC-B1]

Crematoriums, human [PRC-C]

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of #lot area# per establishment [PRC-B1]

Fuel, ice, oil, coal or wood sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment [PRC-B1]

Household or office equipment or machinery repair shops, such as refrigerators, washing

~~machines, stoves, deep freezers or air conditioning units [PRC-B1]~~

~~Machinery rental or sales establishments [PRC-B1]~~

~~Mirror silvering or glass cutting shops [PRC-B1]~~

~~Motoreycle or motor scooter rental establishments [PRC-C]~~

~~Poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only [PRC-B1]~~

~~Riding academies, open or enclosed [PRC-C]~~

~~Sign painting shops, with no limitation on #floor area# per establishment [PRC-B1]~~

~~Silver plating shops, custom [PRC-B1]~~

~~Soldering or welding shops [PRC-B1]~~

~~Stables for horses [PRC-C]~~

~~Tool, die or pattern making establishments, or similar small machine shops [PRC-B1]~~

~~Trade schools for adults [PRC-B1]~~

#### **B. Automotive Service Establishments**

~~Automobile, truck, motorcycle or #trailer# repairs [PRC-C]~~

~~Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than 10 automobiles per washing lane~~

~~#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed# #building#~~

#### **C. Vehicle Storage Establishments**

~~Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps [PRC-G]~~

~~Dead storage of motor vehicles~~

~~Public transit yards, open or enclosed, including #accessory# motor fuel pumps [PRC-G]~~

#### **D. Heavy Service, Wholesale, or Storage Establishments**

~~Carpet cleaning establishments [PRC-F]~~

~~Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment [PRC-F]~~

~~Laundries, with no limitation on type of operation [PRC-F]~~

~~Linen, towel or diaper supply establishments [PRC-F]~~

~~Moving or storage offices, with no limitation as to storage or #floor area# per establishment\* [PRC-G]~~

~~Packing or crating establishments [PRC-G]~~

~~Photographic developing or printing with no limitation on #floor area# per establishment [PRC-C]~~

~~Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment [PRC-G]~~

~~Warehouses\* [PRC-G]~~

~~Wholesale establishments, with no limitation on #accessory# storage [PRC-C]~~

~~E. #Accessory# #uses#~~

~~\* — In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of Section 42-121 (Use Group 16D self-service storage facilities).~~

### ~~32-30~~

#### ~~USES PERMITTED BY SPECIAL PERMIT~~

### ~~32-31~~

#### ~~By the Board of Standards and Appeals~~

~~[SPECIAL PERMITS INTEGRATED INTO USE GROUPS AND USE TABLES. PERMIT REFERENCES ARE SET FORTH IN SUBSECTIONS OF 32-10 – 32-20]~~

~~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.~~



€4-1

Amusement arcades [PRC-E]

€2-C4-C6-C7

#Automotive service stations#, open or enclosed, with sites of not less than 7,500 square feet per establishment, and provided that facilities for lubrication, minor repairs, or washing are permitted only if located within a #completely enclosed# #building#

€1-C2-C3

Camps, overnight or outdoor day [PRC-H]

€8

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

€3

Commercial beaches [PRC-E]

€3

Commercial swimming pools [PRC-E]

€1-1-C1-2-C1-3-C3

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime, which have #accessory# drive-through facilities [PRC-B]

€1-1-C1-2-C1-3-C3

Eating or drinking establishments, including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, or outdoor table service, which have #accessory# drive-through facilities [PRC-B]

€1-1-C1-2-C1-3-C1-4-C2-1-C2-2-C2-3-C2-4-C3-C5

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

€3

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

€2-C3-C4\* C6.4\*\*

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

€1-C2-C3-C4-C5-C6-C7-C8

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

~~C1-C4~~  
~~Funeral establishments [PRC-H]~~

~~C6~~  
~~Newspaper publishing establishments~~

~~C1-C2-C3-C4-C5-C6-C7-C8~~  
~~Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet~~

~~C1-C2-C3-C4-C5-C6-C7-C8~~  
~~Radio or television towers, non #accessory#~~

~~C2-C6-C7~~  
~~Riding academies or stables [PRC-C]~~

~~C1-C2-C3-C4-C5-C6-C7-C8~~  
~~Sand, gravel or clay pits~~

~~C8~~  
~~#Schools#, provided they have no living or sleeping accommodations~~

~~C1~~  
~~Theaters, limited to a maximum capacity of 500 persons [PRC-D]~~

~~\* — In C4 Districts, such #use# is permitted within 100 feet of a #Residence District# boundary, only as provided in Section 73-244~~

~~\*\* — In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, such #use# is permitted only as provided in Section 73-244~~

**~~32-32~~**  
**~~By the City Planning Commission~~**

~~[SPECIAL PERMITS INTEGRATED INTO USE GROUPS AND USE TABLES. PERMIT REFERENCES ARE SET FORTH IN SUBSECTIONS OF 32-10 – 32-20]~~

~~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, or as otherwise indicated in this Section.~~

~~C8~~

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

~~C4 C6 C7 C8~~

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

~~C2~~

~~Automobile rental establishments, open~~

~~Bus stations:~~

~~C1 C2 C4 C6 C7 C8~~

~~With less than 10 berths~~

~~C4 C6~~

~~With 10 or more berths~~

~~C2 C3 C4 C5 C6 C7 C8~~

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

~~C6~~

~~Docks for passenger ocean vessels, pursuant to Section 62-832~~

~~C7 C8~~

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

~~C3 C4 C5 C6 C7 C8~~

~~Heliports~~

~~C4 C6 C7 C8~~

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

~~C1 C2~~

~~#Long term care facilities#, in C1 and C2 Districts mapped within R1 and R2 Districts.~~

~~C1 C2 C3 C4 C5 C6 C7~~

~~#Long term care facilities# in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more~~

~~However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes)~~

C1 C2 C3 C4 C5 C6 C7

#Non-profit hospital staff dwellings#, located not more than 1,500 feet from the non-profit or voluntary hospital

#Public parking garages##:

C1

Limited in capacity to 100 spaces

C2-1 C2-2 C2-3 C2-4 C4-1 C4-2 C4-3 C4-4 C7 C8-1 C8-2 C8-3

With capacity of more than 150 spaces

C2-5 C2-6 C2-7 C2-8 C4-5 C4-6 C4-7 C5 C6 C7 C8-4

With any capacity

#Public parking lots##:

C1

Limited in capacity to 100 spaces

C2 C4 C6 C7 C8

With capacity of more than 150 spaces

C5 C7

With any capacity

C1 C2 C3 C4 C5 C6 C7 C8

Public transit, railroad or electric utility substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres

C8

Racetracks

C1 C2 C3 C4 C5 C6 C7 C8

Railroad passenger stations

C2-7 C6

Research and development facility, scientific, in C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts

C1 C2 C3 C4 C5 C6 C7 C8

Seaplane bases

C1 C2 C3 C4 C5 C6 C7 C8

Sewage disposal plants

C4 C6 C7 C8

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

C8

Trucking terminals or motor freight stations with sites in excess of 20,000 square feet per establishment [PRC-G]

C1 C2 C3 C4 C5 C6 C7 C8

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

\* In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

**32-30**

**STREETSCAPE REGULATIONS**

The provisions of Section 32-30, inclusive, sets forth streetscape regulations on designated #street# frontages. Such provisions shall apply as follows:

(a) The provisions of Sections 32-31, 32-32 and 32-33, inclusive apply to #developments# and #ground floor level# #enlargements# of #buildings# along #Tier A#, #Tier B# and #Tier C street frontages#, respectively.

However, the provisions of this Section, inclusive, shall not apply to:

- (1) #zoning lot# frontages on portions of #streets# intersected by a ramp accessing a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land, where a portion of such #zoning lot# frontage is within 1,000 feet of such ramp, as measured along the #street#. However, no exemption shall apply where the entrance to a #mass transit station#, as defined in Section 66-11, is also within such measurement; or
- (2) #zoning lots# with a #lot area# greater than five acres and located entirely outside the #expanded Transit Zone#.-

(b) The provisions of Section 32-34 apply to changes of #use# to existing #buildings# along #Tier A#, #Tier B# and #Tier C street frontages#.

(c) The provisions of Section 32-35 set forth special streetscape rules for certain areas.

The Board of Standards and Appeals may permit modifications to the provisions of this Section, inclusive, pursuant to Section 73-32.

**Commented [Z36]:** The Proposal would create a consistent set of streetscape regulations for Commercial Districts citywide. These would help ensure that new developments or uses contribute to the activity of their commercial street. These would borrow concepts from many special purpose districts but adjust them to reflect the wide variety of conditions found in the city's commercial areas.

Locations close to highway ramps and far from transit and large shopping centers would be exempt from streetscape requirements, given their automotive character.

Other frontages would be subject to requirements based on their location in the city, as well as the ground floor conditions around their site. They would be either Tier A, B, or C frontages. These regulations are described in more detail below.

Regulations for changes of use are also included, as well as for certain areas which currently have unique streetscape requirements.

Finally, a BSA permit would be available to modify the streetscape rules.

In Special Districts with streetscape regulations, the Proposal would work in tandem with those existing rules, typically by considering designated retail corridors Tier C streets and applying the new underlying rules to remaining streets (which oftentimes had no baseline).

For #ground floor levels# of #buildings# that are designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission the Chairperson of the City Planning Commission shall modify the provisions of this Section, by certification, to the extent necessary to facilitate the #ground floor level# design of a #building# that has received a Certificate of Appropriateness from the Landmarks Preservation Commission.

### **32-301**

#### **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.

#### **Blank wall**

A “blank wall” shall be a #street wall#, or portions thereof, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level#.

#### **Ground floor level**

[MOVED FROM SECTION 37-311, AND EXPANDED]

The “ground floor level” shall refer to a #building’s# lowest #story# where the level of the finished floor is located within five feet of the adjoining sidewalk.

#### **Minimum qualifying depth**

The “minimum qualifying depth” shall refer to the minimum depth to which #ground floor level# #use# or parking wrap regulations apply.

Such restrictions shall apply to a minimum depth of 30 feet, as measured perpendicular to the #ground floor level# #street wall# facing the applicable #street# frontage. However, within such depth, vertical circulation cores and structural elements associated with upper #stories# of the #building# shall be permitted obstructions.

#### **Tier A street frontage**

A “Tier A street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#, that is not a #Tier B# or #Tier C street frontage#.

**Commented [Z37]:** The Proposal would include a series of defined terms for various streetscape elements, that are based on existing streetscape requirements already found in special purpose districts.

**Commented [Z38]:** Tier A frontages would have the simplest rules, that are designed for areas far from transit, but are not fully auto-oriented like the areas near highways and large shopping centers which are fully exempt from the requirements.

Tier A frontages would also include areas near transit where access across the primary street is blocked by infrastructure, or areas where Residence or Manufacturing districts are mapped on or across the primary street. Areas like this tend to have less active ground floor streetscapes.

In these areas, the length of blank walls would be limited and open parking between the building and the sidewalk would be restricted. In addition, any ground floor parking would have to be screened or wrapped with floor area.

### **Tier B street frontage**

A “Tier B street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in the #expanded Transit Zone# that is located within C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#.

### **Tier C street frontage**

A “Tier C street frontage” shall be that portion of the #ground floor level# #street# frontage of a #zoning lot# along a #street# specifically designated as such in a Special Purpose District or other streetscape provision of this Resolution.

### **Transportation-adjacent frontage**

A “transportation-adjacent frontage” shall refer to #zoning lot# frontages facing transportation infrastructure where direct vehicular or pedestrian access to areas beyond such infrastructure is impeded along all #streets# bounding the #block# containing the subject #zoning lot#. Transportation infrastructure shall include:

- (a) embankments under an elevated rail line;
- (b) an open railroad right of way;
- (c) a limited-access expressway, freeway, parkway or highway; or
- (d) an elevated #street# located on a bridge.

### **32-31**

#### **Regulations for Tier A Street Frontages**

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier A street frontage#. Such provisions include #ground floor level#:

- (a) #blank wall# restrictions, as set forth in Section 32-311
- (b) parking restrictions, as set forth in Section 32-312.

### **32-311**

#### **Blank wall provisions**

**Commented [Z39]:** Tier B frontages would have more-detailed rules, befitting their locations near transit where a commercial district is mapped fully on both sides of the street and no infrastructure blocks access across the street.

In these areas, the length of blank walls would be limited and all parking would have to be enclosed and screened or wrapped by floor area. Curb cuts would also be restricted on the frontage if the lot has access on another street.

In addition, these frontages would have ground floor use requirements (which would only permit a wide range of active uses), transparency requirements, and maximum lobby dimensions. However, frontages that do not have a concentration of active ground floors, would be exempted from these requirements.

**Commented [Z40]:** Tier C frontages are streets identified in special purpose districts or other rules in the ZR where active ground floors would be required.

This would require all of the rules for a Tier B frontage, but lobby dimensions would be tightened up, as would allowances for ancillary residential spaces at grade. Unlike Tier B frontages, there would be no exemptions available.

These requirements would reflect the typical suite of ground floor rules found in recent special purpose districts. Modifications to this framework, to better reflect their conditions, could be included in the special purpose district.

**Commented [Z41]:** These are the regulations for Tier A streets. In these areas, the length of blank walls would be limited and open parking between the building and the sidewalk would be restricted. In addition, any ground floor parking would have to be screened or wrapped with floor area.

Along the #Tier A street frontage# of a #ground floor level#, for any #blank walls#, at least 70 percent of the surface area of such #blank wall# shall be mitigated with wall treatment, in the form of permitted #signs#, subject to the provisions of Section 32-60, murals or other visual artwork, or living plant material.

### **32-312**

#### **Ground floor level parking restrictions**

Along the #Tier A street frontage# of a #ground floor level#, the following shall apply:

(a) Parking wrap or screening provisions

Portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, except for permitted entrances and exits, shall be either wrapped by #floor area# that is allocated to non-parking #uses#, to the #minimum qualifying depth#, or shall be screened such that:

- (1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, subject to the provisions of Section 32-60, murals or other visual artwork, decorative screening or latticework, or living plant material.

(b) Limitations on open parking

No open parking associated with #accessory# off-street parking facilities or #public parking lots# shall be permitted between the #street line# and the #street wall# of the #building# or its prolongations.

Open parking beyond the prolongation of a #street wall# shall be screened from any #Tier A street frontage# by a strip at least four feet wide, densely planted with vegetation which may be expected to form a year-round screen at least three feet high within three years. For #zoning lots# with multiple #Tier A street frontages#, these provisions need only apply along one frontage.

### **32-32**

#### **Regulations for Tier B Street Frontages**

**Commented [Z42]:** On tier B , the length of blank walls would be limited and all parking would have to be enclosed and screened or wrapped by floor area. Curb cuts would also be restricted on the frontage if the lot has access on another street.

In addition, these frontages would have ground floor use requirements (which would only permit a wide range of active uses), transparency requirements, and maximum lobby dimensions. However, frontages that do not have a concentration of active ground floors, would be exempted from these requirements.



The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier B street frontage#. Such provisions include #ground floor level#:

- (a) #use#, transparency and parking enclosure requirements, as set forth in Section 32-321;
- (b) alternative rules, for certain #block# frontages, as set forth in Section 32-322; and
- (c) curb cut restrictions for all frontages, as set forth in Section 32-323.

### **32-321**

#### **#Ground floor level# #use# and transparency requirements**

Along the #Tier B street frontage# of a #ground floor level#, #use# modifications are set forth in paragraph (a) of this Section, transparency requirements are set forth in paragraph (b) and parking enclosure provisions are set forth in paragraph (c).

(a) #Ground floor level# #uses#

On the portion of a #ground floor level# facing a #Tier B street frontage#, within the #minimum qualifying depth#, the underlying #use# regulations are modified as follows:

- (1) #dwelling units# shall not be permitted;
- (2) #community facility uses# shall be limited to those without sleeping accommodations, as set forth in Use Group 3B;
- (3) public service facilities and infrastructure #uses# shall be limited to public service buildings, as set forth within Use Group 4A, as well as renewal energy and green infrastructure, as set forth in Use Group 4C;
- (4) guest rooms or suites associated with transient accommodations, as set forth in Use Group 5, shall not be permitted;
- (5) offices and laboratories listed in Use Group 7, shall be limited in size to 5,000 square feet per establishment;
- (6) the maximum #street wall# width of ancillary #residential uses# or lobbies accessing #uses# not permitted on the #ground floor level#, shall be 50 feet on the #Tier B street frontage#. However, for #buildings# with #street wall# widths in excess of 200 feet along a #Tier B street frontage#, such maximum may be increased to 100 feet, provided that the minimum distance between any 50-foot portion shall not be less than 100 feet.
- (7) off-street parking spaces or loading berths, shall not be permitted. However, entrances and exits to parking and loading facilities located beyond the

**Commented [Z43]:** The list of active ground floor uses is intended to reflect the range of active uses typically found on a commercial street.

Dwelling units in residences, guest rooms in hotels, and community facilities with sleeping accommodations would be restricted on the ground floor, as would many infrastructural uses, parking spaces, and loading docks. Offices would be limited to 5k, and lobbies would be subject to a maximum 50 foot dimension. This would ensure that only longer would be required to provide active uses.

The list of active uses would include the full breath of retail and service, entertainments and amusement, and small-scale production uses on the ground floor. Community facilities without sleeping accommodations, like libraries and day cares, would be permitted there too.

#minimum qualifying depth# shall be permitted, subject to any applicable curb cut regulations of this Section, inclusive, or this Resolution; and

- (8) entrances and exits to #mass transit stations#, as defined in Section 66-11, shall be permitted without restriction.

(b) Transparency requirements

Along the #Tier B street frontage# of a #ground floor level#, #street walls# shall be glazed with transparent materials, which may include #show windows#, transom windows, or glazed portions of doors.

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level# #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by entrances or exits to parking or loading facilities, to doors accessing emergency egress stairwells and passageways, or to #community facility buildings#.

(c) Parking enclosure provisions

All off-street parking and loading facilities shall be located within a #completely enclosed building#.

**32-322**

**Alternate ground floor level regulations for certain social blocks**

Along the #Tier B street frontage# of a #ground floor level#, as an alternative to the provisions of Section 32-321, the parking and blank wall provisions of paragraph (b) of this Section may be applied where the qualifying criteria set forth in paragraph (a) is met.

(a) Qualifying criteria

The provisions of this Section may be applied along a #Tier B street frontage# where one of the following criteria are met:

- (a) the #zoning lot# frontage is a #transportation-adjacent frontage#;

**Commented [Z44]:** The Proposal would require transparency consistent with existing requirements found in special purpose districts.

**Commented [Z45]:** On Tier B frontages, the Proposal would allow exemptions for frontages with a limited concentration of commercial activity. This calculation is meant to be easy to do with publicly available resources.

- (b) the #zoning lot# frontage has a #Residence District#, #Manufacturing District# or C3 or C8 #Commercial District# mapped along the same #street# frontage either on the same #block#, or the #block# across the #street# from the #zoning lot#; or
- (c) where, at the time of #development# or #ground floor level# #enlargement#, less than 50 percent of the #street line# width of #zoning lots# on the 'social block' surrounding the subject #zoning lot# are allocated to #zoning lots# with #commercial buildings# or #mixed buildings#.

For the purposes of this Section, the 'social block' shall be the portion of the #block# containing the subject #zoning lot# that abuts the #Tier B street frontage#, as well as the portion of the #blocks# immediately across the #Tier B street frontage# from such #block#. Such calculation shall contain all the #zoning lots# along such #block# frontage except that where the width of any such #block# frontage exceeds 250 feet, the calculation need only extend 100 feet from the outermost extents of the subject #zoning lot#, as measured along the #street line#.

**(b) Alternative provisions**

Where the qualifying criteria is met, along the #Tier B street frontage# of the #ground floor level#, the following shall apply:

**(1) Parking wrap and location**

Portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, except for permitted entrances and exits, shall be located behind #floor area# that is allocated to non-parking #uses#, to a #minimum qualifying depth#, so that no portion of such facility is visible from adjacent public sidewalks. Unenclosed parking is permitted to the rear of a #building#, provided that no portion of a parking area is visible from adjacent public sidewalks.

**(2) Blank walls**

Along the #Tier B street frontage# of a #ground floor level#, for any #blank walls#, at least 70 percent of the surface area of such #blank wall# shall be mitigated with wall treatment, in the form of permitted #signs#, subject to the provisions of Section 32-60, murals or other visual artwork, or living plant material.

**Commented [Z46]:** If a Tier B frontage met the exemption criteria, The Proposal would require they still wrap or screen parking, or locate it to the rear of the building. Blank walls would also be limited.

**32-323**

**Ground floor level curb cut restrictions**

Along the #Tier B street frontage# of a #ground floor level#, the following curb cut restrictions shall apply:

**Commented [Z47]:** On Tier B frontages, curb cuts would not be permitted if the lot had access to a Tier A or exempt street.

For #zoning lots# with frontage along a #Tier B street frontage# and frontage along another #street# that is neither a #Tier B# a #Tier C street frontage#, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along such #Tier B street frontage#.

### **32-33**

#### **Regulations for Tier C Street Frontages**

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier C street frontage#.

The provisions for #Tier B street frontages#, as set forth in Section 32-32, inclusive, shall apply, except that the regulations of Section 32-322 shall not be permitted as an alternative to those of Section 32-321, and the limitations on lobbies and ancillary #residential uses# set forth in paragraph (c) of Section 32-321, shall be modified pursuant to the provisions of this Section.

(a) Ancillary #residential uses#

In addition to #dwelling units#, ancillary #residential uses#, other than lobbies, shall not be permitted on the #ground floor level# within the #minimum qualifying depth#.

(b) Lobbies

The maximum length of lobbies accessing #uses# not permitted on the #ground floor level#, shall be limited to a maximum #street wall# length, in total, of 25 percent of the #street wall# width of the #building# along the #Tier C street frontage#, or 25 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 10 feet.

However, for C4 through C6 Districts with a #residential equivalent# of R9 or R10 Districts, such maximum lobby length shall be modified such that the maximum #street wall# length, in total, shall not exceed 25 percent of the #street wall# width of the #building# along the #Tier C street frontage#, or 50 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 20 feet.

### **32-34**

#### **Regulations for Existing Buildings**

The provisions of this Section shall apply to the #ground floor level# of existing #buildings# along #Tier A#, #Tier B#, or #Tier C street frontages#.

(a) Along #Tier A# frontages#

**Commented [Z48]:** Tier C frontages would require all of the rules for a Tier B frontage, but lobby dimensions would be tightened up, as would allowances for ancillary residential spaces at grade. Unlike Tier B frontages, there would be no exemptions available.

**Commented [Z49]:** While the rules for streetscape would mostly effect new construction, the Proposal would also include special rules for existing buildings. These intend to keep existing ground floors from moving out of or further away from conformance with the applicable streetscape requirements over time.

Along the #Tier A street frontage# of a #ground floor level#, as applicable, no continuation of an existing #use# or change of #use# shall increase the extent of a pre-existing #blank wall#, modify the location of parking spaces, or add curb cuts along a #street# frontage in a manner that would create or increase a #non-conformance# with the applicable regulations for a #development# or #ground floor level# #enlargement#.

(b) Along #Tier B# or #Tier C street frontages#

Along the #Tier B# or #Tier C street frontage# of a #ground floor level#, as applicable, no continuation of an existing #use# or change of #use# shall introduce a #use#, reduce a #minimum qualifying depth#, increase the #street wall# width of restricted #uses#, reduce transparency, increase the extent of a pre-existing #blank wall#, modify the location of parking spaces, or add curb cuts along a #street# frontage in a manner that would create or increase a #non-conformance# with the applicable regulations for a #development# or #ground floor level# #enlargement#.

### **32-35**

#### **Special Rules for Certain Areas**

**Commented [Z50]:** The Proposal would consolidate some of the existing streetscape rules that exist in Commercial Districts into this section.

### **32-351**

#### **Ground floor use requirements in high-density areas**

[CONSOLIDATING EXISTING SECTIONS 32-431, 32-432, AND 32-435 INTO ONE SECTION]

**Commented [Z51]:** High-density districts, typically in Manhattan, have existing streetscape requirements on wide streets. The Proposal would maintain this concept by designating them as Tier C frontages. In addition, in areas where the maximum Commercial FAR is at 10.0 or higher, the Proposal would require that at least 50 percent of the subject ground floor frontage be used for retail and service or amusement and entertainment uses.

For all #Commercial Districts# mapped within, or with a residential equivalent of an R9 or R10 District, or #Commercial Districts# where the #floor area ratio# for commercial uses# is greater than 10.0, the applicable #ground floor level# streetscape provisions of this Chapter shall apply, except that #ground floor level# #street# frontages on #wide streets# shall be considered #Tier C street frontages#.

In addition, in C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, for #buildings# along such #Tier C street frontages#, the underlying #use# requirements shall be modified such that within the portion of the #ground floor level# #street# frontage that is required to be allocated to non-#residential uses# to the #minimum qualifying depth#, at least 50 percent of such frontage shall be allocated to #uses# in Use Groups 6 or 8.

### **32-352**

#### **Ground floor use requirements in the Borough of Staten Island**

[RELOCATING AND REVISING FROM EXISTING 32-433]

**Commented [Z52]:** On Staten Island, Commercial Districts have existing streetscape requirements. The Proposal would maintain this concept by designating them as Tier C frontages.

For all C1, C2 or C4 Districts in the Borough of Staten Island, the applicable #ground floor level# streetscape provisions of this Chapter shall apply, except that #ground floor level# #street# frontages on #wide streets#, or along #narrow streets# where such a C1, C2 or C4 District is mapped along the entire #block# frontage, shall be considered #Tier C street frontages#.

**32-40  
SUPPLEMENTARY USE REGULATIONS**

**32-41  
Enclosure Within Buildings**

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions) and 36-61 (Permitted Accessory Off-street Loading Berths), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

**32-411  
In C1, C5, C6-5 or C6-7 Districts**

C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# except for store fronts or store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building# upon the adoption of initial rules governing the Permanent Open Restaurants program by an authorized agency following authorizing legislation by the City Council.

**32-412  
In other Commercial Districts**

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C7 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

**Commented [Z53]:** The Proposal would subject C7 districts to the enclosure requirements of C6 districts.

**32-413**

**Health and fitness establishments  
Drive-through facilities**

[RELOCATING HEALTH AND FITNESS PROVISIONS TO PARAGRAPH (C)(2) OF SECTION 32-163 AND PARAGRAPH (F) OF SECTION 32-164; CLARIFYING DRIVE-THROUGH PROVISIONS HERE]

C1 C2 C3 C4 C5 C6

In the districts indicated, high intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

In C1 through C7 Districts, #accessory# drive-through facilities for any #use# listed in Use Group 6, as set forth in Section 32-16 (Use Group 6 – Retail and Services), may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-311 (Drive-through facilities).

**32-42**

**Location Within Buildings**

**32-421**

**Limitation on floors occupied by commercial uses**

**Commented [Z54]:** The Proposal would restrict drive through facilities in C1 through C7 districts as of right. All such facilities would require a BSA special permit.

Existing drive throughs would be subject to 53-00.

**Commented [Z55]:** The Proposal would update the location of use rules in mixed buildings (buildings with residences).

In C1, C2, and C3 districts, the Proposal would allow commercial uses on the second story of all mixed buildings (today this is already permitted in high density areas and the floodplain). These commercial uses can be on the second story with residences as long as there is no access between them. In these districts, commercial uses would not be able to locate over residences.

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

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building# occupied on one or more of its upper #stories# by #residential# #uses# or by #community facility# #uses#, no #commercial# #uses# listed in Use Group 6A through 6E, 7, 8, 9, 14A or 14B shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial# #uses# may extend to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial# #uses# listed in Use Groups 6A, 6B, 6C, 7, 8, 9, 14A or 14B 6 through 10.

In addition, #commercial uses# may be permitted on the same #story# as a #residential use#, provided that no access exists between such #uses# at any level containing #dwelling units#. No #commercial uses# shall be located above any #story# containing #dwelling units#.

However, in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts, non #residential# #uses# listed in Use Group 6A through 6E, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970. For #buildings# constructed in such districts prior to September 17, 1970, located in Community District 6 in the Borough of Manhattan, such non #residential# #uses# may occupy the lowest two #stories# in such #building#, provided that:

- (a) the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the second #story# has not been occupied by a #community facility# #use#, a #dwelling unit# or a #rooming unit#, notwithstanding the certificate of occupancy, if any, for a continuous period from May 1, 2013, until a certification has been issued pursuant to this Section; and
- (b) the second #story# of at least one other #building# on the same #block# frontage is occupied by a #use# listed in such Use Groups.

#Accessory# mechanical equipment serving #commercial uses# listed in such Use Groups shall not be subject to the location restrictions of this Section.

**32-422**

#### Location of floors occupied by commercial uses

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

**Commented [Z56]:** The Proposal would update the location of use rules in mixed buildings (buildings with residences).

In C4, C5, and C6 districts, commercial uses are already allowed to be on multiple stories. They can only be located below residences, except many special purpose districts already allow them to locate on the same story as residences if there is no access between them. This concept would be brought into the text here. In addition, the Proposal would allow commercial uses to be located above residences in these districts to promote active rooftop spaces. This is already permitted for conversions of older existing buildings.



C4 C5 C6

In the districts indicated, in any #building#, or portion of a #building#, occupied by #residential# #uses#, #commercial# #uses# listed in Use Group 5, 6A through 6E, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 may be located only on a #story# below the lowest #story# occupied in whole or in part by such #dwelling units# or #rooming units#, except that this limitation shall not preclude the location of any such #commercial# #use# below the level of the first #story# ceiling, or the extension of a permitted #sign#, other than an #advertising sign#, #accessory# to such #commercial# #use#, to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#.

#commercial uses# may be permitted on the same #story# as a #residential use#, or on a #story# higher than that occupied by #residential uses#, provided that no access exists between such #uses# at any level containing #dwelling units#.

#Accessory# mechanical equipment serving #commercial uses# listed in such Use Groups shall not be subject to the location restrictions of this Section.

**32-423**

**Limitation on ground floor location**

[DELETING, AS PER PROPOSAL]

C4 C5

In the districts indicated, #uses# in the Use Groups listed in the following table and marked with asterisks in the Use Group listing shall be located only as follows and as set forth in the following table:

- (a) on a floor above or below the ground floor; or
- (b) on the ground floor, but not within 50 feet of any #street wall# of the #building# and with no #show window# facing on the #street#.

| District | Use Group in Which Limitation Applies |
|----------|---------------------------------------|
| C4       | 8, 9 or 12                            |
| C5       | 6, 9 or 11                            |

**Commented [Z57]:** The Proposal would allow a wider range of uses on the ground floor in C4 and C5 districts. The current rules limit many service and repair uses that are commonly found on ground floors (like dance studios).

32-43

**Ground Floor Use in Certain Locations**  
**Limitations on Business Entrances, Show Windows or Signs**

[EXISTING PROVISION - RELOCATING UNCHANGED FROM SECTION 32-51]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the location of primary business entrances, #show windows# or #signs# shall be subject to the provisions of this Section.

For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot# notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

- (a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;
- (b) service entrances, or other entrances less than 3 feet, 6 inches in width;
- (c) windows other than #show windows#; or
- (d) ventilators, fire escapes or other appurtenances required by law.

32-431

**Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts**  
**For zoning lots with single frontage**

[RELOCATING GROUND FLOOR USE PROVISIONS TO SECTION 32-351 AND CONSOLIDATING WITH OTHER HIGH-DENSITY RULES]

C1-8A C1-9A C2-7A C2-8A C4-6A C4-7A

In the districts indicated, and in C1 and C2 Districts mapped within R9A and R10A Districts, #uses# within #stories# that have a floor level within five feet of #curb level# fronting on a #wide street# shall be limited to non #residential# #uses# except for Type 1 lobbies, and entryways to subway stations provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses).

**Commented [Z58]:** The Proposal would not make changes to these provisions.

**Commented [Z59]:** The Proposal would consolidate these with the streetscape rules applicable in certain areas.

~~Non residential use shall have a depth of at least 15 feet from the street wall. Such minimum depth requirement may be reduced, however, to the minimum extent necessary, to accommodate a vertical circulation core, or structural columns associated with upper stories of the building. No more than 8,000 square feet shall be devoted to Use Group 6B within stories that have a floor level within five feet of curb level.~~

~~The provisions of Section 32-512 (For corner lots) shall not apply.~~

~~The provisions of this Section shall not apply within Community Board 7, Borough of Manhattan.~~

[EXISTING PROVISION - RELOCATING UNCHANGED FROM SECTION 32-511]

C1 C2 C3 C4 C5 C6 C7 C8

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 a distance of 20 feet from frontage on the same side of the street in a Residence District.

However, where the street frontage of such zoning lot or portion thereof within the Commercial District is less than 30 feet in length, the 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).

### 32-432

#### **Ground floor use in Community Board 7, Borough of Manhattan For corner lots**

[RELOCATING GROUND FLOOR USE OP PROVISIONS TO SECTION 32-351 AND  
CONSOLIDATING WITH OTHER HIGH-DENSITY RULES]

~~Within the boundaries of Community Board 7 in the Borough of Manhattan, when a development, enlargement or change of use is located in an R10 equivalent Commercial District, uses within stories that have a floor level within five feet of curb level fronting on a wide street shall be limited to non residential uses, except for Type 1 lobbies, and entryways to subway stations provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses).~~

[EXISTING PROVISION - RELOCATING UNCHANGED FROM SECTION 32-512]

C1 C2 C3 C4 C5 C6 C7 C8

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;
- (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.

32-433

**Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island  
Exceptions for integrated developments divided by district boundaries**

[RELOCATING GROUND FLOOR USE PROVISIONS TO SECTION 32-352]

C1 C2 C4

~~In all C1, C2 and C4 Districts in the Borough of Staten Island, ground floor #uses# shall conform with the provisions of this Section.~~

(a) ~~Ground floor level #use# requirements~~

(1) ~~Along #primary street frontages#~~

~~For #buildings#, or portions thereof, with #primary street frontage#, as defined in Section 37-311, #uses# on the ground floor level, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non #residential# #uses# except for Type 1 lobbies, and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). Any #accessory# off-street parking spaces located on the ground floor level shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).~~

(2) ~~Along #secondary street frontages#~~

~~For #buildings#, or portions thereof, with #secondary street frontage#, as defined in Section 37-311, all #uses# permitted by the underlying district shall be permitted on the ground floor level, provided that any #accessory# off-street~~

~~parking spaces located on the ground floor level shall be wrapped or screened in accordance with the provisions of Section 37-35.~~

~~The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.~~

(b) ~~#Non-conforming buildings#~~

~~#Buildings# containing #non-conforming# #residential uses# on the ground floor shall be permitted to #enlarge# without regard to the #use# regulations of this Section, provided that such #enlargement# complies with the provisions of the #residential yard# regulations set forth in Section 23-40.~~

[EXISTING PROVISION - RELOCATING UNCHANGED FROM SECTION 32-52]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Commercial 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 #Commercial District# and a #Residence District#;  
or
- (b) is currently 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 #Commercial District#, as evidenced by deed restrictions filed in an office of record binding the owner and the owner's heirs and assigns.

~~32-434~~

~~Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts~~

~~C4-5D-C6-3D~~

[REMOVING – BASELINE STREETSCAPE PROVISIONS WILL APPLY]

~~In the districts indicated and in C2-Districts mapped within R7D or R9D-Districts, #uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to non-#residential# #uses# which shall extend along the entire width of the #building#, except for Type 1 lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). Such non-#residential# #uses# comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).~~

**Commented [Z60]:** The Proposal would incorporate these districts that currently have their own streetscape rules into the citywide framework.

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy #stories# that have a floor level within five feet of #curb level# provided they comply with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). Loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage and, if such #building# fronts on both a #wide street# and a #narrow street#, such loading berth shall be located only on a #narrow street#.

In C4-5D and C6-3D Districts, and in C2 Districts mapped within R7D or R9D Districts, each ground floor level #street wall# in a #building# #developed# or #enlarged# on the ground floor level shall comply with the glazing provisions set forth in Section 37-34 (Minimum Transparency Requirements).

### 32-435

#### **Ground floor use in high density Commercial Districts**

[RELOCATING TO SECTION 32-351 AND CONSOLIDATING WITH OTHER HIGH-DENSITY RULES. MOVING SIGN PROVISIONS TO 32-672]

The regulations of this Section shall apply to any #development# occupied by #predominantly# #residential use#, constructed after April 21, 1977, located on any #zoning lot# within C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts. However, this Section shall not apply within any Special Purpose District nor shall it apply to any #Quality Housing building#, except as otherwise set forth herein.

An application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation drawn to a scale of at least one sixteenth inch to a foot of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #signs#, other than #advertising signs#, #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

#### (a) Definitions

For the purposes of this Section, the following definitions shall be applicable.

##### Contiguous block

For the purposes of this Section, inclusive, a “contiguous block” is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

##### Contiguous lot

For the purposes of this Section, inclusive, a “contiguous lot” is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.

#### Development

For the purposes of this Section, inclusive, in addition to the definition of #development# in Section 12-10 (DEFINITIONS), “development” shall also include an #enlargement# involving an increase in #lot coverage#.

#### Predominantly residential use

For the purposes of this Section, inclusive, a “predominantly residential use” means a #building# having a #residential# #floor area# in excess of 50 percent of the total #building# #floor area#.

#### (b) Applicability of Article II, Chapter 6

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines), shall apply to any #development# occupied by #predominantly residential use#, except as modified by the provisions of this Section. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to #Commercial Districts#.

#### (e) Retail Continuity

For #buildings# with front #building# walls that are at least 50 feet in width and front upon a #wide street#, a minimum of 50 percent of the width of such front #building# wall shall be occupied at the ground floor level by #commercial# #uses#, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, #uses# which occupy such 50 percent of the front #building# wall shall be limited to those listed in Use Groups 6A, 6C and 6F, excluding banks and loan offices, except that in C4-6 Districts only, such #uses# may additionally include those listed in Use Groups 8A, 8B and 10A. All #uses# permitted by the underlying district regulations are permitted in the remaining 50 percent of the front #building# wall.

Such requirement of #commercial# #uses# for a minimum of 50 percent of the front #building# wall may be waived, or additional #uses# permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that an adequate supply of such #uses# already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional #uses# for a completed #building#, where #floor area# has been designated for

occupancy for such #commercial# #uses#, establish that a good faith effort has been made to secure tenancy by such #uses#.

(d) Ground floor transparency and articulation

When any #building# wall which is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, ground floor level transparency shall be provided in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 12 feet in height, shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief. Plants shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Design Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

(e) Sign regulations

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such modifications will enhance the design quality of the #street wall#.



**32-441**

**Definitions**

[RELOCATING TO SECTION 32-51]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section or in Section 98-01.

**32-442**

**Use of railroad or transit air space**

[RELOCATING TO SECTION 32-51]

C1 C2 C3 C4 C5 C6 C7 C8

- (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 Commission as set forth in Section 74-62 (Railroad Passenger Stations) unless the right of way or yard or portion thereof is no longer required for railroad or transit *use* as set forth in paragraph (b) of this Section.

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

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

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

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

- (b) ~~When the #use# of a railroad or transit right of way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential# or #community facility development# or a #large-scale general development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:~~
- ~~(1) the proposed #zoning lots#, indicated by a map describing the boundaries of 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#, which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).~~

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

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

## 32-50

### **SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES** **SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS**

## 32-51

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

## Use of Railroad or Transit Air Space

[RELOCATING BUSINESS ENTRANCES, SHOW WINDOWS,  
OR SIGNS TEXT, UNCHANGED, TO SECTION 32-43]

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~In all districts, as indicated, the location of primary business entrances, #show windows# or #signs# shall be subject to the provisions of this Section.~~

~~For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto shall be considered a single #zoning lot#, regardless of any subsequent subdivision.~~

~~For the purposes of this Section, a #corner lot# shall include the entire #zoning lot# notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.~~

~~The provisions of this Section shall not apply to:~~

- ~~(a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;~~
- ~~(b) service entrances, or other entrances less than 3 feet, 6 inches in width;~~
- ~~(c) windows other than #show windows#; or~~
- ~~(d) ventilators, fire escapes or other appurtenances required by law.~~

[RELOCATING AND COMBINING RAILROAD OR TRANSIT AIR SPACE TEXT FROM  
SECTIONS 32-441 AND 32-442, WITH EDITORIAL CHANGES TO PREAMBLE AND  
PARAGRAPH (a) BELOW]

In all #Commercial Districts#, #railroad or transit air space# may be #developed# or used in accordance with the provisions of this Section.

- (a) #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 74-61 (Development within or over a railroad or transit right-of-way or yard), or a railroad passenger station permitted by the Commission as set forth in Section 74-148 (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in

accordance with the provisions of Section 74-61 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 74-61 may be changed to another #use# listed in a permitted Use Group and no additional special permit from the Commission shall be required for such change of #use#.

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

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

- (b) When the #use# of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential# or #community facility development# or a #large-scale general development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:
- (1) the proposed #zoning lots#, indicated by a map describing the boundaries of 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#, which is

executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).

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

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

### **32-511**

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

[RELOCATING UNCHANGED TO SECTION 32-431]

C1 C2 C3 C4 C5 C6 C7 C8

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 a distance of 20 feet from frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof within the #Commercial District# is less than 30 feet in length, the 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).

### **32-512**

#### **For corner lots**

[RELOCATING UNCHANGED TO SECTION 32-432]

C1 C2 C3 C4 C5 C6 C7 C8

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;
- (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.

**32-52**

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

[RELOCATING. UNCHANGED, TO SECTION 32-433]

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Commercial 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 #Commercial District# and a #Residence District#;~~  
~~or~~
- (b) ~~is currently 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 #Commercial District#, as evidenced by deed restrictions filed in an office of record binding the owner and the owner's heirs and assigns.~~

**32-60**

**SIGN REGULATIONS**

\* \* \*

**32-63**

**Permitted Advertising Signs**

~~C6-5 C6-7 C7 C8~~

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

Section 32-64 (Surface Area and Illumination Provisions)

Section 32-65 (Permitted Projection or Height of Signs)

**Commented [Z61]:** The Proposal would not make changes to the signage regulations in Commercial Districts except to update the rules for C7 districts. To better reflect its new role as a business-oriented district without residences, the Proposal would have C7 districts follow the signage rules for C6 districts. This would mean smaller signs, as well as no advertising signage. Various adjustments throughout this section work to do this.

Section 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 32-67 (Special Provisions Applying along District Boundaries)

Section 32-68 (Permitted Signs on Residential or Mixed Buildings).

**32-64**

**Surface Area and Illumination Provisions**

\* \* \*

**32-642**

**Non-illuminated signs**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, non-illuminated signs with total surface areas not exceeding those shown in the following table are permitted:

| District   | Maximum Surface Area   |
|--|--|
| C3   | 50 square feet   |
| C1 C2  | Three times the street frontage of the zoning lot (in feet), but in no event more than 150 sq. ft. for interior or through lots or 150 sq. ft. on each frontage for corner lots. |
| C5-1 C5-2 C5-3 C5-5                              | Three times the street frontage of the zoning lot (in feet), but in no event more than 200 sq. ft. for interior or through lots or 200 sq. ft. on each frontage for corner lots. |
| C4 C5-4 C6-1 C6-2 C6-3<br>C6-4 C6-6 C6-8 C6-9 C7 | Five times the street frontage of the zoning lot (in feet), but in no event more than 500 sq. ft. for interior or through lots or 500 sq. ft. on each frontage for corner lots.  |
| C8   | Six times the street frontage of the zoning lot (in feet), but in no event more than 750 sq. ft. for each sign.  |
| C6-5 C6-7 C7                                     | No restrictions as to size   |

**32-643**

**Illuminated non-flashing signs**

\* \* \*

**32-644  
Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts**

C4 C5-4 C6 C7

In the districts indicated, #illuminated# or #flashing signs# with total #surface areas# not exceeding those shown in the following table are permitted:

| District   | Maximum Surface Area<br>(in square feet)  |
|--|---|
| C4 C5-4<br>C6-1 C6-2 C6-3 C6-4<br>C6-6 C6-8 C6-9 <u>C7</u> | Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#. |
| C6-5 C6-7 <del>C7</del>                                    | No restrictions as to size  |

However, in a C6-1A District, #flashing signs# are not permitted.

\* \* \*

**32-651  
Permitted projection in C6-5, or C6-7 ~~or~~ C7 Districts**

C6-5 C6-7 ~~C7~~

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than eight feet.

**32-652  
Permitted projection in all other Commercial Districts**

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C7 C8

In the districts indicated, except as otherwise provided in Section 32-653 (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#.

**32-653  
Additional regulations for projecting signs**



C1 C2 C3 C4 C5 C6 C7 C8

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# in a district other than a C6-5, or C6-7 ~~or C7~~ District shall project more than 48 inches above nor more than 12 inches below such marquee.

**32-654**  
**Height of signs in C8 Districts**

C8

In the district 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 58 feet.

**32-655**  
**Height of signs in all other Commercial Districts**

C1 C2 C3 C4 C5 C6 C7

In the districts indicated, no permitted #sign# shall extend above #curb level# at a height greater than the following:

| Districts   | Maximum Height<br>(in feet) |
|---|-----------------------------|
| C1 C2 C3<br>C5-1 C5-2 C5-3 C5-5                         | 25                          |
| C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6<br>C6-8 C6-9 <u>C7</u> | 40                          |
| C6-5 C6-7 <del>C7</del>                                 | No restriction as to height |

**32-656****Height of signs above roof**

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C7

In the districts indicated, no #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

**32-657****Roof signs**

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C7

In the districts indicated, no #signs# shall be permitted on the roof of any #building#.

**32-66****Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways**

C1 C2 C3 C4 C5 C6 C7 C8

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

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.

**32-661****Additional regulations for signs other than advertising signs**

C6-5 C6-7 ~~C7~~-C8

In the districts indicated, and within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, no permitted #sign# that is within view of such arterial highway or #public park# shall exceed 500 square feet of #surface area#.

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#.

Upon application, these requirements shall be waived, provided that the Chairperson of the City Planning Commission certifies that:

- (a) such waiver is limited to a single, non-flashing sign# that is located on a zoning lot# not less than one and one-half acres; and
- (b) all other permitted 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.

### **32-662**

#### **Additional regulations for advertising signs**

C6-5 C6-7 C7-C8

In all districts, as indicated, no advertising sign# shall be located, nor shall an existing advertising sign# be structurally altered, relocated or reconstructed within 200 feet of an arterial highway or of a public park# with an area of one half acre or more, if such advertising sign# is within view of such arterial highway or public park#. For the purposes of this Section, arterial highways shall include all highways which 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. Beyond 200 feet from such arterial highway or public park#, an advertising sign# shall be located at a distance of at least as many linear feet therefrom as there are square feet of surface area# on the face of such sign#. However, in all districts as indicated, 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, to the extent of its size existing on May 31, 1968.
- (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.

### **32-663**

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

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Commercial 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.

### **32-67**

#### **Special Provisions Applying Along District Boundaries** **Special Provisions for Certain Areas**

~~C2 C3 C4 C5 C6 C7 C8~~

[RELOCATING TO SECTION 32-671]

~~In the districts 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, no #advertising sign# that faces at an angle of less than 165 degrees away from such #Residence District# or park boundary shall 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 32-62 through 32-68, inclusive, relating to Sign Regulations.~~

### **32-671**

#### **Special provisions applying along district boundaries**

~~C2 C3 C4 C5 C6 C7 C8~~

[RELOCATING FROM SECTION 32-67]

In the districts 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, no #advertising sign# that faces at an angle of less than 165 degrees away from such #Residence District# or park boundary shall 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 32-62 through 32-68, inclusive, relating to Sign Regulations.

### **32-672**

#### **Special provisions for high density areas**

[RELOCATED FROM SECTION 32-435]

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

### 32-68

#### Permitted Signs on Residential or Mixed Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, any #use# listed in ~~Use Group 1 or 2~~ Use Group 2 shall conform to the #sign# regulations for #Residence Districts# set forth in ~~Sections 22-32 through 22-34~~ Sections 22-52 through 22-54. In #residential# or #mixed buildings#, #residential sign# regulations shall apply to the #residential# portion.

Where non-#residential# #uses# are permitted to occupy two floors of the #building#, all #signs# #accessory# to non-#residential# #uses# located on the second floor shall be non-#illuminated signs#, and shall be located below the level of the finished floor of the third #story#.

\* \* \*

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 III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 3  
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

**33-00  
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

**33-01  
Applicability of This Chapter**

\* \* \*

**33-012  
Special provisions for certain community facility uses**

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 or C2 Districts mapped within R1 or R2 Districts, where a #long-term care facility# is permitted pursuant to ~~Section 74-901~~ 74-131, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

\* \* \*

**33-03**

**Commented [Z1]:** Article III, Chapter 3 contains the bulk regulations for Commercial Districts. The Proposal would make changes to this chapter to reflect changes to the C7 commercial district, to facilitate use flexibility in low density commercial areas, as well as other limited changes.

C7 is currently a low-density amusement district mapped in Coney Island and two small areas elsewhere. The Proposal would repurpose the C7 into a business-oriented district. The district would have a loft-like building envelope and would not permit residences. The district could be mapped through future land use actions. Like other Commercial Districts, the new C7 would be available at a range of densities and heights. (The Coney Island amusement area is located in the Special Coney Island District and the uses permitted there would not be affected by this change.)

The Proposal would also align the maximum commercial and community facility FAR in some low density Commercial Districts to better facilitate conversions between these uses. In these districts, the community facility FAR is slightly higher than the Commercial FAR. This can unintentionally limit, for example, a second story space used as a doctor's office (community facility use) from being used by an architect or accountant (commercial uses). Given the prevalence of non-residential buildings in these corridors, this can be an impediment to economic activity.

Other limited changes to cross references would be made and are annotated below.

## Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

~~The In C8 Districts, the #street#~~ frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving: ~~#uses# listed in Use Groups 16B, 16C and 16D~~

From Use Group 6B

automotive repair and maintenance #uses#

industrial drycleaning and laundry services

From Use Group 9

all #uses#

**33-04**

## Lower Density Growth Management Areas

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

For areas designated as #lower density growth management areas#, pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area; Private road)

~~Section 22-14 (Use Group 4 – Ambulatory diagnostic or treatment health care facilities)~~

Section 22-132 (Use Group 3 – uses subject to size limitations)

~~Section 32-11 (Use Groups 1 and 2)~~

**Commented [Z2]:** Changes here would reflect the reorganized use groups.

**Commented [Z3]:** The Proposal makes no changes to this section except for updates to cross references.

|                           |   |
|---------------------------|---|
| <u>Section 32-123</u>     | <u>(Use Group 2 – uses subject to additional conditions)</u>  |
| <del>Section 32-433</del> | <del>(Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)</del>  |
| <u>Section 32-352</u>     | <u>(Ground floor use requirements in the Borough of Staten Island)</u>  |
| Section 33-121            | (In districts with bulk governed by Residence District bulk regulations)  |
| Section 33-431            | (In C1 or C2 Districts with bulk governed by surrounding Residence District)  |
| <del>Section 36-21</del>  | <del>(General Provisions)</del>   |
| <u>Section 36-211</u>     | <u>(Special Provisions in Certain Areas)</u>  |
| Section 36-231            | (In districts with high, medium or low parking requirements)  |
| Section 36-27             | (Waiver for Certain Small Zoning Lots <u>or Establishments</u> )  |
| Section 36-521            | (Size of spaces)  |
| Section 36-581            | (Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx) |
| Section 37-10             | (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS)   |
| <del>Section 73-125</del> | <del>(Ambulatory diagnostic or treatment health care facilities)</del>  |
| <u>Section 73-134</u>     | <u>(Ambulatory diagnostic or treatment health care facilities)</u>  |
| Section 107-412           | (Special bulk regulations for certain community facility uses in lower density growth management areas)   |
| Section 107-42            | (Minimum Lot Area and Lot Width for Residences)   |
| Section 107-464           | (Side yards for permitted non-residential use)  |
| Section 107-62            | (Yard, Court and Parking Regulations)   |
| Section 119-05            | (Applicability of Parking Location Regulations)   |
| Section 119-214           | (Tier II requirements for driveways and private roads)  |



Section 128-052 (Applicability of Article I, Chapter 2)

\* \* \*

**33-06**

**Special Provisions for C7 Districts Mapped Prior to [date of adoption]**

For the purpose of applying the #bulk# regulations of this Chapter, C7 Districts mapped prior to [date of adoption] shall be considered C7-1 Districts.

**Commented [Z4]:** This text would make clear that the three C7 districts mapped in the city, which have a maximum FAR of 2.0, would maintain that maximum FAR.

**33-10**

**FLOOR AREA REGULATIONS**

\* \* \*

**33-12**

**Maximum Floor Area Ratio**

\* \* \*

**33-121**

**In districts with bulk governed by Residence District bulk regulations**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for a #zoning lot# containing a #commercial# or #community facility# #use#, the maximum #floor area ratio# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

**Commented [Z5]:** To facilitate a greater range of economic activity in lower-density Commercial corridors, the Proposal would align the maximum commercial and community facility FAR in C1 and C2 Commercial Districts mapped within R3-2, R4, and R5 Residence Districts. Since parking requirements for new buildings would remain unchanged (and high), this update would primarily facilitate changes of use within existing buildings.

MAXIMUM FLOOR AREA RATIO

| District        | Column A<br>For #Zoning Lots#<br>Containing only<br>#Commercial#<br>#use# | Column B<br>For #Zoning Lots#<br>Containing only<br>#Community<br>facility# #use# | Column C<br>For #Zoning Lots#<br>Containing both<br>#Commercial# and<br>#Community facility#<br>#uses# |
|-----------------|---|---|--|
| R1 R2           | 1.00  | 0.50  | 1.00   |
| R3-1 R3A<br>R3X | 1.00  | 1.00  | 1.00   |
| R3-2            | <del>4.00</del> <u>1.60</u>   | 1.60  | 1.60   |

|             |                             |       |       |
|-------------|-----------------------------|-------|-------|
| R4 R5       | <del>1.00</del> <u>2.00</u> | 2.00  | 2.00  |
| R5D R6B     | 2.00                        | 2.00  | 2.00  |
| R6A R7B     | 2.00                        | 3.00  | 3.00  |
| R7A R8B     | 2.00                        | 4.00* | 4.00  |
| R7D         | 2.00                        | 4.20  | 4.20  |
| R6 R7-1     | 2.00                        | 4.80  | 4.80  |
| R7X         | 2.00                        | 5.00  | 5.00  |
| R7-2 R8 R8A | 2.00                        | 6.50  | 6.50  |
| R8X         | 2.00                        | 6.00  | 6.00  |
| R9          | 2.00                        | 10.00 | 10.00 |
| R9A         | 2.00                        | 7.50  | 7.50  |
| R9D         | 2.00                        | 9.00  | 9.00  |
| R9X         | 2.00                        | 9.00  | 9.00  |
| R10         | 2.00                        | 10.00 | 10.00 |

\* In R8B Districts, within the boundaries of Community District 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #use# exclusively shall not exceed 5.10

In addition, the following provisions shall apply:

- (a) For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# set forth in Column A.
- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility# #uses# on a #zoning lot# containing both #commercial# #uses# and #community facility# #uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)
- (c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities, as listed in ~~Section 22-14 (Use Group 4)~~ Use Group 3B in Section 32-13, or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS) shall be 1.2.

\* \* \*

**33-122**

**Commercial buildings in all other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing only #commercial# #uses# shall not exceed the #floor area ratio# set forth in the following table:

| Districts   | Maximum #Floor Area Ratio# |
|---|----------------------------|
| C3  | 0.50                       |
| C4-1 C8-1   | 1.00                       |
| C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 <del>C7</del> <u>C7-1</u><br>C8-2 C8-3 | 2.00                       |
| C4-2A C4-3A <u>C7-2</u>   | 3.00                       |
| C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6                                      | 3.40                       |
| C4-4A C4-4L C4-5A C4-5X C5-1 <u>C7-3</u>                                  | 4.00                       |
| C4-5D   | 4.20                       |
| <u>C7-4</u> C8-4  | 5.00                       |
| C6-1 C6-2 C6-3  | 6.00                       |
| <u>C7-5</u>   | <u>6.50</u>                |
| <u>C7-6</u>   | <u>8.00</u>                |
| C6-3D   | 9.00                       |
| C4-7 C5-2 C5-4 C6-4 C6-5 C6-8 <u>C7-7</u>                                 | 10.00                      |
| <u>C7-8</u>   | <u>12.00</u>               |
| C5-3 C5-5 C6-6 C6-7 C6-9 <u>C7-9</u>                                      | 15.00                      |

**Commented [Z6]:** In this section, The Proposal adds the range of new C7 Commercial Districts with their respective commercial floor area ratios. To facilitate use of the districts across the city , the Proposal includes maximum FARs between 2.0 and 15.0.

**33-123**

**Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts**

**Commented [Z7]:** In this section, the Proposal adds the range of new C7 Commercial Districts with their respective community facility floor area ratios. C7 Commercial Districts would have the same commercial and community facility floor area ratios. The remaining changes in this section facilitate that approach.

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing #community facility# #uses#, or for a #zoning lot# containing both #commercial# and #community facility# #uses#, shall not exceed the #floor area ratio# set forth in the following table:

| Districts   | Maximum #Floor Area Ratio# |
|---|----------------------------|
| C3  | 1.00                       |
| C4-1 <u>C7-1</u>  | 2.00                       |
| C8-1  | 2.40                       |
| C4-2A C4-3A <u>C7-2</u>   | 3.00                       |
| C1-6A C2-6A C4-4A C4-4L C4-5A <u>C7-3</u>                                       | 4.00                       |
| C4-5D   | 4.20                       |
| C4-2 C4-3 C8-2  | 4.80                       |
| C4-5X <u>C7-4</u>   | 5.00                       |
| C6-1A   | 6.00                       |
| C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C6-1<br>C6-2 <u>C7-5</u> C8-3 C8-4         | 6.50                       |
| C1-8A C2-7A C6-3A   | 7.50                       |
| <u>C7-6</u>   | <u>8.00</u>                |
| C1-8X C2-7X C6-3D C6-3X   | 9.00                       |
| C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4<br>C6-3 C6-4 C6-5 C6-8 <u>C7-7</u> | 10.00                      |
| <u>C7-8</u>   | <u>12.00</u>               |
| C5-3 C5-5 C6-6 C6-7 C6-9 <u>C7-9</u>  | 15.00                      |

For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# in Section 33-122.

In addition, the following provisions shall apply:

- (a) In all #Commercial Districts# C1 through C6 Districts, except ~~C8 Districts~~, or districts

with a residential equivalent of an R10 District, for any #zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for such #community facility# #uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 (Maximum floor area ratio for certain community facility uses) or, for #Quality Housing buildings#, as set forth in Section 23-153, applying the equivalent #Residence District# (indicated in Section 34-112) for the #Commercial District# in which such #uses# is located, unless modified pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

- (b) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #uses# and partly for philanthropic or non-profit institutions with sleeping accommodations in ~~#Commercial Districts# C1 through C6 Districts, other than C8 Districts, or #Commercial Districts#~~ except districts with a residential equivalent of an R10 District, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# by the applicable district regulations. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111 or, for #Quality Housing buildings#, as set forth in Section 23-153, exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, the provisions of paragraph (b) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section 74-903.

\* \* \*

### 33-13

#### Floor Area Bonus for a Public Plaza

C1-8 C1-9 C2-7 C2-8

- (a) #Zoning lots# containing #community facility# #uses#

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, for #zoning lots# containing #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, may be increased by six square feet.

C4-7 C5-2 C5-3 C5-4 C5-5 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7-5 C7-6 C7-7 C7-8 C7-9

- (b) #Zoning lots# containing only #commercial# #uses#

In the districts indicated, for #zoning lots# containing only #commercial# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-

**Commented [Z8]:** The Proposal would allow use of the public plaza floor area bonus in C7 Commercial Districts consistent with similar Commercial Districts. The bonus would be available in districts that have a maximum FAR at 6.0 and above.

12 for a #commercial# #use# may be increased as set forth in the following table:

| Districts  | Permitted Additional Square Feet<br>of #Floor Area# per Square Foot of<br>#Public Plaza# |
|--|--|
| C5-3 C5-5<br>C6-6 C6-7 C6-9<br><u>C7-9</u>                 | 10 square feet   |
| C4-7 C5-2 C5-4<br>C6-1A C6-4 C6-5 C6-8<br><u>C7-7 C7-8</u> | 6 square feet  |
| C6-1 C6-2 C6-3<br><u>C7-5 C7-6</u>                         | 4 square feet  |

C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7-5 C7-6  
C7-7 C7-8 C7-9

- (c) #Zoning lots# containing #community facility# #uses# or both #commercial# and #community facility# #uses#

In the districts indicated, for #zoning lots# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 may be increased as set forth in the following table:

| Districts  | Permitted Additional Square Feet<br>of #Floor Area# per Square Foot<br>of #Public Plaza# |
|--|--|
| C5-3 C5-5<br>C6-6 C6-7 C6-9<br><u>C7-9</u>                             | 10 square feet   |
| C4-6 C4-7<br>C5-1 C5-2 C5-4 C6-3<br>C6-4 C6-5 C6-8<br><u>C7-7 C7-8</u> | 6 square feet  |
| C6-1 C6-2  | 4 square feet  |

C7-5 C7-6

**33-14**

**Floor Area Bonus for Arcades**

C4-7 C5-2 C5-3 C5-4 C5-5 C6

- (a) In the districts indicated, for #zoning lots# containing #commercial# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #commercial# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

| Districts  | Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade# |
|--|--|
| C4-7 C5-2 C5-3 C5-4 C5-5 C6-1A<br>C6-4 C6-5 C6-6 |  |
| C6-7 C6-8 C6-9                                   | 3 square feet  |
| <u>C7-7 C7-8 C7-9</u>                            |  |
| C6-1 C6-2 C6-3                                   | 2 square feet  |
| <u>C7-5 C7-6</u>                                 |  |

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within an R9 or R10 District, for #zoning lots# containing #community facility# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

**Commented [Z9]:** The Proposal would allow use of the arcade floor area bonus in C7 Commercial Districts consistent with similar Commercial Districts. The bonus would be available in districts that have a maximum FAR at 6.0 and above.

| Districts   | Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade# |
|---|--|
| C1 or C2 when mapped within R9 or R10<br>C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5<br>C6-3 C6-4 C6-5 C6-6 C6-7 C6-8<br>C6-9<br><u>C7-7 C7-8 C7-9</u> | 3 square feet  |
| C6-1 C6-2<br><u>C7-5 C7-6</u>   | 2 square feet  |

\* \* \*

**33-20  
YARD REGULATIONS**

\* \* \*

**33-23  
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

**Commented [Z10]:** The Proposal would allow C7 commercial districts to have taller floors in rear yards, consistent with the intended loft building form. Similar provisions exist in the Special Gowanus District.

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

In all #Commercial Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted when located 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) Balconies, unenclosed, subject to the provisions of Section 24-166;
- (2) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, 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 or treatment of patients) 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 C7 Districts, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories, excluding #basements#, nor in any even 30 feet above #curb level#. In addition, in all districts, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 33-42 (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;

\* \* \*

**33-26**

**Minimum Required Rear Yards**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, ~~as indicated,~~ other than C7 Districts, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 33-27 (Special Provisions for Shallow Interior Lots), 33-28 (Special Provisions for Through Lots) or 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 33-261 (Beyond one hundred feet of a street line).

For C7 Districts, the provisions of Section 33-262 shall apply. However, such provisions shall be modified by the provisions of 33-27, 33-28 or 33-30.

\* \* \*

**33-262**

**Minimum rear yards for C7 Districts**

In C7 Districts, 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

**Commented [Z11]:** The Proposal would allow C7 commercial districts to have shallower rear yards, consistent with the intended loft building form. Similar provisions exist in the Special Gowanus District.

**Commented [Z12]:** The Proposal would allow C7 commercial districts to have shallower rear yards, consistent with the intended loft building form. The depth of the required rear yard would have to increase as the building gets taller. Similar provisions exist in the Special Gowanus District.

provisions of this Section.

**33-27**

**Special Provisions for Shallow Interior Lots**

C1 C2 C3 C4 C5 C6 C7 C8

**(a) For districts other than C7 Districts**

In all districts, ~~as indicated,~~ other than C7 Districts, if an #interior lot# consists entirely of a tract of land:

~~(a)~~(1) which 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) which 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 such #interior lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of 50 feet or less.

**(b) For C7 Districts**

[NEW PROVISION MIMICKING RES DISTRICT PROVISIONS]

For C7 Districts, 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.

**33-28**

**Special Provisions for Through Lots**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

**33-281**

**Excepted districts**

**Commented [Z13]:** The Proposal would allow C7 commercial 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.

**Commented [Z14]:** The Proposal would exempt C7 commercial districts from rear yard requirements on through lots, similar to comparable Commercial Districts. Given this, C7 is deleted from the applicability list in in -282 and -283.

C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-4

In the districts indicated, no #rear yard# regulations shall apply to any #through lot#, except as otherwise provided in Section 33-303 (For zoning lots with multiple rear lot lines).

**33-282  
Excepted through lots**

C1 C2 C3 C4-1 ~~C7~~-C8-1 C8-2 C8-3

In the districts indicated, no #rear yard# regulations shall apply to any #through lots# which extend less than 110 feet in maximum depth from #street# to #street#.

**33-283  
Required rear yard equivalents**

C1 C2 C3 C4-1 ~~C7~~-C8-1 C8-2 C8-3

In the districts indicated, 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:

\* \* \*

**33-29  
Special Provisions Applying along District Boundaries**

\* \* \*

**33-292  
Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots**

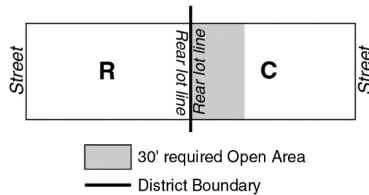
C1 C2 C3 C4 C5 C6 C7 C8

(a) For districts other than C7 Districts

In all districts, ~~as indicated, other than C7 Districts,~~ along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at a level not higher than indicated in the following table, shall be provided along such boundary and within the #Commercial District#. Such an open area shall not be used for storage or processing of any kind.

REQUIRED DEPTH OF YARD

| Districts               | Maximum Level of #Yard#    | Depth (in feet) |
|-------------------------|----------------------------|-----------------|
| C1 C2 C3 C4 C5<br>C6 C7 | 23 feet above #curb level# | 30              |
| C8                      | #Curb level#               | 30              |



REQUIRED YARD ALONG DISTRICT BOUNDARIES COINCIDENT WITH REAR LOT LINES  
(33 - 292)

(b) For C7 Districts

**Commented [Z15]:** This change would reflect the rear yard regulations proposed for C7 districts earlier in the chapter.

For C7 Districts, 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.

\* \* \*

**33-40  
HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**33-42  
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 #Commercial Districts#, the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections 33-43

(Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks), 33-46 (Height and Setback Provisions for C7 Districts) or 33-491 (Limited Height Districts):

\* \* \*

**33-43**

**Maximum Height of Walls and Required Setbacks**

C1 C2 C3 C4 C5 C6 ~~C7~~ C8

In ~~all districts, as the districts~~ indicated, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in this Section. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in this Section. The regulations of this Section shall apply except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations), 33-49 (Special Height Limitations), inclusive, 74-85 (Special Height and Setback Regulations) or 85-04 (Modifications of Bulk Regulations).

**Commented [Z16]:** The Proposal would remove C7 from the next few sections (-43, -44, and -45, inclusive) to instead apply special height and setback regulations to C7 districts consistent with their proposed loft building form.

**33-431**

**In C1 or C2 Districts with bulk governed by surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

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

In the districts indicated, for #buildings# other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

\* \* \*

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed in Use Groups ~~6A, 6B, 6C, 7, 8, 9, 14A or 14B~~ 6 through 10 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street

line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

In C1 or C2 Districts mapped within R1, R2 or R3 Districts in the Borough of Staten Island or in Community District 10 in the Bronx, for #buildings# containing ambulatory diagnostic or treatment health care facilities, as listed in ~~Section 22-14 (Use Group 4)~~ Use Group 3B in Section 32-13, or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), the maximum height of a front wall or other portion of a #building# within the #initial setback distance# shall be 35 feet, or three #stories#, whichever is less. However, such increased height shall only be permitted beyond 20 feet of a #Residence District# boundary or beyond 20 feet of any portion of a #building# containing a #residential use# located in a #Commercial District#.

**33-432  
In other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6-~~C7~~ C8

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

In the districts indicated, for #buildings# other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure#, except as otherwise set forth in this Section, shall be as set forth in the following table:

**MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS**

| #Initial Setback Distance# (in feet) |                  | Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance# | Height above the #Street Line# (in feet) | #Sky Exposure Plane#   |                     |                   |                     |
|--------------------------------------|------------------|--|--|--|---------------------|-------------------|---------------------|
|                                      |                  |  |  | Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance) |                     |                   |                     |
| On #Narrow Street#                   | On #Wide Street# |  |  | On #Narrow Street#   |                     | On #Wide Street#  |                     |
|                                      |                  |  |  | Vertical Distance  | Horizontal Distance | Vertical Distance | Horizontal Distance |
| Within C3 C4-1 C8-1 Districts        |                  |  |  |  |                     |                   |                     |
| 20                                   | 15               | 30 feet or two #stories#, whichever is less  | 30                                       | 1  | to 1                | 1                 | to 1                |

Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 ~~C7~~ C8-2 C8-3 Districts

20 15 60 feet or four #stories#, whichever is less 60 2.7 to 1 5.6 to 1

Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C5 C6 C8-4 Districts

20 15 85 feet or six #stories#, whichever is less 85 2.7 to 1 5.6 to 1

However, in accordance with the provisions of Section 32-42 (Location within Buildings), in C1, C2 or C3 Districts, no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Groups ~~6A, 6B, 6C, 7, 8, 9, 14A or 14B~~ 6 through 10 shall exceed in height 30 feet or two #stories#, whichever is less.

\* \* \*

**33-44**

**Alternate Front Setbacks**

C1 C2 C3 C4 C5 C6 ~~C7~~ C8

In ~~all districts as the districts~~ the districts indicated, for #buildings# other than #Quality Housing buildings#, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required 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 Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

**33-441**

**In C1 or C2 Districts with bulk governed by surrounding Residence District**

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

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

\* \* \*

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Groups ~~6A, 6B, 6C, 7, 8, 9, 14A or 14B~~ 6 through 10 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the height above #street line# shall be 35 feet.

**33-442**

**In other Commercial Districts**

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

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 ~~C7-C8~~

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

| Depth of Optional Front Open Area (in feet) |                  | Height above #Street Line# (in feet) | Alternate #Sky Exposure Plane#   |                     |                   |                     |
|---|------------------|--------------------------------------|--|---------------------|-------------------|---------------------|
|   |                  |                                      | Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance) |                     |                   |                     |
| On #Narrow Street#                          | On #Wide Street# |                                      | On #Narrow Street#   |                     | On #Wide Street#  |                     |
|   |                  |                                      | Vertical Distance  | Horizontal Distance | Vertical Distance | Horizontal Distance |
|   |                  |                                      |  |                     |                   |                     |



Within C3 C4-1 C8-1 Districts

15 10 30 1.4 to 1 1.4 to 1

Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C7 C8-2 C8-3 Districts

15 10 60 3.7 to 1 7.6 to 1

Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C5 C6 C8-4 Districts

15 10 85 3.7 to 1 7.6 to 1

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed in Use Groups 6A, 6B, 6C, 7, 8, 9, 14A or 14B through 10 shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, the maximum height above #street line# shall be 35 feet or three #stories#, whichever is less.

\* \* \*

**33-46**

**Special Provisions for Zoning Lots Directly Adjoining Public Parks  
Height and Setback Provisions for C7 Districts**

C1 C2 C3 C4 C5 C6 C7 C8

[RELOCATING TO SECTION 33-47]

~~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 front height and setback regulations specified in Section 33-43 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, this Section shall not apply to a #public park# more than 75 percent of which is paved.~~

For C7 Districts, 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.

**Commented [Z17]:** The Proposal would include height and setback provisions for C7 Districts to facilitate a loft building form. These regulations look similar to those for contextual 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 not have a maximum height.

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>C7-1</u>      | <u>45</u>                            | <u>65</u>  |
| <u>C7-2</u>      | <u>65</u>                            | <u>95</u>  |
| <u>C7-3</u>      | <u>95</u>                            | <u>125</u>   |
| <u>C7-4</u>      | <u>125</u>                           | <u>155</u>   |
| <u>C7-5</u>      | <u>155</u>                           | <u>205</u>   |
| <u>C7-6</u>      | <u>155</u>                           | <u>245</u>   |
| <u>C7-7</u>      | <u>155</u>                           | <u>325</u>   |
| <u>C7-8 C7-9</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 C7-8 and C7-9 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#.

33-47

**Modification of Height and Setback Regulations**

\* \* \*

**33-473**

**Special provisions for zoning lots directly adjoining public parks**

C1 C2 C3 C4 C5 C6 C7 C8

[RELOCATING FROM SECTION 33-46]

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 front height and setback regulations specified in Section 33-43 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, this Section shall not apply to a #public park# more than 75 percent of which is paved.

\* \* \*

**Commented [Z18]:** The Proposal would make no change to this section. It is only moving its requirements.

**33-50  
COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND  
WALLS OR LOT LINES**

**33-51  
Minimum Dimensions of Courts for Community Facility Buildings**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section 24-61 (General Provisions and Applicability)

Section 24-62 (Minimum Dimensions of Courts)

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section 24-66 (Modifications of Court Regulations or Distance Requirements)

Section 24-67 (Special Provisions for Buildings Used Partly for Residential Uses)

Section 24-68 (Permitted Obstructions in Courts).

\* \* \*

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 III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 6  
Accessory Off-Street Parking and Loading Regulations**

**36-00  
GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

**36-10  
PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

**36-11  
General Provisions**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as otherwise provided in Section 85-03 (Modifications of Use Regulations), #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 36-12 (Maximum Size of Accessory Group Parking Facilities). Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections ~~73-49~~ 73-48 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

\* \* \*

**36-14  
Exceptions to Maximum Size of Accessory Group Parking Facilities**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section ~~73-48~~ 73-47 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

**Commented [Z1]:** Article III Chapter 6 contains the parking and loading regulations for Commercial Districts.

Consistent with changes to the use groups, the Proposal would update the organization of the parking requirements in this chapter. It would also make similar changes to the organization of loading and bicycle parking requirements. These changes would not, on their own, change the requirements but would make it easier to understand and follow them.

Beyond this, The Proposal would make some changes in this chapter. Consistent with the goal to permit the same range of uses in C1/C2 districts and in C4/C5/C6/C7 districts, the Proposal would update some parking requirements where the current rules differ by zoning district.

The Proposal would also update some loading requirements that make it difficult to change the uses in buildings over time. It would also make some limited changes to update loading rules in line with more contemporary requirements found in special purpose districts.

Finally, the requirements for the new C7 Commercial District would be included in the chapter. The requirements would differ in areas near or far from transit.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 (Accessory Off-street Parking Spaces in Public Garages).

\* \* \*

**36-20  
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL  
OR COMMUNITY FACILITY USES**

**36-21  
General Provisions**

[UPDATING PARKING REQUIREMENT TABLE  
TO REFLECT CHANGES IN USE GROUPS PER PROJECT GOALS]

C1 C2 C3 C4 C5 C6 C7 C8

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 #developments# after December 15, 1961, for the #commercial# or #community facility# #uses# listed in the table. If an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development# or #enlargement#.

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

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

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

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

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions

**Commented [Z2]:** The Proposal would make changes to the organizational structure of the parking requirements to make them easier to understand. These changes would not effect the rules themselves.

The primary change would be to switch the Parking Requirement Categories (PRCs) from a framework based on a confusing mix of uses to one based on the calculation method for parking. Doing this would make it easier to find and understand the requirements for different uses. It would also allow the parking requirement to more easily be included in the use group charts in Article III, Chapter II.

The Proposal would also update the parking requirements for C7 districts. In areas near transit, the Proposal would not require parking in this district.

of Section 36-24 (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 36-53 (Width of Curb Cuts and Location of Access to the Street);

- (c) for houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally Oriented Houses of Worship); and
- (d) ~~for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), pursuant to Section 36-27 (Waiver for Certain Small Zoning Lots) in the Borough of Staten Island and Community District 10 in the Borough of the Bronx, for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section 36-27 (Waiver for Certain Small Zoning Lots or Establishments).~~

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.

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

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

| Type of #Use#              | Parking Spaces Required in Relation to Specified Unit of Measurement | Districts   |
|----------------------------|--|---|
| <b>FOR COMMERCIAL USES</b> |  |   |
| Court houses               | None required  | <del>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</del> |
|                            | 1 per 500 sq. ft. of #floor area#                                    | C1-1 C2-1 C3 C4-1   |
|                            | 1 per 800 sq. ft. of #floor area#                                    | C1-2 C2-2 C4-2 C8-1   |

|   |   |   |
|---|---|---|
|   | 1 per 1,000 sq. ft. of #floor area#   | <del>C1-3 C2-3 C4-2A C4-3 C8-2</del>  |
|   | 1 per 2,000 sq. ft. of #floor area#   | <del>C1-4 C2-4 C4-4 C4-5D C8-3</del>  |
| Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC A in Use Group 6  | None required   | <del>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</del> |
|   | 1 per 100 sq. ft. of #floor area#   | <del>C1-1 C2-1 C4-1</del>   |
|   | 1 per 200 sq. ft. of #floor area#   | <del>C1-2 C2-2 C4-2 C8-1</del>  |
|   | 1 per 300 sq. ft. of #floor area#   | <del>C1-3 C2-3 C4-2A C4-3 C7 C8-2</del>   |
|   | 1 per 1,000 sq. ft. of #floor area#   | <del>C1-4 C2-4 C4-4 C4-5D C8-3</del>  |
| General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#. #Uses# in PRC B in Use Group 6, 8, 9, 10 or 12 or when permitted by special permit; or #uses# in PRC B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14 or 16 | None required   | <del>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</del> |
|   | 1 per 150 sq. ft. of #floor area# <sup>±</sup>  | <del>C1-1 C2-1 C3 C4-1</del>  |
|   | 1 per 300 sq. ft. of #floor area# <sup>±</sup>  | <del>C1-2 C2-2 C4-2 C8-1</del>  |
|   | 1 per 400 sq. ft. of #floor area# <sup>±</sup>  | <del>C1-3 C2-3 C4-2A C4-3 C7 C8-2</del>   |
|   | 1 per 1,000 sq. ft. of #floor area#   | <del>C1-4 C2-4 C4-4 C4-5D C8-3</del>  |
| Light manufacturing or semi-industrial #uses#. #Uses# in PRC F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees  | None required   | <del>C5 C6 C8-4</del>   |
|   | 1 per 1,000 sq. ft. of #floor area#, or 1 per 3 employees, whichever will require a larger number of spaces | <del>C8-1 C8-2 C8-3</del>   |
| Low traffic-generating #uses#. #Uses# in PRC C in Use Group 6, 7, 9, 12, 13, 14 or 16 or when permitted by special permit   | None required   | <del>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</del> |
|   | 1 per 400 sq. ft. of #floor area#   | <del>C1-1 C2-1 C3 C4-1</del>  |
|   | 1 per 600 sq. ft. of #floor area#   | <del>C1-2 C2-2 C4-2 C8-1</del>  |



|   |   |   |
|---|---|---|
|   | 1 per 800 sq. ft. of #floor-area#   | <del>C1-3 C2-3 C4-2A C4-3 C7 C8-2</del>   |
|   | 1 per 1,000 sq. ft. of #floor-area#   | <del>C1-4 C2-4 C4-4 C4-5D C8-3</del>  |
| Places of assembly. #Uses# in PRC-D in Use Group 6, 8, 9, 10, 12, 13 or 14 or when permitted by special permit  | None required   | <del>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</del> |
|   | 1 per 4 persons rated capacity  | <del>C1-1 C2-1 C3 C4-1</del>  |
|   | 1 per 8 persons rated capacity  | <del>C1-2 C2-2 C4-2 C8-1</del>  |
|   | 1 per 12 persons rated capacity   | <del>C1-3 C2-3 C4-2A C4-3 C7 C8-2</del>   |
|   | 1 per 25 persons rated capacity   | <del>C1-4 C2-4 C4-4 C4-5D C8-3</del>  |
| Open commercial amusements. #Uses# in PRC-E in Use Group 13 or 15, or when permitted by special permit  | None required   | <del>C8-3 C8-4</del>  |
|   | 1 per 500 sq. ft. of #lot area# <sup>2</sup>  | <del>C3 C8-1</del>  |
|   | 1 per 2,000 sq. ft. of #lot area# <sup>2</sup>  | <del>C7 C8-2</del>  |
| Storage or miscellaneous #uses#. #Uses# in PRC-G in Use Group 10 or 16, or when permitted by special permit, and with a minimum of 10,000 square feet of #floor-area# or 15 employees | None required   | <del>C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</del>  |
|   | 1 per 2,000 sq. ft. of #floor-area# <sup>3</sup> , or 1 per 3 employees, whichever will require a lesser number of spaces | <del>C4-1 C4-2 C4-3 C4-4 C4-5D C8-1 C8-2 C8-3</del>   |
| Other #commercial# #uses#.  |   |   |
| #Uses# in PRC-H in Use Group 5, 6, 7, 8, 9, 10, 13 or 14, or when permitted by special permit:  |   |   |
| #Boatels#   | 1 per 2 guest rooms or suites   | <del>C2 C3 C6 C8</del>  |
| Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees  | 1 per 2,000 sq. ft. of #lot area#, or 1 per 3 employees; whichever will require a lesser number of spaces                 | <del>C1 C2 C3 C7 C8</del>   |
| Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing; excursion or sport fishing vessels; or passenger ocean vessels   | (see Section 62-43 for parking requirement)   |   |
| Funeral establishments  | None required   | <del>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8</del>   |

|  |                                     |   |
|--|-------------------------------------|---|
|  |                                     | <del>C4.4A C4.4L C4.5 C4.5A C4.5X C4.6 C4.7 C6 C8-4</del>   |
|  | 1 per 200 sq. ft. of #floor area#   | <del>C1.1 C2.1 C4.1</del>   |
|  | 1 per 400 sq. ft. of #floor area#   | <del>C1.2 C2.2 C4.2 C8.1</del>  |
|  | 1 per 600 sq. ft. of #floor area#   | <del>C1.3 C4.3 C1.4 C4.4 C2.3 C2.4 C4.2A C4.5D C8.2 C8.3</del>  |
| Hotels   | None required                       | <del>C1.5 C1.6 C1.7 C1.8 C1.9 C2.5 C2.6 C2.7 C2.8 C4.4A C4.4L C4.5 C4.5A C4.5X C4.6 C4.7 C5 C6 C8.4</del> |
| (a) For that #floor area# used for sleeping accommodations   | 1 per 4 guest rooms or suites       | <del>C2.1 C4.1</del>  |
|  | 1 per 8 guest rooms or suites       | <del>C2.2 C4.2 C8.1</del>   |
|  | 1 per 12 guest rooms or suites      | <del>C2.3 C2.4 C4.2A C4.3 C4.4 C4.5D C8.2 C8.3</del>  |
| (b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios | None required                       | <del>C1.5 C1.6 C1.7 C1.8 C1.9 C2.5 C2.6 C2.7 C2.8 C4.4A C4.4L C4.5 C4.5A C4.5X C4.6 C4.7 C5 C6 C8.4</del> |
|  | 1 per 4 persons rated capacity      | <del>C2.1 C4.1</del>  |
|  | 1 per 8 persons rated capacity      | <del>C2.2 C4.2 C8.1</del>   |
|  | 1 per 12 persons rated capacity     | <del>C2.3 C4.2A C4.3 C8.2</del>   |
|  | 1 per 25 persons rated capacity     | <del>C2.4 C4.4 C4.5D C8.3</del>   |
| #Motels# or #tourist cabins#   | 1 per guest room or suite           | <del>C2 C6 C8</del>   |
| Post-offices   | None required                       | <del>C1.5 C1.6 C1.7 C1.8 C1.9 C2.5 C2.6 C2.7 C2.8 C4.4A C4.4L C4.5 C4.5A C4.5X C4.6 C4.7 C5 C6 C8.4</del> |
|  | 1 per 800 sq. ft. of #floor area#   | <del>C1.1 C2.1 C3 C4.1</del>  |
|  | 1 per 1,200 sq. ft. of #floor area# | <del>C1.2 C2.2 C4.2 C8.1</del>  |
|  | 1 per 1,500 sq. ft. of #floor area# | <del>C1.3 C2.3 C4.2A C4.3 C8.2</del>  |
|  | 1 per 2,000 sq. ft. of #floor area# | <del>C1.4 C2.4 C4.4 C4.5D C8.3</del>  |
| Prisons  | None required                       | <del>C4.4 C4.5 C4.6 C4.7 C6 C8.3 C8.4</del>   |

|   |   |   |
|---|---|---|
|   | <del>1 per 10 beds rated capacity</del>   | <del>C4-1 C4-2 C8-1</del>   |
|   | <del>1 per 20 beds rated capacity</del>   | <del>C4-2A C4-3 C8-2</del>  |
| Refreshment stands, drive-ins   | <del>1 per 50 sq. ft. of #floor area#</del>   | <del>C2-1 C2-2 C2-3 C7 C8-1 C8-2</del>  |
|   | <del>1 per 100 sq. ft. of #floor area#</del>  | <del>C2-4 C2-5 C2-6 C2-7 C2-8 C6 C8-3 C8-4</del>  |
| FOR COMMUNITY-FACILITY USES   |   |   |
| Agricultural #uses#, including greenhouses, nurseries or truck gardens          | None required   | <del>C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4</del>     |
|   | <del>1 per 1,000 sq. ft. of #lot area# used for selling purposes</del>  | <del>C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1</del>  |
|   | <del>1 per 2,500 sq. ft. of #lot area# used for selling purposes</del>  | <del>C1-3 C2-3 C4-2A C4-3 C8-2</del>  |
| Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 | None required   | <del>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4</del> |
|   | <del>1 per 150<sup>+</sup> sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage</del> | <del>C1-1 C2-1 C3 C4-1</del>  |
|   | <del>1 per 300<sup>+</sup> sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage</del> | <del>C1-2 C2-2 C4-2 C8-1</del>  |
|   | <del>1 per 400<sup>+</sup> sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage</del> | <del>C1-3 C2-3 C4-2A C4-3 C7 C8-2</del>   |
|   | <del>1 per 1,000 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage</del>           | <del>C1-4 C2-4 C4-4 C4-5D C8-3</del>  |
|   | <del>1 per 400 sq. ft. of #floor area# when located above the first #story# ceiling</del>                           | <del>C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts</del>                               |
|   | <del>1 per 400 sq. ft. of #floor area# and #cellar# space,</del>  | <del>C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1,</del>  |

|   |  |   |
|---|--|---|
|   | except <del>cellar</del> space used for storage, when located in <del>community facility buildings</del> or when located above the first <del>story</del> ceiling in <del>buildings</del> with both <del>commercial</del> and <del>community facility</del> uses | R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx   |
| Child care services, as listed under the definition of <del>school</del> in Section 12-10 (DEFINITIONS), in <del>lower density growth management areas</del>  | 1 per 1000 sq. ft. when located in <del>community facility buildings</del> or when located above the first <del>story</del> ceiling in <del>buildings</del> with both <del>commercial</del> and <del>community facility</del> uses                               | C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx |
| Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers | None required  | <del>C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4</del>   |
|   | 1 per 10 persons rated capacity  | <del>C1-1 C1-2 C2-1 C2-2 C3-C4-1 C4-2 C8-1</del>  |
|   | 1 per 20 persons rated capacity  | <del>C1-3 C2-3 C4-2A C4-3 C7 C8-2</del>   |
| College student dormitories and fraternity or sorority student houses   | None required  | <del>C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6</del>   |
|   | 1 per 6 beds   | <del>C1-1 C1-2 C2-1 C2-2 C3-C4-1 C4-2</del>   |
|   | 1 per 12 beds  | <del>C1-3 C2-3 C4-2A C4-3</del>   |
| Colleges, universities, or seminaries<br>(a) For that <del>floor area</del> used for classrooms, laboratories, student centers or offices   | None required  | <del>C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4</del>   |
|   | 1 per 1,000 sq. ft. of <del>floor area</del>   | <del>C1-1 C1-2 C2-1 C2-2 C3-C4-1 C4-2 C8-1</del>  |
|   | 1 per 2,000 sq. ft. of <del>floor area</del>   | <del>C1-3 C2-3 C4-2A C4-3 C8-2</del>  |
| (b) For that <del>floor area</del> used for theaters, auditoriums, gymnasiums or stadiums   | None required  | <del>C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4</del>   |

|   |                                     |   |
|---|-------------------------------------|---|
|   | 1 per 8 persons rated capacity      | <del>C1-1 C1-2 C2-1 C2-2 C3-<br/>C4-1 C4-2 C8-1</del>   |
|   | 1 per 16 persons rated capacity     | <del>C1-3 C2-3 C4-2A C4-3-<br/>C7 C8-2</del>  |
| Hospitals and related facilities <sup>4</sup>   | 1 per 5 beds                        | <del>C1-1 C1-2 C2-1 C2-2 C3-<br/>C4-1 C4-2 C8-1</del>   |
|   | 1 per 8 beds                        | <del>C1-3 C1-4 C2-3 C2-4 C4-<br/>2A C4-3 C4-4 C4-5D C8-<br/>2 C8-3</del>  |
|   | 1 per 10 beds                       | <del>C1-5 C1-6 C1-7 C1-8 C1-<br/>9 C2-5 C2-6 C2-7 C2-8-<br/>C4-4A C4-4L C4-5 C4-5A-<br/>C4-5X C4-6 C4-7 C5 C6-<br/>C8-4</del>   |
| Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room | None required                       | <del>C1 and C2 Districts mapped-<br/>within R6, R7, R8, R9 or<br/>R10 Districts, C1-6 C1-7-<br/>C1-8 C1-9 C2-6 C2-7 C2-<br/>8 C4-2A C4-3 C4-4 C4-5-<br/>C4-6 C4-7 C5 C6 C8-2-<br/>C8-3 C8-4</del> |
|   | 1 per 10 persons rated capacity     | <del>C1 and C2 Districts mapped-<br/>within R1, R2 or R3-<br/>Districts, C3 C4-1</del>  |
|   | 1 per 15 persons rated capacity     | <del>C1 and C2 Districts mapped-<br/>within R4 and R5 Districts,-<br/>C4-2 C8-1</del>   |
| Libraries, museums or non-commercial art galleries <sup>5</sup>   | None required                       | <del>C1-4 C1-5 C1-6 C1-7 C1-<br/>8 C1-9 C2-4 C2-5 C2-6-<br/>C2-7 C2-8 C4-4 C4-5 C4-<br/>6 C4-7 C5 C6</del>  |
|   | 1 per 1,000 sq. ft. of #floor area# | <del>C1-1 C1-2 C2-1 C2-2 C3-<br/>C4-1 C4-2</del>  |
|   | 1 per 2,000 sq. ft. of #floor area# | <del>C1-3 C2-3 C4-2A C4-3</del>   |
| Outdoor skating rinks   | None required                       | <del>C1-4 C1-5 C1-6 C1-7 C1-<br/>8 C1-9 C2-4 C2-5 C2-6-<br/>C2-7 C2-8 C4-4 C4-5 C4-<br/>6 C4-7 C5 C6 C8-3 C8-4</del>  |
|   | 1 per 800 sq. ft. of #lot area#     | <del>C1-1 C1-2 C2-1 C2-2 C3-<br/>C4-1 C4-2 C8-1</del>   |
|   | 1 per 2,000 sq. ft. of #lot area#   | <del>C1-3 C2-3 C4-2A C4-3-<br/>C7 C8-2</del>  |
| Outdoor tennis courts   | None required                       | <del>C1-4 C1-5 C1-6 C1-7 C1-<br/>8 C1-9 C2-4 C2-5 C2-6-<br/>C2-7 C2-8 C4-4 C4-5 C4-</del>   |

|   |                |   |
|---|----------------|---|
|   |                | <del>6 C4 7 C5 C6 C8 3 C8 4</del>   |
|   | 1 per 2 courts | <del>C1 1 C1 2 C2 1 C2 2 C3 C4 1 C4 2 C8 1</del>  |
|   | 1 per 5 courts | <del>C1 3 C2 3 C4 2A C4 3 C7 C8 2</del>   |
| Philanthropic or non-profit institutions with sleeping accommodations; #long term care facilities#, except that independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 36-30. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02 | None required  | <del>C1 4 C1 5 C1 6 C1 7 C1 8 C1 9 C2 4 C2 5 C2 6 C2 7 C2 8 C4 4 C4 5 C4 6 C4 7 C5 C6</del> |
|   | 1 per 10 beds  | <del>C1 1 C1 2 C2 1 C2 2 C3 C4 1 C4 2</del>   |
|   | 1 per 20 beds  | <del>C1 3 C2 3 C4 2A C4 3</del>   |

**NOTE: PRC = Parking Requirement Category**

- <sup>1</sup> The parking requirements for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in PRC-B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1)
- <sup>2</sup> In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees
- <sup>3</sup> For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- <sup>4</sup> Requirements are in addition to area utilized for ambulance parking
- <sup>5</sup> Requirements apply only to the #floor area# not used for storage

| Parking Requirement Category  | PRC - A                                      |               |                          |               | PRC - B                    |               |               | PRC - C                                     |
|---|--|---------------|--------------------------|---------------|----------------------------|---------------|---------------|---|
|   | A1   | A2            | A3                       | A4            | B1                         | B2            | B3            |   |
| Unit of measurement   | per square feet of #floor area# <sup>1</sup> |               |                          |               | per persons-rated capacity |               |               | per square feet of # lot area# <sup>1</sup> |
| C1-1 C2-1 C3 C4-1   | 1 per 100                                    | 1 per 150     | 1 per 150 <sup>2,3</sup> | 1 per 400     | 1 per 4                    |               |               |   |
| C1-2 C2-2 C4-2 C8-1   | 1 per 200                                    | 1 per 300     | 1 per 300 <sup>2,3</sup> | 1 per 600     | 1 per 8                    | 1 per 8       | 1 per 10      | 1 per 500                                   |
| C1-3 C2-3 C4-2A C4-3 C8-2   | 1 per 300                                    | 1 per 400     | 1 per 400 <sup>2</sup>   | 1 per 800     | 1 per 12                   | 1 per 16      | 1 per 20      | 1 per 2,000                                 |
| C1-4 C2-4 C4-4 C4-5D C8-3<br>C7 outside the #expanded transit zone#   | 1 per 1,000                                  | 1 per 1,000   | 1 per 1,000              | 1 per 1,000   | 1 per 25                   | None required | None required | None required                               |
| C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4<br>C7 within the #expanded transit zone# | None required                                | None required | None required            | None required | None required              | None required | None required | None required                               |

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts, the parking requirements for ambulatory diagnostic or treatment health care facilities shall be 1 per 400 square feet of #floor area# when located above the first #story# ceiling.

<sup>4</sup> In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

| Parking Requirement Category  | PRC - D   |   | PRC - E               |               |                 | PRC - F                  |               |
|---|---|---|-----------------------|---------------|-----------------|--------------------------|---------------|
|   | D1  | D2  | E1                    | E2            | E3 <sup>7</sup> | F1                       | F2            |
| Unit of measurement   | per square feet of #floor area# or per employees <sup>5</sup>                             |   | per bed               |               |                 | per guest room or suites |               |
| C1-1 C2-1 C3 C4-1   | 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 <sup>6</sup>  | 1 per 6       | 1 per 10        | 1 per 1                  | 1 per 4       |
| C1-2 C2-2 C4-2 C8-1   |   |   |                       |               |                 |                          | 1 per 8       |
| C1-3 C2-3 C4-2A C4-3 C8-2   |   |   |                       | 1 per 12      | 1 per 20        |                          |               |
| C1-4 C2-4 C4-4 C4-5D C8-3<br>C7 outside the #expanded transit zone#   |   |   | 1 per 8 <sup>6</sup>  | None required | None required   |                          | 1 per 12      |
| C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4<br>C7 within the #expanded transit zone# | None required   | None required   | 1 per 10 <sup>6</sup> | None required | None required   |                          | None required |

<sup>5</sup> For predominantly open storage of miscellaneous #uses# in PRC-D2, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

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

<sup>7</sup> Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 36-30. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02.



| Parking Requirement Category  | PRC - G   |                       |                               |   |                                 |   |  |               |
|---|---|-----------------------|-------------------------------|---|---------------------------------|---|--|---------------|
|   | Agricultural #uses#                                     | Outdoor racket courts | Outdoor skating rinks         | Colleges, universities or seminaries  | #Schools#                       | Houses of worship                       | Libraries, 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 <sup>8</sup> | per square feet of #floor area# <sup>10</sup>      |               |
| C1-1 C2-1 C3-C4-1   | 1 per 1,000   | 1 per 2               | 1 per 800                     | 1 per 800   |                                 | 1 per 10 <sup>9</sup>                   | 1 per 800  |               |
| C1-2 C2-2 C4-2 C8-1   |   |                       |                               |   |                                 | 1 per 15 <sup>9</sup>                   | 1 per 800  |               |
| C1-3 C2-3 C4-2A C4-3 C8-2   | 1 per 2,500   | 1 per 5               | 1 per 2,000                   | 1 per 2,000   |                                 | None required <sup>9</sup>              | 1 per 2,000  |               |
| C1-4 C2-4 C4-4 C4-5D C8-3<br>C7 outside the #expanded transit zone#   | None required   | None required         | None required                 | None required   |                                 | None required                           | None required <sup>9</sup>                         | None required |
| C1-5 C1-6 C1-7 C1-8 C1-9<br>C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X<br>C4-6 C4-7 C5-C6 C8-4<br>C7 within the #expanded transit zone# | None required   | None required         | None required                 | None required   |                                 | None required                           | None required <sup>9</sup>                         | None required |

<sup>8</sup> Parking requirements for houses of worship shall be applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room.

<sup>9</sup> In C1 or C2 Districts mapped within R1, R2 or R3 Districts, the parking requirements shall be 1 per 10 persons-rated capacity. In C1 or C2 Districts mapped within R4 or R5 Districts, the parking requirements shall be 1 per 15 persons-rated capacity. In C1 or C2 Districts mapped within R6, R7, R8, R9 or R10 Districts, no parking shall be required.

<sup>10</sup> Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

| Parking Requirement Category   | PRC - G (continued)             |                                 |                         |                   |  |                                 |                                 |                                 |
|--|---------------------------------|---------------------------------|-------------------------|-------------------|--|---------------------------------|---------------------------------|---------------------------------|
|  | Court houses                    | Fire or Police stations         | Prisons                 | Docks             | Camps, overnight and day                       | Post Offices                    | Funeral Establishments          | Riding academies or stables     |
| Unit of measurement  | 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# |
| C1-1 C2-1 C3 C4-1  | 1 per 500                       | None required                   | 1 per 10                | see Section 62-43 | 1 per 2,000 or 1 per 3                         | 1 per 800                       | 1 per 200                       | None required                   |
| C1-2 C2-2 C4-2 C8-1  | 1 per 800                       |                                 | 1 per 20                |                   |  | 1 per 1,200                     | 1 per 400                       |                                 |
| C1-3 C2-3 C4-2A C4-3 C8-2  | 1 per 1,000                     |                                 | 1 per 20                |                   |  | 1 per 1,500                     | 1 per 600                       |                                 |
| C1-4 C2-4 C4-4 C4-5D C8-3  | 1 per 2,000                     |                                 | None required           |                   |  | 1 per 2,000                     | -                               |                                 |
| C7 outside the #expanded transit zone#   | 1 per 2,000                     |                                 | None required           |                   |  | None required                   | None required                   |                                 |
| C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4 | None required                   |                                 | None required           |                   |  | None required                   | None required                   |                                 |
| C7 within the #expanded transit zone#  | None required                   | None required                   | None required           | None required     |  |                                 |                                 |                                 |

**36-211  
Special Provisions in Certain Areas**

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx, the following parking requirements shall apply to certain #uses#:

- (1) the parking requirements for child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in #lower density growth management areas# shall be

1 per 1,000 square feet when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses#; and

- (2) the parking requirements for #ambulatory diagnostic or treatment health care facilities# shall be 1 per 400 square feet of #floor area# and #cellar# space, except #cellar# space used for storage, when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses#.

**36-22**

**Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements**

[UPDATING CROSS REFERENCES]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions).

However, the number of spaces required for houses of worship or for #uses# in parking requirement category ~~D (Places of Assembly)~~ B1, when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Sections 73-431 (Reduction of parking spaces for houses of worship) or 73-432 (Reduction of parking spaces for places of assembly).

**36-23**

**Waiver of Requirements for Spaces Below Minimum Number**

\* \* \*

**36-231**

**In districts with high, medium or low parking requirements**

[UPDATING CROSS REFERENCES]

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and except as otherwise provided in Section 36-27 (Waiver

**Commented [Z3]:** Updates to cross references and to reflect reorganized PRCs.

**Commented [Z4]:** Updates to cross references and to reflect reorganized PRCs.

for Certain Small Zoning Lots or Establishments), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to ~~commercial# #uses# in parking requirement category A, B, B1, C, D, E or H~~, or to ~~permitted# community facility# #uses#~~, if the total number of ~~accessory#~~ off-street parking spaces required for all such ~~uses#~~ on the zoning lot# is less than the number of spaces set forth in the following table:

| Districts                    | Number of Spaces |
|------------------------------|------------------|
| C1-1 C2-1 C3 C4-1            | 10               |
| C1-2 C2-2 C4-2 C8-1          | 15               |
| C1-3 C2-3 C4-2A C4-3 C7 C8-2 | 25               |

**36-232**

**In districts with very low parking requirements**

[UPDATING CROSS REFERENCES]

C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

In all districts indicated, except for the ~~uses#~~ listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or Section 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to:

- (a) ~~commercial# #uses# in parking requirement category A or B~~ A1 or A2, if the total number of ~~accessory#~~ off-street parking spaces required for all such ~~uses#~~ on the ~~zoning lot#~~ is less than 40, or 100 in the case of C6-1A Districts; or
- (b) ~~commercial# #uses# in any one of parking requirement categories B1, C, D, E or H~~ A3, A4, B1, C or F, or a ~~permitted# community facility# #use#~~, if the number of ~~accessory#~~ off-street parking spaces required for the ~~uses#~~ in each such category or for each such ~~community facility# #use#~~ is less than 40.

**Commented [Z5]:** Updates to cross references and to reflect reorganized PRCs.

**36-233**

**Exceptions to application of waiver provisions**

[UPDATING CROSS REFERENCES]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the waiver provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to the following types of ~~uses#~~:

**Commented [Z6]:** Updates to cross references and to reflect reorganized PRCs.

- ~~(a) #Manufacturing# or semi-industrial #uses# in parking requirement category F in Use Group 11 or 16.~~
- ~~(b) Storage or miscellaneous #uses# in parking requirement category G in Use Group 16, or when permitted by special permit.~~
- (a) #Uses# within parking requirement category (PRC) D.
- ~~(e)(b) The following other #commercial# #uses# in parking requirement category H- PRC-F or G in Use Group 7 or 13, or when permitted by special permit:~~
  - ~~#Boatels#~~
  - Camps, overnight or day
  - ~~#Motels# or #tourist cabins#.~~
  - ~~Refreshment stands, drive-in.~~
- ~~(d)(c) The following #community facility# #uses# in PRC-G:~~
  - Agricultural #uses#, including greenhouses, nurseries, or truck gardens
  - Outdoor ~~tennis-racket~~ courts.

\* \* \*

**36-27**  
**Waiver for Certain Small Zoning Lots or Establishments**

~~C1-1 C1-2 C2-1 C2-2 C4-1 C4-2~~ C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the parking requirements of Section 36-21 (General Provisions) for certain #uses# shall be waived in accordance with this Section:

- (a) For #uses# in parking requirement category (PRC) D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;
- (b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15;
- (c) For camps, overnight or day, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10; and

**Commented [Z7]:** The Proposal would group existing provisions that exempt small lots or establishments from parking requirements into this section. Many of these are buried in footnotes or hard to find references in the current parking chapter. Beyond that, no change are proposed.

(d) In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2,R3A, R3X and R3-1 Districts and in C4-1 and C4-2 Districts, in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a #lot area# of 4,000 square feet or less with #buildings# containing either ~~ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4),~~ #ambulatory diagnostic or treatment health care facilities# or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.

**36-30  
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES  
WHEN PERMITTED IN COMMERCIAL DISTRICTS**

\* \* \*

**36-36  
Waiver of Requirements for Small Number of Spaces**

\* \* \*

**36-37  
Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking  
Requirements**

**Commented [Z8]:** Updates to cross references and to reflect reorganized PRCs.

[UPDATING CROSS REFERENCES]

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for houses of worship or for #uses# in parking requirement category ~~D (Places of Assembly)~~ B1 when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces).

\* \* \*

**36-40  
RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET**

## PARKING SPACES

\* \* \*

### 36-46

#### Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots

[EXISTING TEXT IN THIS SECTION, INCLUSIVE, REFLECTS MODIFICATIONS PROPOSED AS PART OF THE CITY OF YES FOR CARBON NEUTRALITY TEXT AMENDMENT]

### 36-461

#### Restrictions on Use of Accessory Off-street Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

[REVISING TO REFLECT C1 / C2 & C4 / C5/ C6 DISTRICT UNIFICATION]

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

- (a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#, may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons, ~~provided that~~. However, in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.
- (1) ~~in C1 and C5 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#, provided, however that rental for shorter periods may be permitted by the Board of Standards and Appeals in accordance with the provisions of Section 73-47 (Rental of Accessory Off-street Parking Spaces to Non-Residents); and~~
- (2) ~~in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.~~
- (b) In C1 or C2 Districts mapped within, or with an equivalent of R3-2 through R10 Districts, other than other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts,

**Commented [Z9]:** The Proposal would permit the same uses in C1/C2 districts and in C4/C5/C6 districts. There are some limited distinctions in how parking is treated within these two groups of districts. The Proposal would align them like it would do with uses generally. Special provisions for C3 districts would remain.

up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, #car sharing vehicles#, or vehicles stored by automobile rental establishments.

- (c) In C4, C5, C6, C7 and C8 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

Any spaces #accessory# to #residences# shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

\* \* \*

### 36-50 ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

\* \* \*

### 36-57 Accessory Off-Street Parking Spaces in Public Garages

C1 C2 C4 C5 C6 C7 C8

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

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

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), ~~74-511 (In C1 Districts), 74-512 (In other Districts), or 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas)~~ 74-193 (Public parking garages or public parking lots outside high density areas) or 74-194 (Public parking garages or public parking lots inside high density areas).

### 36-58 Parking Lot Maneuverability and Curb Cut Regulations

Commented [Z10]: Updates to cross references.



[UPDATING CROSS REFERENCE]

C1 C2 C3 C4 C5 C6 C7 C8

(a) Applicability

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

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

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in ~~Use Groups 9 or 16~~ Use Group 6.

In addition, all #public parking lots# shall comply with the curb cut requirements of paragraph (c) of this Section.

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

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

\* \* \*

**36-581**

**Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx**

Commented [Z11]: Updates to cross references.

[UPDATING CROSS REFERENCE]

C1 C2 C4

- (a) In C1, C2 and C4 Districts in the Borough of Staten Island or in Community District 10 in the Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:
  - (1) ~~ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4)~~ ambulatory diagnostic or treatment health care facilities, as listed in Use Group 3B in Section 32-13, except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or
  - (2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

\* \* \*

**36-60  
OFF-STREET LOADING REGULATIONS**

\* \* \*

**36-61**

**Permitted Accessory Off-street Loading Berths**

Commented [Z12]: Updates to cross references

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections ~~36-682 (Location of access to the street), 36-683 (Restrictions on location of berths near Residence Districts), 36-684 (Surfacing) and 36-685 (Screening)~~ 36-662 (Location of access to the street), 36-663 (Restrictions on location of berths near Residence Districts), 36-664 (Surfacing) and 36-665 (Screening).

36-62

Required Accessory Off-street Loading Berths

[CHANGING APPLICABILITY, PER PROJECT GOAL; UPDATING CHART TO REFLECT USE GROUP CHANGES]

C1 C2 C3 C4 C5 C6 C7 C8

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 #developments# or #enlargements# after December 15, 1961, for the #uses# listed in the table, except as otherwise provided in Section 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) or 36-64 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses), as a condition precedent to the #use# of such #development# or #enlargement#.

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

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

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

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

| <u>Loading Requirement Category</u> | <u>#Use# or Use Group</u>                 |
|-------------------------------------|---|
| 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 OR CHANGES OF USE

| <u>District</u>      | <u>Type of #Use#</u>                          | <u>For #Floor Area#</u>                      | <u>Required Berths</u> |
|----------------------|---|--|------------------------|
| C1 C2 C3 C4 C5 C6 C8 | Hospitals and related facilities † or prisons | First 10,000 sq. ft.<br>Next 290,000 sq. ft. | None<br><br>†          |

Commented [Z13]: The Proposal would make changes to the organizational structure of the loading requirements to make them easier to understand. These changes would not effect the rules themselves.

The primary change would be to create Loading Requirement Categories (LRCs), similar to the new PRCs for parking. This would create a framework based on the calculation method for loading, rather than based on a confusing mix of uses.

In addition, the Proposal would remove requirements that subject changes of use to loading requirements. This would treat loading the same as parking is treated earlier in the chapter. This would make it easier to reoccupy existing space, particularly for uses like production that are subject to more onerous requirements.

Lastly, the Proposal would also update the loading requirements for C7 districts. In areas near transit, the Proposal would require fewer loading berths than for areas further from transit. This is generally consistent with how the ZR assigns loading for other C districts.

|  |   |  |  |
|--|---|--|--|
|  |   | Each additional-<br>300,000 sq. ft. or<br>fraction thereof   | ±  |
| C1-C2-C4-C6-C8   | Funeral-<br>establishments  | First 10,000 sq. ft.<br><br>Next 20,000 sq. ft.<br><br>Any additional-<br>amount   | ±<br><br>±<br><br>±                      |
| C1 <sup>2</sup> -C2 <sup>2</sup> -C3-C4-1-C4-2-<br>C4-3-C8-1-C8-2  | Hotels, offices or<br>court houses  | First 25,000 sq. ft.<br><br>Next 75,000 sq. ft.<br><br>Next 200,000 sq. ft.<br><br>Each additional-<br>300,000 sq. ft. or<br>fraction thereof  | None<br><br>±<br><br>±<br><br>±          |
| C1 <sup>2</sup> -C1-6-C1-7-C1-8-<br>C1-9-C2 <sup>2</sup> -C2-6-C2-7-<br>C2-8-C4-4-C4-5-C4-6-<br>C4-7-C5-C6-C8-3-C8-<br>4 | Hotels, offices or<br>court houses  | First 100,000 sq. ft.<br><br>Next 200,000 sq. ft.<br><br>Each additional-<br>300,000 sq. ft. or<br>fraction thereof  | None<br><br>±<br><br>±                   |
| C1 <sup>2</sup> -C2 <sup>2</sup> -C3-C4-1-C4-2-<br>C4-3-C7-C8-1-C8-2   | #commercial# #uses#<br>All retail or service-<br>#uses# listed in Use-<br>Group 6A, 6C, 7B,<br>8B, 9A, 9B, 10A,<br>12B, 14A or 16A<br><br>All amusement #uses#<br>listed in Use Group<br>8A or 12A<br><br>All automotive service<br>#uses# listed in Use-<br>Group 7D | First 8,000 sq. ft.<br><br>Next 17,000 sq. ft.<br><br>Next 15,000 sq. ft.<br>of floor area<br><br>Next 20,000 sq. ft.<br><br>Next 40,000 sq. ft.<br><br>Each additional-<br>150,000 sq. ft. or<br>fraction thereof | None<br><br>±<br><br>±<br><br>±<br><br>± |
| C1 <sup>2</sup> -C1-6-C1-7-C1-8-<br>C1-9-C2 <sup>2</sup> -C2-6-C2-7  | #commercial# #uses#<br>All retail or service-   | First 25,000 sq. ft.   | None                                     |

|   |   |  |  |
|---|---|--|--|
| <p><del>C2-8, C4-4, C4-5, C4-6, C4-7, C5-C6, C8-3, C8-4</del></p>                             | <p><del>#uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 12B, 14A or 16A</del></p> <p><del>All amusement #uses# listed in Use Group 8A or 12A</del></p> <p><del>All automotive service #uses# listed in Use Group 7D</del></p>           | <p><del>Next 15,000 sq. ft.</del></p> <p><del>Next 60,000 sq. ft.</del></p> <p><del>Each additional 150,000 sq. ft. or fraction thereof</del></p>  | <p><del>±</del></p> <p><del>±</del></p> <p><del>±</del></p>  |
| <p><del>C2<sup>2</sup>, C4-1, C4-2, C4-3, C8-1, C8-2</del></p>                                | <p><del>Service, wholesale, manufacturing, or storage #uses#</del></p> <p><del>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, or 16D</del></p> <p><del>All #manufacturing# #uses# listed in Use Group 11A</del></p> | <p><del>First 8,000 sq. ft.</del></p> <p><del>Next 17,000 sq. ft.</del></p> <p><del>Next 15,000 sq. ft.</del></p> <p><del>Next 20,000 sq. ft.</del></p> <p><del>Next 20,000 sq. ft.</del></p> <p><del>Each additional 80,000 sq. ft. or fraction thereof</del></p> | <p><del>None</del></p> <p><del>±</del></p> <p><del>±</del></p> <p><del>±</del></p> <p><del>±</del></p> <p><del>±</del></p> |
| <p><del>C2<sup>2</sup>, C2-6, C2-7, C2-8, C4-4, C4-5, C4-6, C4-7, C5-C6, C8-3, C8-4</del></p> | <p><del>Service, wholesale, manufacturing, or storage #uses#</del></p> <p><del>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, or 16D</del></p> <p><del>All #manufacturing# #uses# listed in Use Group 11A</del></p> | <p><del>First 15,000 sq. ft.</del></p> <p><del>Next 25,000 sq. ft.</del></p> <p><del>Next 40,000 sq. ft.</del></p> <p><del>Each additional 80,000 sq. ft. or fraction thereof</del></p>  | <p><del>None</del></p> <p><del>±</del></p> <p><del>±</del></p> <p><del>±</del></p>   |

<sup>1</sup> Requirements in this table are in addition to area utilized for ambulance parking

<sup>2</sup> Mapped within R1, R2, R3, R4, R5, R6

<sup>3</sup> Mapped within R7, R8, R9, R10

| Loading Requirement Category | Districts   |  |
|------------------------------|---|--|
|                              | C1 <sup>2</sup> C2 <sup>2</sup> C3<br>C4-1 C4-2 C4-3<br>C8-1 C8-2   | C1 <sup>3</sup> C1-6 C1-7 C1-8 C1-9 C2 <sup>3</sup> C2-6 C2-7 C2-8<br>C4-4 C4-5 C4-6 C4-7 C5 C6<br>C8-3 C8-4                                     |
|                              | <u>C7 outside the #expanded transit zone#</u>   | <u>C7 within the #expanded transit zone#</u>   |
| <b>LRC-A</b>                 | <u>First 8,000 sq. ft.: None</u><br><u>Next 17,000 sq. ft.: 1</u><br><u>Next 15,000 sq. ft.: 1</u><br><u>Next 20,000 sq. ft.: 1</u><br><u>Next 20,000 sq. ft.: 1</u><br><u>Each additional 80,000 sq. ft.: 1</u>  | <u>First 15,000 sq. ft.: None</u><br><u>Next 25,000 sq. ft.: 1</u><br><u>Next 40,000 sq. ft.: 1</u><br><u>Each additional 80,000 sq. ft.: 1</u>  |
| <b>LRC-B</b>                 | <u>First 8,000 sq. ft.: None</u><br><u>Next 17,000 sq. ft.: 1</u><br><u>Next 15,000 sq. ft.: 1</u><br><u>Next 20,000 sq. ft.: 1</u><br><u>Next 40,000 sq. ft.: 1</u><br><u>Each additional 150,000 sq. ft.: 1</u> | <u>First 25,000 sq. ft.: None</u><br><u>Next 15,000 sq. ft.: 1</u><br><u>Next 60,000 sq. ft.: 1</u><br><u>Each additional 150,000 sq. ft.: 1</u> |
| <b>LRC-C</b>                 | <u>First 25,000 sq. ft.: None</u><br><u>Next 75,000 sq. ft.: 1</u><br><u>Next 200,000 sq. ft.: 1</u><br><u>Each additional 300,000 sq. ft.: 1</u>   | <u>First 100,000 sq. ft.: None</u><br><u>Next 200,000 sq. ft.: 1</u><br><u>Each additional 300,000 sq. ft.: 1</u>                                |
| <b>LRC-D</b> <sup>1</sup>    | <u>First 10,000 sq. ft.: None</u><br><u>Next 290,000 sq. ft.: 1</u><br><u>Each additional 300,000 sq. ft.: 1</u>  |  |
| <b>LRC E</b>                 | <u>First 10,000 sq. ft.: None</u><br><u>Next 20,000 sq. ft.: 1</u><br><u>Any additional amount : 1</u>  |  |

<sup>1</sup> Requirements in this table are in addition to area utilized for ambulance parking.

<sup>2</sup> Mapped within R1, R2, R3, R4, R5, R6.

<sup>3</sup> Mapped within R7, R8, R9, R10.

**36-63**

**Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements  
Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

[REMOVING SPECIAL PROVISIONS FOR DIFFERENT LOADING REQUIREMENTS PER PROJECT GOAL; RELOCATING PROVISIONS OF SECTION 36-65 HERE, WITH UPDATED CROSS REFERENCES]

**Commented [Z14]:** The Proposal would remove requirements that subject changes of use to loading requirements. In addition, there are related rules that make it more difficult to locate uses, like production, that have higher loading requirements. The Proposal would also remove related impediments such as the one here. Changes like this have been made in a number of recent special purpose district like in Gowanus.  
Also relocating existing text with updates to cross references.

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, if any #building# or #zoning lot# contains two or more #uses# having different requirements for loading berths as set forth in Section 36-62 (Required Accessory Off-street Loading Berths), and if:

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

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

In all districts, as indicated, the requirements set forth in Section 36-62 (Required Accessory Off-street Loading Berths) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 36-662 (Location of access to the street). The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

**36-64**

**Wholesale, Manufacturing, or Storage Uses Combined With Other Uses  
Special Provisions for Zoning Lots Divided by District Boundaries**

[REMOVING PROVISIONS FOR WHOLESALE, MANUFACTURING, OR STORAGE USES COMBINED WITH OTHER USES PER PROJECT GOAL; RELOCATING PROVISIONS OF SECTION 36-66 HERE, UNCHANGED]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as provided in Section 36-63 (Special Provisions for a Single-Zoning Lot With Uses Subject to Different Loading Requirements), if any #building# or #zoning lot# is used partly for wholesale, #manufacturing# or storage #uses# or any combination of such #uses#, and partly for any other #uses# set forth in the table in Section 36-62 (Required Accessory Off-street Loading Berths), at least 50 percent of the #floor area# in the #building# shall be subject to the requirements set forth for wholesale, #manufacturing# or storage #uses#, and the remainder shall be subject to the other applicable requirements.

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

**36-65**

**Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

Commented [Z15]: Same as in 36-63.

Commented [Z16]: Relocating existing text with updates to cross references.

**Joint Loading Berths Serving Two or More Buildings**

[RELOCATING WAIVER REQUIREMENTS TO SECTION 36-63 AND PROVISIONS OF SECTION 36-67 HERE WITH UPDATED CROSS REFERENCES]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 36-682 (Location of access to the street):

- Section 36-62 (Required Accessory Off-street Loading Berths)
- Section 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements)
- Section 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses).

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

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

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Section 36-62 (Required Accessory Off-street Loading Berths);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

**36-66**  
**Special Provisions for Zoning Lots Divided by District Boundaries**  
**Additional Regulations for Permitted or Required Berths**

[RELOCATING DISTRICT BOUNDARY PROVISIONS TO SECTION 36-64 AND PROVISIONS OF SECTION 36-68, INCLUSIVE, HERE]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between

**Commented [Z17]:** Relocating existing text with updates to cross references.



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

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

**36-661**

**Size of required berths**

C1 C2 C3 C4 C5 C6 C7 C8

[RELOCATING PROVISIONS OF SECTION 36-681 HERE WITH  
UPDATED TERMINOLOGY AND REQUIRED LENGTH]

In all districts, as indicated, all required #accessory# off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths. Loading requirement categories (LRC) shall be as set forth in Section 36-62 (Required Accessory Off-street Loading Berths).

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

|  | <u>Length</u> | <u>Width</u> | <u>Vertical<br/>Clearance</u> |
|--|---------------|--------------|-------------------------------|
| <u>LRC-A</u> with less than 10,000 sq. ft. of #floor area# | <u>37</u>     | <u>12</u>    | <u>14</u>                     |
| with 10,000 sq. ft. or more of #floor area#                | <u>50</u>     | <u>12</u>    | <u>14</u>                     |
| <u>LRC-B</u>   | <u>37</u>     | <u>12</u>    | <u>14</u>                     |
| <u>LRC-C</u>   | <u>37</u>     | <u>12</u>    | <u>12</u>                     |
| <u>LRC-D</u>   | <u>37</u>     | <u>12</u>    | <u>12</u>                     |
| <u>LRC-E</u>   | <u>25</u>     | <u>10</u>    | <u>8</u>                      |

**Commented [Z18]:** Relocating existing text with updates to cross references.

In addition, the Proposal would update the dimensions of required loading berths to bring them in line with recent changes in special purpose districts and the Manhattan Core. The dimensions for box trucks listed in the current text (33') does not match contemporary standards (37') and compliance with the rule can lead to trucks "sticking out" onto the sidewalk. To better ensure loading does not impact the streetscape, these would be made consistent citywide.

**36-662**

**Location of access to the street**

[RELOCATING PROVISIONS OF SECTION 36-682 HERE WITH UPDATED CROSS REFERENCE]

**Commented [Z19]:** Relocating existing text with updates to cross references.

C1 C2 C3 C4 C5 C6 C7 C8

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

The waiver provisions of Section 36-63 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

**36-663**

**Restrictions on location of berths near Residence Districts**

[RELOCATING PROVISIONS OF SECTION 36-683 HERE, UNCHANGED]

C1 C2 C3 C4 C5 C6 C7 C8

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

**36-664**

**Surfacing**

[RELOCATING PROVISIONS OF SECTION 36-684, UNCHANGED]

C1 C2 C3 C4 C5 C6 C7 C8

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

**36-665**

**Screening**

[RELOCATING PROVISIONS OF SECTION 36-685, UNCHANGED]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths that are located on #zoning lots# adjacent to the boundary of a #Residence District#:

Commented [Z20]: Relocating existing text.

Commented [Z21]: Relocating existing text.

Commented [Z22]: Relocating existing text.

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:
  - (1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
  - (2) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances and exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

**~~36-67~~**

**~~Joint Loading Berths Serving Two or More Buildings~~**

~~C1 C2 C3 C4 C5 C6 C7 C8~~

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

- (a) ~~the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Sections 36-62 (Required Accessory Off-street Loading Berths), 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) or 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses);~~
- (b) ~~direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and~~
- (c) ~~the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.~~

**~~36-68~~**

**~~Additional Regulations for Permitted or Required Berths~~**

~~C1 C2 C3 C4 C5 C6 C7 C8~~

**Commented [Z23]:** Relocating existing text. This applies to the remainder of text in 36-60 inclusive.

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

**36-681**

**Size of required berths**

C1 C2 C3 C4 C5 C6 C7 C8

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

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

|  | Length | Width | Vertical Clearance |
|--|--------|-------|--------------------|
| <del>commercial</del> <del>uses</del> *                | 33     | 12    | 14                 |
| Funeral establishments                                 | 25     | 10    | 8                  |
| Hospitals and related facilities or prisons            | 33     | 12    | 12                 |
| Hotels, offices or court houses                        | 33     | 12    | 12                 |
| Wholesale, manufacturing or storage <del>uses</del> †  |        |       |                    |
| with less than 10,000 sq. ft. of <del>floor area</del> | 33     | 12    | 14                 |
| with 10,000 sq. ft. or more of <del>floor area</del>   | 50     | 12    | 14                 |

\* As set forth in the table in Section 36-62 (Required Accessory Off street Loading Berths)

**36-682**

**Location of access to the street**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no permitted or required ~~accessory~~ off street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two ~~street lines~~. However, a location closer to such intersection may be permitted if the Commissioner of

Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

The waiver provisions of Section 36-65 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

### **36-683**

#### **Restrictions on location of berths near Residence Districts**

~~C1 C2 C3 C4 C5 C6 C7 C8~~

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

### **36-684**

#### **Surfacing**

~~C1 C2 C3 C4 C5 C6 C7 C8~~

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

### **36-685**

#### **Screening**

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~In all districts, as indicated, all permitted or required open off street loading berths that are located on #zoning lots# adjacent to the boundary of a #Residence District#:~~

- ~~(a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:~~
  - ~~(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year round dense screen at least six feet high within three years; or~~
  - ~~(2) a wall or barrier or uniformly painted fence of fire resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the~~

face is open;

- (b) ~~shall be maintained in good condition at all times;~~
- (c) ~~may be interrupted by normal entrances and exits; and~~
- (d) ~~shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).~~

**36-70  
BICYCLE PARKING**

\* \* \*

**36-71  
Required Bicycle Parking Spaces**

**36-711  
Enclosed bicycle parking spaces**

[UPDATING CHART TO REFELCT USE GROUP CHANGES]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

**REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL, COMMUNITY FACILITY  
OR COMMERCIAL USES**

**Commented [Z24]:** The Proposal would update the organization of the existing bicycle parking requirements to reflect the changes to the use groups. These changes would not affect the rules themselves.

| Type of #Use#   | Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement |
|---|--|
| <b>FOR RESIDENTIAL USES</b>   |  |
| Use Group 1 <u>#Single-family# #detached# #residences#</u>  | None required  |
| Use Group 2 <u>All other types of #residences#</u>  | 1 per 2 #dwelling units#   |
| <u>#Affordable independent residences for seniors#</u>  | 1 per 10,000 square feet of #floor area#                                     |
| <b>FOR COMMUNITY FACILITY USES<sup>1</sup></b>  |  |
| College or <u>#school# student dormitories or fraternity and sorority student houses</u>  | 1 per 2,000 square of #floor area#   |
| Colleges, universities or seminaries <sup>2</sup>   |  |
| (a) <u>Classrooms, laboratories, student centers or offices</u>   | 1 per 5,000 square feet of #floor area#                                      |
| (b) <u>Theaters, auditoriums, gymnasiums or stadiums</u>  | 1 per 20,000 square feet of #floor area#                                     |
| <u>Libraries, museums or non-commercial art galleries</u>   | 1 per 20,000 square feet of #floor area#                                     |
| <u>Monasteries, convents or novitiates; required houses of worship, rectories or parish houses;- Use Group 4B- Use Group 1</u>  | None required  |
| <u>All other Use Group 3 and Use Group 4 Use Group 3 #uses# not otherwise listed in this table</u>  | 1 per 10,000 square feet of #floor area#                                     |
| <b>FOR COMMERCIAL USES</b>  |  |
| <u>Use Group 6B Use Group 7</u>   | 1 per 7,500 square feet of #floor area#                                      |
| <u>General retail or service #uses#; Use Groups 5A, 6A, 6C, 6E, 7A, 7B, 7D, 8B, 9A, 10A, 12B, 13B, 14A (except docks for vessels, other than #gambling vessels#) or 14B; eating and drinking establishments in all Use Groups; automobile rental establishments; Use Groups 5 and 6; Use Group 8, except #indoor amusement or recreation facilities# or #uses# listed as performance or sporting venues</u> | 1 per 10,000 square feet of #floor area#                                     |
| <u>Use Groups 8A, 12A (except eating and drinking establishments); theaters #Indoor amusement or recreation facilities# or #uses# listed as performance or sporting venues except drive-in theaters</u>   | 1 per 20,000 square feet of #floor area#                                     |
| <u>#Public parking garages#</u>   | 1 per 10 automobile parking spaces   |
| <u>Use Groups not specified above, and all other #commercial# #uses# not otherwise listed</u>   | None required  |

<sup>1</sup> #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group 2 #residential

uses#.

<sup>2</sup> Up to half of required spaces may be provided as unenclosed bicycle parking spaces, pursuant to the requirements of Section 36-73.

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are accessory to:

- (a) #buildings# containing 10 #dwelling units# or less;
- (b) colleges, universities or seminaries where the number of required enclosed bicycle parking spaces is six or less;
- (c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or
- (d) all other #community facility# or #commercial# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

\* \* \*

### 36-75

#### Floor Area Exemption

[UPDATING TABLE FORMAT]

\* \* \*

#### MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM FLOOR AREA

| Type of #Use#  | Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement |
|--|--|
| <b>FOR RESIDENTIAL USES</b>  |  |
| #Affordable independent residences for seniors#  | 1 per 2,000 square feet of #floor area#  |
| <b>FOR COMMUNITY FACILITY USES</b>   |  |
| Philanthropic or non-profit institutions with sleeping accommodations                          | 1 per 2,000 square feet of #floor area#  |
| Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals | 1 per 5,000 square feet of #floor area#  |

\* \* \*



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 III COMMERCIAL DISTRICT REGULATIONS

#### Chapter 7 Special Urban Design Regulations

##### 37-00 GENERAL PURPOSES

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

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

The provisions of this Chapter shall apply as follows:

- (a) Section 37-10 sets forth applicability of Article II, Chapter 6 to zoning lots accessed by private roads as well as sets forth special regulations for lower density growth management areas in the Borough of Staten Island;
- (b) Section 37-20, inclusive, sets forth special regulations for all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#;
- (c) Section 37-30, inclusive, sets forth special streetscape urban design provisions for #building# frontages in certain areas that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIV;
- (d) Section 37-40, inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;
- (e) Section 37-50, inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;
- (f) Section 37-60, inclusive, sets forth provisions for publicly accessible open areas such as

**Commented [Z1]:** Article III, Chapter 7 includes a number of urban design regulations that apply in various commercial districts. The Proposal would make limited changes reflecting the relocation of streetscape regulations to Article III, Chapter 2. Some of the design standards in the chapter would be updated to reflect the more recent standards found in the new streetscape regulations.

plazas, residential plazas and urban plazas created prior to October 17, 2007;

- (g) Section 37-70, inclusive, sets forth provisions for public plazas;
- (h) Section 37-80 sets forth provisions for arcades; and
- (i) Section 37-90, inclusive, sets forth provisions for certain open parking areas, including landscaping.

\* \* \*

**37-30  
SPECIAL GROUND FLOOR LEVEL STREETSCAPE URBAN DESIGN PROVISIONS  
FOR CERTAIN AREAS**

**37-31**

**Applicability**

[UPDATING TO REFLECT TO STREETSCAPE FRAMEWORK IN 32-30. THIS WILL CONTINUE TO APPLY TO A FEW SPECIFIC INSTANCES NOT COVERED BY OTHER FRAMEWORK, SUCH AS ALONG CERTAIN PUBLICLY ACCESSIBLE AREAS]

~~Section 37-30, inclusive, specifies #ground floor level# requirements that establish consistent standards for a minimum depth for certain #uses#, a maximum width for certain #uses#, minimum transparency requirements, and parking wrap and screening requirements, and minimum requirements for blank walls that apply in conjunction with requirements set forth for certain #Commercial Districts# in the supplemental #use# provisions of Section 32-40, inclusive, for #Quality Housing buildings# in certain #Commercial Districts# subject to supplemental provisions for #qualifying ground floors#; for certain #Manufacturing Districts# in Section 42-485 (Streetscape provisions); for #zoning lots# subject to the off street parking regulations in the #Manhattan Core# in Article I, Chapter 3; for #zoning lots# subject to the special provisions for waterfront areas and, FRESH food stores, and #flood zones# in Article VI, Chapters 2 and, 3, and 4 respectively; and for #zoning lots# subject to the provisions of certain Special Purpose Districts.~~

The provisions of Section 37-30, inclusive, specify #ground floor level# requirements for #building# frontages in certain areas that are not otherwise governed by the provisions of Section 32-30 (STREETSCAPE REGULATIONS). Such provisions apply reference standards for certain streetscape elements that apply in conjunction with specific requirements in certain areas by underlying district regulations, special geographies, or in accordance with a Special Purpose District.

However, the ground floor depth requirements for certain #uses# and minimum transparency requirements of Sections 37-32 and 37-34, respectively, shall not apply to:

**Commented [Z2]:** The Proposal would remove a number of regulations from this chapter, reflecting the new streetscape framework in Article III, Chapter 2. Some regulations would remain to address situations like public plazas. Some of these standards would be updated to align with those in the new streetscape framework.

- (a) #zoning lots# in #Commercial Districts# with a #lot width# of less than 20 feet, as measured along the #street line#, provided such #zoning lots# existed on March 22, 2016, and on the date of application for a building permit; or
- (b) any #community facility building# used exclusively for either a #school#, ~~as listed in Use Group 3,~~ or a house of worship, as listed in ~~Use Group 4~~ Use Group 3.

**37-311  
Definitions**

The following definitions shall apply throughout Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive. Additional defined terms in this Section include those in Section 12-10 and Section 32-301.

Designated frontage

For the purposes of Section 37-30, inclusive, a “designated frontage” shall be the portion of the #ground floor level# #street# frontage along a #street#, public access area, or other frontage specifically designated by a Special Purpose District or other provision of this Resolution. Where a #designated frontage# is not a #street#, references to #street walls# shall apply to the #building# wall facing the #designated frontage#.

#Designated frontages# include #primary frontages# or #secondary frontages#.

[ELIMINATING TERMS NOW COVERED BY SECTION 32-30]

Ground floor level

For the purposes of Section 37-30, inclusive, the “ground floor level” shall refer to a #building’s# lowest #story#.

Primary ~~street~~ frontage

For the purposes of Section 37-30, inclusive, a “primary ~~street~~ frontage” shall be the portion of the #ground floor level# ~~#street# frontage~~ #designated frontage# along any of the following:

- (a) a #wide street#;
- (b) a #narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or
- (c) a #narrow street# within 50 feet of a #wide street#.

- (c) another frontage specifically designated as a #primary frontage# in a Special Purpose District or other streetscape provision of this Resolution.

Secondary ~~street~~ frontage

For the purposes of Section 37-30, inclusive, a “secondary ~~street-frontage~~” shall be the portion of a #ground floor level# #street# frontage #designated frontage#, or portion thereof, subject to the provisions of Section 37-30, inclusive, that is not a #primary ~~street-frontage~~#.

### 37-32

#### Ground Floor Depth Requirements for Certain Uses

The minimum depth for required ground floor non-#residential uses#, as applicable, shall be as set forth in this Section, except as set forth in Section 37-31 (Applicability).

[REPLACING WITH NEW TERM]

Required #ground floor level# non-#residential uses# along a #designated frontage# shall extend to the #minimum qualifying depth#. #primary street frontage# or a designated retail street specified in a Special Purpose District, as applicable, shall have a minimum depth of 30 feet, as measured perpendicular to the #ground floor level# #street wall#. However, such minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

### 37-33

#### Maximum Width of Certain Uses

The maximum width of lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations is set forth in this Section.

- (a) Ground floor lobbies

[ALIGNING WITH NEW STANDARD IN 37-30]

- (1) ~~Type 1~~

~~Where Type 1 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. However, the width of such lobbies need not be less than 10 feet.~~

(2) ~~Type 2~~

~~Where Type 2 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 40 linear feet of #street wall#, whichever is less. However, the width of such lobbies need not be less than 20 feet.~~

The maximum length of lobbies accessing #uses# not permitted on the #ground floor level#, shall be limited to a maximum #street wall# length, in total, of 25 percent of the #street wall# width of the #building# along the #designated frontage#, or 25 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 10 feet.

However, for C4 through C6 Districts with a #residential equivalent# of R9 or R10 Districts, the maximum lobby length shall be modified such that the maximum #street wall# length, in total, shall not exceed 25 percent of the #street wall# width of the #building# along the #designated frontage#, or 50 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 20 feet.

(b) Entrances and exits to #accessory# parking facilities

[ALIGNING WITH NEW STANDARD IN 37-30]

~~Entrances and exits to #accessory# off-street parking facilities, where permitted on the #ground floor level#, or portion thereof, shall be permitted subject to any applicable curb cut regulations of this Resolution. not exceed a #street wall# width equal to the sum of five feet plus the maximum curb cut width for the applicable district. Where no specified maximum curb cut width is set forth for the district, the curb cut regulations for #buildings# containing #residences# in R6 through R8 Districts with a letter suffix in paragraph (e) of Section 25-631 (Location and width of curb cuts in certain districts) shall be applied.~~

(c) Entryways to ~~subway stations~~ #mass transit stations#

[ALIGNING WITH NEW STANDARD IN 37-30]

Entryways to subway stations ~~Entrances and exits to #mass transit stations#, as defined in Section 66-11,~~ may be provided on the #ground floor level# of a #building# without restriction in #street wall# width.

### Minimum Transparency Requirements

The #ground floor level# #street wall# along a #primary street frontage# or a designated retail street set forth in a Special Purpose District, as applicable, #designated frontage# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, except as set forth in Section 37-31 (Applicability).

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level# #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet. The maximum width of a portion of the #ground floor level# #street wall# without transparency shall not exceed 10 feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, entryways to subway stations, as applicable, or doors accessing emergency egress stairwells and passageways.

### 37-35 Parking Wrap and Screening Requirements

All #accessory# off-street parking spaces on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.

(a) Along #primary street frontages#

For #ground floor levels#, or portions thereof, fronting along a #primary street frontage# or a designated retail #street# set forth in a Special Purpose District, as applicable, any portion of an #accessory# off-street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #commercial#, #community facility# or #residential# #floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall have a minimum depth of 30 feet, as measured perpendicular to the #street wall# of the #building# extend to the #minimum qualifying depth#.

[ALIGNING WITH NEW STANDARD IN 37-30]

(b) Along #secondary street frontages#

For #ground floor levels#, or portions thereof, fronting along a #secondary street frontage# or 50 feet beyond a designated retail #street# set forth in a Special Purpose

~~District, as applicable~~, off-street parking facilities, or portions thereof, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or shall be subject to the following design requirements:

- (1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, ~~graphic or sculptural art, decorative screening or latticework, or living plant material~~ subject to the provisions of Section 32-60 (SIGN REGULATIONS), murals or other visual artwork, decorative screening or latticework, or living plant material.

\* \* \*

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 2 Use Regulations

#### 42-00 GENERAL PROVISIONS

[GENERAL PROVISIONS REORGANIZED TO REFLECT PROPOSAL;  
VARIOUS PROVISIONS MOVED AND INCORPORATED INTO SECTIONS 42-10 AND 42-20]

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

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

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

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

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

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

**Commented [Z1]:** Article IV, Chapter 2 contains the use regulations for Manufacturing Districts. The Proposal would make significant textual revisions to this chapter, but they would have limited practical effect.

First, it would reorganize the current uses in the 18 "use groups" into 10 categories that better reflect the land use activities that occur in the city (eg, housing, retail/service, storage, production, etc). While this change wouldn't, on its own, change any zoning regulations, it would make it easier to understand what rules apply. Many other sections of the chapter would also be reorganized into this new framework so they are easier to find.

Second, the Proposal would update the list of retail/service (Use Group 6) and production (Use Group 10) uses to reflect the current range of activities in these categories. This would remove some of the ZRs most outdated terminology (telegraph office, shoddy manufacturing, etc). The uses within these two categories would be assigned to zoning districts and parking categories based on the current rules today.

All changes like this are highlighted in the text.



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

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

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

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

USE GROUPS PERMITTED IN MANUFACTURING DISTRICTS

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

| Districts               | Use Groups |    |    |    |              |                 |    |
|-------------------------|------------|----|----|----|--------------|-----------------|----|
|                         | Recreation |    |    |    | Gen. Service | #Manufacturing# |    |
|                         | 12         | 13 | 14 | 15 | 16           | 17              | 18 |
| Light Manufacturing M1  | *          | *  | *  |    | *            |                 | *  |
| Medium Manufacturing M2 | *          | *  | *  |    | *            |                 | *  |
| Heavy Manufacturing M3  | *          | *  | *  |    | *            |                 | *  |

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 10 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:

**Commented [Z2]:** This section would lay out how the use regulations for Manufacturing Districts are organized so as to make them easier to find. The Proposal would make significant textual revisions to sections 42-10 through 42-50, but the signage rules in 42-60 would remain unchanged.

- (a) Sections 42-11 (Use Group 1 – Agriculture and Open Uses) through 42-20 (Use Group 10 – Production Uses) 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 AREAS AND DISTRICTS) sets forth special provisions applicable to:
  - (1) #Railroad or transit air space#, as set forth in Section 42-31 (Use of Railroad or Transit Air Space)
  - (2) Certain #Manufacturing Districts#, including
    - (i) M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, as set forth in Section 42-321 (Residential uses in M1-1D through M1-5D Districts);
    - (ii) M1-6D Districts, as set forth in Section 42-322 (Use regulations in M1-6D Districts);
    - (iii) M1-5M and M1-6M Districts, as set forth in Section 42-323 (Use regulations in M1-5M and M1-6M Districts);
    - (iv) M1-1, M1-5 and M1-6 Districts in certain areas, as set forth in Section 42-324 (Use regulations in certain M1-1, M1-5 and M1-6 Districts); and
    - (v) M1-5B Districts, as set forth in Section 42-325 (Use regulations in M1-5B 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), inclusive, 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.

#### 42-01 Special Provisions for Adult Establishments

\* \* \*

#### 42-02 Residential Use

[RESIDENTIAL USE PROVISIONS MOVED TO SECTIONS 42-31, 42-32 AND 42-34 WITHOUT MODIFICATION]

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

~~In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43-01 (Applicability of This Chapter) and the #accessory# off-street parking regulations of Section 44-025 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).~~

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

#### 42-10 USE ALLOWANCES

**Commented [Z3]:** These provisions would be relocated to a single section addressing residential allowances in specified manufacturing districts. This would make them easier to find. No modifications are proposed.

**Commented [Z4]:** This section lays out the structure of the new use groups and the charts that accompany them. This structure is meant to make it easier to find and apply the rules to different uses.

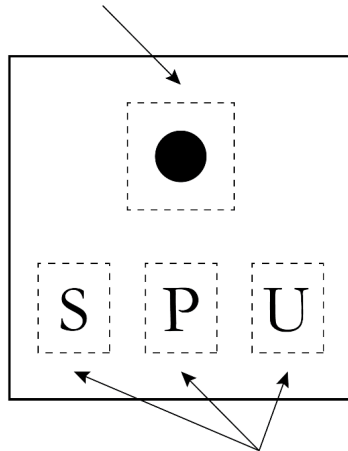
[USE PROVISIONS REORGANIZED AND MODIFIED INTO TEN USE GROUPS IN SECTIONS 42-11 THROUGH 42-20; HOTEL PROVISIONS IN M1 DISTRICTS AND PROVISIONS FOR SELF-STORAGE FACILITIES INTEGRATED INTO USE ALLOWANCE PROVISIONS; SPECIAL PERMITS RELOCATED FROM SECTION 42-30 AND INTEGRATED INTO USE GROUPS AND USE TABLES; PROVISIONS FOR M1-5M AND M1-6M DISTRICTS RELOCATED TO SECTION 42-323; PROVISIONS FOR DWELLING UNITS IN CERTAIN M1-5 AND M1-6 DISTRICTS RELOCATED TO SECTION 42-324; PROVISIONS FOR M1-5B DISTRICTS RELOCATED TO SECTION 42-325; PERFORMANCE STANDARDS RELOCATED TO SECTION 42-40]

The provisions of Sections 42-11 (Use Group 1 – Agriculture and Open Uses) through 42-20 (Use Group 10 – Production Uses), inclusive, establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group, followed by a table showing #use# allowances by zoning district. For each #use# and zoning district, the table contains up to two levels of notation in a particular cell:

- (a) The top level will always contain a symbol and denotes:
  - (1) permitted as-of-right (“●”);
  - (2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“◆”);
  - (3) allowed by special permit (“○”) of the Board of Standards and Appeals or the City Planning Commission; or
  - (4) not permitted in the district (“–”).
  
- (b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:
  - (1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities;
  - (2) additional conditions (“P”), including environmental standards or other measures other than size restrictions or open #use# regulations; or
  - (3) open #use# regulation #use# regulations, or permissions for unenclosed #uses# (“U”).

Such notations are illustrated in the following diagram:

For a given zoning district, #usc# allowances are denoted as permitted as-of-right (“●”), with limited applicability (“◆”), by special permit (“○”) or not permitted in such district (“-”)



Additional conditions and requirements are grouped below #usc# allowances. Such provisions include size restrictions (“S”), additional conditions (“P”) or exemption from enclosure requirements (“U”)

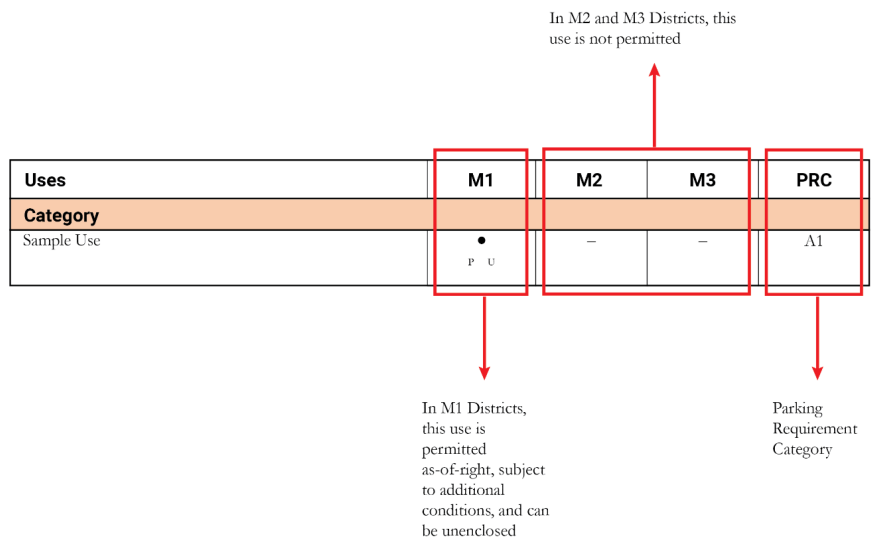
Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions or additional conditions. However, all #uses#, where applicable, are subject to the provisions of Sections 42-30 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS), 42-40 (PERFORMANCE STANDARDS), and 42-50 (SUPPLEMENTARY USE REGULATIONS).

Use Group tables, except in Section 42-12 (Use Group 2 – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# and #manufacturing uses# to determine required accessory off-street parking spaces as set forth in the table in Section 44-21 (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as “N/A”, no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions, additional conditions, or permission for unenclosed #uses#. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #uses#:

**ILLUSTRATIVE EXAMPLE**



**42-11**

**Use Group 1 – Agriculture and Open Uses**

**M1 M2 M3**

Use Group 1 consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth in the following Sections as follows:

- (a) Section 42-111 (Use Group 1 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-112 (Use Group 1 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;

**Commented [Z5]:** Use Group 1 would collect primarily open uses found in the ZR in current community facility, commercial and manufacturing use groups into this category.

The Proposal would not intend to make changes to the rules for these uses, except to clarify that agricultural uses can be open or enclosed in Manufacturing Districts. The terminology for skating and racket sports would also be updated to reflect contemporary usage.

- (c) Section 42-113 (Use Group 1 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table; and
- (d) Section 42-114 (Use Group 1 – uses permitted by special permit) for #uses# permitted only by special permit by the Board of Standards and Appeals, as denoted with “o” in the Use Group table.

**42-111**

**Use Group 1 – general use allowances**

The following table includes #uses# classified as Use Group 1 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES). Where permitted as-of-right in a #Manufacturing District#, all #uses# listed as “Open Uses” in the table shall be unenclosed, except for ancillary #buildings or other structures#.

| <b>USE GROUP 1 – AGRICULTURE AND OPEN USES</b>  |           |           |           |            |
|---|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |            |
| <b>Uses</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>Agriculture</b>  |           |           |           |            |
| <u>Agricultural #uses#, including greenhouses, nurseries, or truck gardens</u>  | ●<br>P U  | ●<br>P U  | ●<br>P U  | G          |
| <b>Open Uses</b>  |           |           |           |            |
| <u>Cemeteries</u>   | ●         | –         | –         | N/A        |
| <u>Golf courses</u>   | ●         | –         | –         | N/A        |
| <u>Outdoor racket courts</u>  | ●<br>P    | –         | –         | G          |
| <u>Outdoor skating rinks</u>  | ●         | ●         | ●         | G          |
| <u>#Public parks# or playgrounds or private parks</u>   | ●         | –         | –         | N/A        |
| <u>Sand, gravel, or clay pits</u>   | ○         | ○         | ○         | N/A        |

**42-112**

### **Use Group 1 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-111 (Use Group 1 – general use allowances), the following provisions shall apply:

- (a) Agricultural #uses# or riding academies or stables in all #Manufacturing Districts# shall conform with the applicable performance standards set forth in Sections 42-41 and 42-48.
- (b) Outdoor racket courts are permitted in M1 Districts provided that all lighting shall be directed away from nearby #residences#.

### **42-113**

#### **Use Group 1 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 42-111 (Use Group 1 – general use allowances), a #use# may be open or enclosed without restriction.

### **42-114**

#### **Use Group 1 – uses permitted by special permit**

For #uses# denoted with “o” in Section 42-111 (Use Group 1 – general use allowances), the provisions of this Section shall apply. Sand, gravel or clay pits, may be permitted in all #Manufacturing Districts#, by special permit of the Board of Standards and Appeals, in accordance with the provisions of Section 73-111 (Sand, gravel or clay pits).

### **42-12**

#### **Use Group 2 – Residences**

Use Group 2 consists of #residences# of various types. #Uses# classified in this Use Group are not permitted in #Manufacturing Districts# except as follows:

- (a) In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, by authorization of the City Planning Commission pursuant to Section 42-321 (Residential uses in M1-1D through M1-5D Districts);
- (b) In M1-6D Districts, in accordance with Section 42-322 (Use regulations in M1-6D Districts);
- (c) In M1-5M and M1-6M Districts, in accordance with Section 42-323 (Use regulations in M1-5M and M1-6M Districts); and
- (d) In certain M1-1, M1-5 and M1-6 Districts, in accordance with Section 42-324 (Use regulations in certain M1-1, M1-5 and M1-6 Districts).

**Commented [Z6]:** Use Group 2 would collect the residential uses currently split into two groups (1 and 2). The Proposal would not intend to make changes to the rules for these uses.



**42-13**

**Use Group 3 – Community Facilities**

**M1 M2 M3**

Use Group 3 consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth in the following Sections:

- (a) Section 42-131 (Use Group 3 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 42-132 (Use Group 3 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (c) Section 42-133 (Use Group 3 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group tables; and
- (d) Section 42-134 (Use Group 3 – additional provisions for parking requirement category) for #uses# with more than one Parking Requirement Category or other applicable parking provisions, as denoted with “\*” in the Use Group tables.

**42-131**

**Use Group 3 – general use allowances**

The following tables include #uses# classified as Use Group 3 and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

**A. Community Facilities with Sleeping Accommodations**

| <b>USE GROUP 3A – COMMUNITY FACILITIES<br/>WITH SLEEPING ACCOMMODATIONS</b>   |           |           |           |            |
|---|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |            |
| <b>Uses</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>Educational Institutions</b>   |           |           |           |            |
| College or school student dormitories and fraternity or sorority student houses   | –         | –         | –         | E2         |

**Commented [Z7]:** Use Group 3 would collect community facility uses currently split into two separate use groups (3 and 4). To better reflect the way other regulations in the ZR consider community facilities, they would be separated into subcategories for those with and without sleeping accommodations. (Some of the terminology for specific uses in this group is outdated and should be updated in a future text amendment.)

The Proposal would not intend to make changes to the rules for these uses.

| <b>Faith-based Institutions and Facilities</b>                        |   |   |   |     |
|---|---|---|---|-----|
| Monasteries, convents or novitiates                                   | - | - | - | N/A |
| Rectories or parish houses with sleeping accommodations               | - | - | - | N/A |
| Seminaries with sleeping accommodations                               | - | - | - | *   |
| <b>Health Institutions and Facilities</b>                             |   |   |   |     |
| #Long-term care facilities#   | - | - | - | E3  |
| #Non-profit hospital staff dwellings #                                | - | - | - | *   |
| <b>Other Institutions and Facilities</b>                              |   |   |   |     |
| Philanthropic or non-profit institutions with sleeping accommodations | - | - | - | E3  |
| Settlement houses   | - | - | - | N/A |

**B. Community Facilities without Sleeping Accommodations**

| <b>USE GROUP 3B – COMMUNITY FACILITIES<br/>WITHOUT SLEEPING ACCOMMODATIONS</b>   |        |    |    |     |
|--|--------|----|----|-----|
| <p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br/>           – = Not permitted<br/>           S = Size restriction   P = Additional conditions   U = Open use allowances</p> |        |    |    |     |
| Uses   | M1     | M2 | M3 | PRC |
| <b>Educational Institutions</b>  |        |    |    |     |
| Colleges or universities, including professional schools but excluding business colleges or trade schools  | -      | -  | -  | *   |
| #Schools#  | ○      | -  | -  | G   |
| <b>Faith-based Institutions and Facilities</b>   |        |    |    |     |
| Houses of worship  | ●      | -  | -  | G   |
| Parish houses without sleeping accommodations  | ○      | -  | -  | N/A |
| Seminaries without sleeping accommodations   | ○      | -  | -  | *   |
| <b>Health Institutions and Facilities</b>  |        |    |    |     |
| Ambulatory diagnostic or treatment health care facilities  | ●<br>P | -  | -  | A3  |

|  |        |        |        |    |
|--|--------|--------|--------|----|
| Non-profit or voluntary hospitals and related facilities, except animal hospitals  | ●<br>P | –      | –      | E1 |
| Proprietary hospitals and related facilities, except animal hospitals  | ●<br>P | –      | –      | E1 |
| <b>Other Institutions and Facilities</b>   |        |        |        |    |
| Community centers  | ○      | –      | –      | B3 |
| Libraries  | ○      | –      | –      | G  |
| Museums  | ●<br>P | ●<br>P | ●<br>P | G  |
| Non-commercial recreation centers  | ○      | –      | –      | B3 |
| Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities | ○      | –      | –      | B3 |
| Welfare centers  | ○      | –      | –      | B3 |

**42-132**

**Use Group 3 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-131 (Use Group 3 – general use allowances), the following provisions shall apply:

- (a) Ambulatory diagnostic or treatment health care facilities in all M1 Districts shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing.
- (b) Hospitals and related facilities in M1 Districts, including non-profit, voluntary or proprietary hospitals and related facilities, shall be limited to 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.
- (c) Museums in all #Manufacturing Districts# are permitted provided that they are ancillary to existing motion picture production studios or radio or television studios, and provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#. However, museums of any type may be permitted by special permit of the

City Planning Commission, in accordance with Section 74-133 (Other community facility uses in M1 Districts).

#### **42-133**

##### **Use Group 3 – uses permitted by special permit**

For #uses# denoted with “o” in Section 42-131 (Use Group 3 – general use allowances), the following provisions shall apply:

- (a) #Schools# may be permitted in M1 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-133 (Schools).
- (b) #Uses# listed in Use Group 3B, except for educational institutions, may be permitted in M1 Districts by special permit of the City Planning Commission, in accordance with Section 74-133 (Other community facility uses in M1 Districts).

#### **42-134**

##### **Use Group 3 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 42-131 (Use Group 3 – general use allowances), the provisions of this Section shall apply. For seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

#### **42-14**

##### **Use Group 4 – Public Service Facilities and Infrastructure**

###### **M1 M2 M3**

Use Group 4 consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-141 (Use Group 4 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 42-142 (Use Group 4 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with a “S” in the Use Group tables;
- (c) Section 42-143 (Use Group 4 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;

**Commented [Z8]:** Use Group 4 collects a wide variety of infrastructure and governmental uses found throughout the ZR. To better reflect the way other regulations in the ZR consider these uses, they are split into three categories - public service buildings, infrastructure, and renewable energy and green infrastructure.

The Proposal doesn't intend to make changes to the rules for these uses.

- (d) Section 42-144 (Use Group 4 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables; and
- (e) Section 42-145 (Use Group 4 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group tables.

**42-141**  
**Use Group 4 – general use allowances**

The following tables include #uses# classified as Use Group 4 and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of this Section. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

**A. Public Service Buildings**

| <b>USE GROUP 4A – PUBLIC SERVICE FACILITIES</b>   |           |           |           |            |
|---|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |            |
| <b>Uses</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>Public Service Buildings</b>   |           |           |           |            |
| Court houses  | ●         | ●         | ●         | Λ4         |
| Fire or police stations   | ●         | ●         | ●         | Λ4         |
| <b>Other Facilities</b>   |           |           |           |            |
| Prisons   | ●         | ●         | ●         | G          |

**B. Infrastructure**

| <b>USE GROUP 4B – INFRASTRUCTURE</b>  |           |           |           |            |
|---|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |            |
| <b>Uses</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>Communication Infrastructure</b>   |           |           |           |            |

|  |          |          |          |     |
|--|----------|----------|----------|-----|
| Radio or television towers, non-#accessory#  | ○        | ○        | ○        | N/A |
| Telephone exchanges or other communications equipment structures   | ●<br>P   | ●<br>P   | ●<br>P   | N/A |
| <b>Electric and Gas Infrastructure</b>   |          |          |          |     |
| Electric power or steam generating plants  | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Electric utility substation  | ●<br>P U | ●<br>P U | ●<br>P U | N/A |
| Gas utility substations  | ●<br>S U | ●<br>S U | ●<br>S U | N/A |
| Public utility stations for oil or gas metering or regulating  | ●        | ●        | ●        | N/A |
| Terminal facilities at river crossings for access to electric, gas, or steam lines   | ●        | ●        | ●        | N/A |
| <b>Sewage, Storm Water and Waste Infrastructure</b>  |          |          |          |     |
| Composting   | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles   | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Incineration or reduction of garbage, offal or dead animals  | ●<br>P   | ●<br>P   | ●<br>P   | D1  |
| Radioactive waste disposal services involving the handling or storage of radioactive waste   | ●<br>P   | ●<br>P   | ●<br>P   | D1  |
| Sewage disposal plants   | ○        | ○        | ●<br>P   | D1  |
| Water or sewage pumping stations   | ●        | ●        | ●        | N/A |
| <b>Transportation Infrastructure</b>   |          |          |          |     |
| Airports   | ○        | ○        | ○        | N/A |
| Boat launching facilities for non-commercial pleasure boats  | ●<br>U   | ●<br>U   | ●<br>U   | N/A |
| Bus stations   | ○        | ○        | ○        | N/A |
| Docks  | ●<br>P U | ●<br>P U | ●<br>P U | G   |
| Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Heliports  | ○        | ○        | ○        | N/A |

|  |          |          |          |     |
|--|----------|----------|----------|-----|
| Mooring facilities for non-commercial pleasure boats       | ●<br>U   | ●<br>U   | ●<br>U   | N/A |
| Public transit or railroad electric substations            | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Public transit yards, including accessory motor fuel pumps | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Railroad or transit rights-of-way                          | ●<br>U   | ●<br>U   | ●<br>U   | N/A |
| Railroad passenger stations                                | ○        | ○        | ○        | N/A |
| Seaplane bases   | ○        | ○        | ○        | N/A |
| Truck weighing stations                                    | ●<br>P U | ●<br>P U | ●<br>P U | D2  |

C. Renewable Energy and Green Infrastructure

[USE GROUP 4C TABLE INCLUDES USES AND DEFINITIONS BEING PROPOSED BY CITY OF YES FOR CARBON NEUTRALITY]

| <b>USE GROUP 4C – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE</b>   |        |        |        |     |
|---|--------|--------|--------|-----|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |        |        |        |     |
| Uses  | M1     | M2     | M3     | PRC |
| <b>Renewable Energy and Neighborhood-scale Infrastructure</b>   |        |        |        |     |
| #Energy infrastructure equipment#   | ●<br>U | ●<br>U | ●<br>U | N/A |
| Public bicycle and micromobility parking  | ●<br>U | ●<br>U | ●<br>U | N/A |
| Recycling, or organic material, receiving   | ●<br>U | ●<br>U | ●<br>U | N/A |

**42-142**

**Use Group 4 – uses subject to size limitations**

For #uses# denoted with an “S” in Section 42-141 (Use Group 4 – general use allowances), the provisions of this Section shall apply. Gas utility substations in all #Manufacturing Districts# shall be limited to a site of not more than 10,000 square feet.

**42-143**

**Use Group 4 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-141 (Use Group 4 – general use allowances), the following provisions shall apply:

- (a) For telephone or other communications equipment structures in all #Manufacturing Districts#, and not existing on December 15, 1961, the height above #curb level# shall not exceed that attributable to #commercial# #buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.
- (b) Docks for any vessels are permitted in all #Manufacturing Districts#, except that docks for #gambling vessels# may be permitted by special permit of the City Planning Commission, in accordance with Section 62-838 (Docks for gambling vessels).
- (c) Where permitted, the following #uses# shall conform with the applicable performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare):

Composting

Docks

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Electric utility substation

Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Incineration or reduction of garbage or slag piles

Public transit or railroad electric substations

Public transit yards



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

Sewage disposal plants

Truck weighing stations.

#### **42-144**

##### **Use Group 4 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 42-141 (Use Group 4 – general use allowances), a #use# may be open or enclosed without restriction.

#### **42-145**

##### **Use Group 4 – uses permitted by special permit**

For #uses# denoted with “o” in Section 42-141 (Use Group 4 – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by the Board of Standards and Appeals:
- (1) Radio or television towers may be permitted in all #Manufacturing Districts#, in accordance with Section 73-141 (Radio or television towers).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:
- (1) Sewage disposal plants may be permitted in M1 or M2 Districts, in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).
  - (2) Airports may be permitted in all #Manufacturing Districts#, in accordance with Section 74-144 (Airports).
  - (3) Bus stations may be permitted in all #Manufacturing Districts#, in accordance with Section 74-145 (Bus stations).
  - (4) Heliports may be permitted in all #Manufacturing Districts#, in accordance with Section 74-146 (Heliports).
  - (5) Railroad passenger stations may be permitted in all #Manufacturing Districts#, in accordance with Section 74-148 (Railroad passenger stations).
  - (6) Seaplane bases may be permitted in all #Manufacturing Districts#, in accordance with Section 74-149 (Seaplane).

**42-15**

**Use Group 5 – Transient Accommodations**

**M1 M2 M3**

Use Group 5 consists of #uses# for transient occupancy of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-151 (Use Group 5 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-152 (Use Group 5 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (c) Section 42-153 (Use Group 5 – uses subject to open use allowances), for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table; and
- (d) Section 42-154 (Use Group 5 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

**42-151**

**Use Group 5 – general use allowances**

The following table includes #uses# classified as Use Group 5 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

| <b>USE GROUP 5 – TRANSIENT ACCOMMODATIONS</b>   |           |           |           |            |
|---|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |            |
| <b>Uses</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>Transient Accommodations</b>   |           |           |           |            |
| Camps, overnight  | ●<br>U    | ●<br>U    | ●<br>U    | G          |
| #Motels#  | ●<br>P    | –         | –         | E1         |
| #Tourist cabins#  | ●<br>P    | –         | –         | E1         |

**Commented [Z9]:** Use Group 5 would collect transient accommodations found in current commercial use groups into this category.

The Proposal would not intend to make changes to the rules for these uses.

In addition, boatels would be removed from the ZR since the current definition is anachronistic and no known version of the use exists.

|                    |        |   |   |        |
|--------------------|--------|---|---|--------|
| #Transient hotels# | ●<br>P | — | — | *<br>— |
|--------------------|--------|---|---|--------|

**42-152**

**Use Group 5 – uses subject to additional conditions**

[SPECIAL PROVISIONS FOR HOTELS RELOCATED FROM SECTION 42-111, WITH EDITORIAL CHANGES TO PREAMBLE AND PARAGRAPH (A), AND UPDATES TO CROSS REFERENCES]

For #uses# denoted with a “P” in Section 42-151 (Use Group 5 – general use allowances), the provisions of this Section shall apply. For the purposes of this Section, #transient hotels# shall also include #motels# and #tourist cabins#.

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-153 (In M1 Districts) shall be applicable to:

- (1) #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 20, 2018, did not contain such #use#; or
- (3) #enlargement# or #extension# of a #transient hotel# that existed prior to December 20, 2018, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

The provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;
- (2) a #transient hotel# located within John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;

**Commented [Z10]:** Existing requirements would be moved from elsewhere in the chapter to make them easier to find.

(3) a #transient hotel# in an M1-6D District, a #Special Mixed Use District# or any other Special Purpose District where an M1 District is paired with a #Residence District#, all of which shall instead be subject to the provisions of Section 32-153 (Use Group 5 – uses subject to additional conditions); or

(4) in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on December 20, 2018.

(c) Within M1-5B Districts

Within an M1-5B District, a special permit pursuant to Section 74-153 (In M1 Districts) shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5B Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

(d) Existing #transient hotels#

(1) Any #transient hotel# existing prior to December 20, 2018, within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-153 (In M1 Districts) or other applicable Section of this Resolution.

(2) The provisions of paragraph (d)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021 to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021 and December 9, 2027.

(3) In the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of December 20, 2018, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying# #building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(c) Vesting

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, if on or before April 23, 2018, a building permit for a #development#, #enlargement# or #conversion# to a #transient hotel#, or a partial permit for a #development# of a #transient hotel# was lawfully issued by the Department of Buildings, such construction may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by December 20, 2021, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

Any special permit approved by the City Council for a #transient hotel# prior to December 20, 2018, shall be permitted and this Section shall not apply to such #transient hotel#, subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

**42-153**

**Use Group 5 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 42-151 (Use Group 5 – general use allowances), the provisions of this Section shall apply. In all #Manufacturing Districts#, overnight camps may be unenclosed without restriction.

**42-154**

**Use Group 5 – additional provisions for parking requirement category**

For #uses# denoted with “\*” for parking requirement category (PRC) in Section 42-151 (Use Group 5 – general use allowances), the provisions of this Section shall apply. For #transient hotels#, #floor area# used for sleeping accommodations shall be classified as PRC F2. #Floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls or radio or television studios shall be classified as PRC B1.

**42-16**

**Use Group 6 – Retail and Services**

**M1 M2 M3**

**Commented [Z11]:** Use Group 6 would collect retail and service uses found in current commercial use groups into this category.

The Proposal would make limited changes to the rules for these uses in Manufacturing Districts. The current list of retail and service uses, many of which are outdated, would be updated to reflect contemporary uses in the city.

However, the Proposal would not intend to make changes to the general use rules in M districts. In M1 districts, large retail uses would continue to be restricted. In M2 and M3, many other retail uses would continue to be restricted.

The Proposal would, however, clarify that florists and lawn and garden supply shops are not required to be enclosed, consistent with how the uses operate today.

Use Group 6 consists of #uses# where goods or services are conveyed directly to consumers. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-161 (Use Group 6 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 42-162 (Use Group 6 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section 42-163 (Use Group 6 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section 42-164 (Use Group 6 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables; and
- (e) Section 42-165 (Use Group 6 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group tables.

The provisions of Sections 42-162, 42-163 and 42-164, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-161 (Retail and service uses), or by special permit of the City Planning Commission, in accordance with Section 74-161 (Retail and service uses).

#### **42-161**

##### **Use Group 6 – general use allowances**

The following tables include #uses# classified as Use Group 6 and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as retail trade establishments or general service establishments, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

Included in the retail trade establishment table, for reference purposes only, are the three-digit subsector categories from the retail trade sector (sectors 44-45) of the 2022 North American Industry Classification System (NAICS). Included in the general service establishments table, for reference purposes only, are the three-digit subsector categories from the relevant transportation and warehousing sector (48-49), information sector (51), finance and insurance sector (52), real estate and rental and leasing sector (53), professional, scientific, and technical services (54), management of companies and enterprises (55), administrative and support and waste management and remediation services sector (56), educational services (61), accommodation and food services sector (72) and other services sector (81) of the 2022 NAICS.

For each #use# under the three-digit subsector categories in retail and general service establishments, the four-digit industry groups, five-digit NAICS industries, or six-digit industries

are referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

A. Retail Trade Establishments

| <b>USE GROUP 6A – RETAIL TRADE ESTABLISHMENTS</b>  |   |           |           |            |   |
|--|---|-----------|-----------|------------|---|
| <p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br/>           – = Not permitted<br/>           S = Size restriction   P = Additional conditions   U = Open use allowances</p> |   |           |           |            |   |
| <b>Uses (NAICS Code)</b>   | <b>M1</b>                                 | <b>M2</b> | <b>M3</b> | <b>PRC</b> |   |
| <b>Motor Vehicle and Parts Dealer (441)</b>  |   |           |           |            |   |
| Automobile dealers (4411)  | ●<br>U                                    | ●<br>U    | ●<br>U    | A4         |   |
| Other motor vehicle dealers (4412)   | Boat dealers (441222)                     | ●<br>U    | ●<br>U    | ●<br>U     | C |
|  | All other motor vehicle dealers (in 4412) | ●<br>U    | ●<br>U    | ●<br>U     | C |
| Automotive parts, accessories and tire retailers (4413)  | ●   | ●         | ●         | A2         |   |
| <b>Building Material and Garden Equipment and Supplies Dealer (444)</b>  |   |           |           |            |   |
| Building material and supplies dealers (4441)  | ●<br>U                                    | ●<br>U    | ●<br>U    | A3         |   |
| Lawn and garden equipment and supplies retailers (4442)  | ●<br>U                                    | ●<br>U    | ●<br>U    | A2         |   |
| <b>Food and Beverage Retailers (445)</b>   |   |           |           |            |   |
| Grocery and convenience retailers (4451)   | ●<br>S                                    | ●<br>S    | ●<br>S    | *<br>–     |   |
| Specialty food retailers (4452)  | ●<br>S                                    | ●<br>S    | ●<br>S    | *<br>–     |   |
| Beer, wine and liquor retailers (4453)   | ●   | ●         | ●         | A2         |   |
| <b>Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)</b>   |   |           |           |            |   |
| Furniture and home furnishing retailers (4491)   | ●<br>S                                    | –         | –         | A3         |   |
| Electronics and appliance retailers (4492)   | ●<br>S                                    | –         | –         | A3         |   |
| <b>General Merchandise Retailers (455)</b>   |   |           |           |            |   |
| Department stores (4551)   | ●<br>S                                    | –         | –         | A2         |   |
| Warehouse clubs, supercenters, and other general merchandise retailers (4552)  | ●<br>S                                    | –         | –         | A2         |   |

| <b>Health and Personal Care Retailers (456)</b>  |  |            |            |            |     |
|--|--|------------|------------|------------|-----|
| Health and personal care retailers (4561)  |  | ●          | ●          | ●          | A2  |
| <b>Gasoline Stations and Fuel Dealers (457)</b>  |  |            |            |            |     |
| Gasoline stations (4571)   | #Automotive service stations#                              | ●<br>P U   | ●<br>P U   | ●<br>P U   | N/A |
|  | Electric vehicle charging and battery swapping             | ●<br>U     | ●<br>U     | ●<br>U     | N/A |
|  | Boat fuel sales  | ●<br>U     | ●<br>U     | ●<br>U     | A4  |
| Fuel dealers (4572)  |  | ●<br>S P U | ●<br>S P U | ●<br>S P U | A3  |
| <b>Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)</b>                  |  |            |            |            |     |
| Clothing and clothing accessories retailers (4581)                                       |  | ●<br>S     | –          | –          | A2  |
| Shoe retailers (4582)  |  | ●          | –          | –          | A2  |
| Jewelry, luggage, and leather goods retailers (4583)                                     |  | ●          | –          | –          | A2  |
| <b>Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)</b> |  |            |            |            |     |
| Sporting goods, hobby, and musical instrument retailers (4591)                           | Sporting goods retailers (45911)                           | ●          | ●          | ●          | A2  |
|  | All other hobby and musical instrument retailers (in 4591) | ●<br>S     | –          | –          | A2  |
| Book retailers and news dealers (4592)   | Book retailers   | ●          | –          | –          | A2  |
|  | News dealers   | ●<br>U     | ●<br>U     | ●<br>U     | A2  |
| Florists (4593)  |  | ●<br>U     | –          | –          | A2  |
| Office supplies, stationary, and gift retailers (4594)                                   |  | ●          | –          | –          | A2  |
| Used merchandise retailers (4595)  |  | ●          | ●          | ●          | A2  |
| Miscellaneous retailers (4599)   |  | ●          | ●          | ●          | A2  |

**B. Service Establishments**

**USE GROUP 6B – SERVICE USES**



| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |  |        |        |        |    |
|---|--|--------|--------|--------|----|
| Uses (NAICS Code)   | M1   | M2     | M3     | PRC    |    |
| <b>Postal Service (491) / Couriers and Messengers (492)</b>   |  |        |        |        |    |
| Postal service (4911)   | ●  | ●      | ●      | G      |    |
| Couriers and express delivery services (4921)   | ●  | ●      | ●      | A2     |    |
| Local messengers and local delivery (4922)  | ●  | ●      | ●      | A2     |    |
| <b>Telecommunications (517)</b>   |  |        |        |        |    |
| Wired and wireless telecommunications (5171)  | ●  | –      | –      | A2     |    |
| <b>Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)</b>   |  |        |        |        |    |
| Computing infrastructure providers, data processing, web hosting, and related services (5182)   | ●  | ●      | ●      | A3     |    |
| <b>Credit Intermediation and Related Activities (522)</b>   |  |        |        |        |    |
| Savings, loan and other financial services (5221, 5222 and 5223)  | ●  | ●      | ●      | A3     |    |
| <b>Securities, Commodity Contracts, and Other Financial Investments and Related Activities ( 523 )</b>  |  |        |        |        |    |
| Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)   | ●  | ●      | ●      | A3     |    |
| <b>Insurance Carriers and Related Activities (524)</b>  |  |        |        |        |    |
| Insurance carriers and related activities (5241 and 5242)   | ●  | ●      | ●      | A3     |    |
| <b>Funds, Trusts and Other Financial Vehicles (525)</b>   |  |        |        |        |    |
| Funds, trusts and other financial vehicles (5251 and 5259)  | ●  | ●      | ●      | A3     |    |
| <b>Real Estate (531)</b>  |  |        |        |        |    |
| Real estate (5311, 5312, and 5313)  | ●  | ●      | ●      | A3     |    |
| <b>Rental and Leasing Services (532)</b>  |  |        |        |        |    |
| Automotive equipment rental and leasing (5321)  | ●<br>U   | ●<br>U | ●<br>U | N/A    |    |
| Consumer goods rental (5322)  | Consumer electronics and appliances rental (53221) | ●      | ●      | ●      | A3 |
|   | Recreational goods rental (532284)                 | ●<br>U | ●<br>U | ●<br>U | A3 |
|   | All other consumer goods rental (in 5322)          | ●      | –      | –      | A3 |
| General rental centers (5323)   | ●  | –      | –      | A3     |    |

|  |  |        |        |        |            |
|--|--|--------|--------|--------|------------|
| <u>Commercial and industrial machinery and equipment rental and leasing (5324)</u>     |  | •<br>U | •<br>U | •<br>U | <u>A3</u>  |
| <b>Professional, Scientific, and Technical Services (541)</b>                          |  |        |        |        |            |
| <u>Veterinary services (54194)</u>   |  | •<br>P | •<br>P | •<br>P | <u>A3</u>  |
| <u>All other professional, scientific, and technical services (in 541)</u>             |  | •      | •      | •      | <u>A3</u>  |
| <b>Management of Companies and Enterprises (551)</b>                                   |  |        |        |        |            |
| <u>Management of companies and enterprises (5511)</u>                                  |  | •      | •      | •      | <u>A3</u>  |
| <b>Administrative and Support Services (561)</b>                                       |  |        |        |        |            |
| <u>Travel and reservation services (5615)</u>  |  | •      | –      | –      | <u>A3</u>  |
| <u>Services to buildings and dwellings (5617)</u>                                      | <u>Carpet and upholstery cleaning services (56174)</u>         | •      | •      | •      | <u>D1</u>  |
|  | <u>All other services to buildings and dwellings (in 5617)</u> | •      | •      | •      | <u>A3</u>  |
| <u>All other administrative and support services (in 561)</u>                          |  | •      | •      | •      | <u>A3</u>  |
| <b>Educational Services (611)</b>  |  |        |        |        |            |
| <u>Business schools and computer and management training (6114)</u>                    |  | •      | –      | –      | <u>A3</u>  |
| <u>Technical and trade schools (6115)</u>  |  | •<br>P | •<br>P | •<br>P | <u>A3</u>  |
| <u>All other schools and instruction (6116 and 6117)</u>                               |  | •      | –      | –      | <u>A3</u>  |
| <b>Food Services and Drinking Places (722)</b>   |  |        |        |        |            |
| <u>Special food services (7223)</u>  |  | •      | •      | •      | <u>A3</u>  |
| <u>Eating or drinking establishments (7224 and 7225)</u>                               |  | •<br>U | •<br>U | •<br>U | <u>*</u>   |
| <b>Repair and Maintenance (811)</b>  |  |        |        |        |            |
| <u>Automotive repair and maintenance (8111)</u>  | <u>#Heavy motor vehicle repair and maintenance shops#</u>      | •<br>P | •<br>P | •<br>P | <u>A4</u>  |
|  | <u>#Light motor vehicle repair and maintenance shops#</u>      | •<br>P | •<br>P | •<br>P | <u>A3</u>  |
|  | <u>Car washes (811192)</u>                                     | •<br>P | •<br>P | •<br>P | <u>N/A</u> |
| <u>Electronic and precision equipment repair and maintenance (8112)</u>                |  | •      | •      | •      | <u>A3</u>  |
| <u>Commercial and industrial machinery and equipment repair and maintenance (8113)</u> |  | •<br>P | •<br>P | •<br>P | <u>A3</u>  |

|  |   |          |          |          |     |
|--|---|----------|----------|----------|-----|
| Personal and Household Goods Repair and Maintenance (8114) | Bicycle and recreational boat repair                                    | •        | •        | •        | A3  |
|  | Recreational boat repair  | •<br>P U | •<br>P U | •<br>P U | A34 |
|  | Home and garden equipment and appliance repair and maintenance (81141)  | •<br>P   | •<br>P   | •<br>P   | A3  |
|  | All other personal and household goods repair and maintenance (in 8114) | •        | •        | •        | A3  |
| <b>Personal and Laundry Services ( 812 )</b>               |   |          |          |          |     |
| Personal care services (8121)                              | #Health and fitness establishments#                                     | •<br>U   | •<br>U   | •<br>U   | A2  |
|  | All other personal care services (in 8121)                              | •        | •        | •        | A2  |
| Death care services (8122)                                 | Funeral homes and funeral services (81221)                              | •        | •        | •        | G   |
|  | Crematoriums  | •<br>P   | •<br>P   | •<br>P   | A4  |
| Drycleaning and laundry services (8123)                    | Personal laundry or dry cleaning  | •<br>P   | •<br>P   | •<br>P   | A2  |
|  | Industrial dry cleaning and laundry services                            | •<br>P   | •<br>P   | •<br>P   | D1  |
| Other personal services (8129)                             | Pet care services (81291)   | •        | •        | •        | A2  |
|  | All other personal services (in 8129)                                   | •        | •        | •        | A3  |

#### **42-162**

##### **Use Group 6 - uses subject to size limitations**

For #uses# denoted with an “S” in Section 42-161 (Use Group 6 – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

- (a) grocery and convenience retailers and food retailers in M1-4 Districts in Community District 1, in the Borough of the Bronx shall be limited to 30,000 square feet of #floor area# per establishment; and
- (b) fuel dealers in all #Manufacturing Districts# shall be limited to 5,000 square feet of #floor area# per establishment.

#### **42-163**

**Use Group 6 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-161 (Use Group 6 – general use allowances), the following provisions shall apply:

- (a) Recreational boat repair services in all #Manufacturing Districts# shall be restricted to boats less than 100 feet in length.
- (b) The following #uses# in all #Manufacturing Districts# shall conform to the performance standards as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive:

#Automotive service stations#

Car wash

Commercial and industrial machinery and equipment repair and maintenance

Crematorium

Fuel dealers

#Heavy motor vehicle repair and maintenance shops#

Home and garden equipment and appliance repair and maintenance

Industrial dry cleaning and laundry services

#Light motor vehicle repair and maintenance shops#

Personal laundry or dry cleaning

Technical and trade schools

Veterinary services.

**42-164**

**Use Group 6 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 42-161 (Use Group 6 – general use allowances), a #use# may be open or enclosed without restriction, except that for eating or drinking establishments, such open #use# shall be limited to outdoor table service.

**42-165**

**Use Group 6 – additional provisions for parking requirement category**

**Commented [Z12]:** The Proposal would maintain the current parking requirements for specified uses, except that it updates the threshold where food stores apply different parking requirements from 2,000 sf to 2,500 sf. This would align this provision with other size requirements in the ZR (which are typically either 2.5k, 5k, or 10k). It would also better align with the typical size of a small ground floor space on most commercial corridors.

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 42-161 (Use Group 6 – general use allowances), the following provisions shall apply:

- (a) Grocery and convenience retailers and specialty food retailers with 2,500 square feet or more of #floor area# per establishment shall be classified as PRC A1. Such retailers with less than 2,500 square feet of #floor area# are classified as PRC A2.
- (b) Eating or drinking establishments, including those providing entertainment with cover charge or specified showtime, and a capacity of 200 persons or fewer, shall be classified as PRC A2. Such establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons shall be classified as PRC B1.

**42-17**

**Use Group 7 – Offices and Laboratories**

**M1 M2 M3**

Use Group 7 consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. The provisions regulating #uses# classified in this Use Group, by #Manufacturing District# are set forth in the table below.

| <b>USE GROUP 7 – OFFICES AND LABORATORIES</b>   |           |           |           |            |
|---|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |            |
| <b>Uses</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>Laboratories</b>   |           |           |           |            |
| Laboratories  | ●         | ●         | ●         | △3         |
| <b>Offices</b>  |           |           |           |            |
| Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental   | ●         | ●         | ●         | △3         |

**Commented [Z13]:** Use Group 7 would collect offices and laboratories into the same category since they have many physical similarities (both typically located in the upper stores of buildings) and they share many current zoning requirements.

**42-18**

**Use Group 8 – Recreation, Entertainment and Assembly Spaces**

**M1 M2 M3**

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

**Commented [Z14]:** Use Group 8 would collect the wide range of entertainment and assembly spaces in the ZR into this category. To better reflect the way other regulations in the ZR consider these uses, they are organized into four sub-categories: amusement and recreation facilities, art galleries and studios, entertainment and sporting venues, and other assembly spaces.

To better reflect the wide range of amusement and recreation facilities in the city, the Proposal would create a singular use (amusement and recreation facility). The new use would replace a cacophony of dated and overly specific uses (billiard parlors, indoor golf recreation centers, table tennis halls, freak shows). This use would be separate from outdoor amusement parks, which would be limited in size to 10k.

The terminology for production studios would be updated to remove reference to specific art forms (film, radio, etc).

In addition, two new uses would be added to this category reflecting uses found in the city -observation decks and publicly accessible spaces. This ensure that these uses can be clearly located in these districts.

The regulations for other uses in this category would remain unchanged.

- (a) Section 42-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 42-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 42-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 42-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 42-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 42-182, 42-183 and 42-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**42-181**  
**Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

| <b>USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES</b>  |           |           |           |            |
|---|-----------|-----------|-----------|------------|
| ● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br>– = Not permitted<br>S = Size restriction   P = Additional conditions   U = Open use allowances |           |           |           |            |
| <b>Uses</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>Amusement and Recreation Facilities</b>  |           |           |           |            |
| <u>#Amusement or recreation facilities#</u>   | ●<br>U    | ●<br>U    | ●<br>U    | *<br>–     |

|   |          |          |          |        |
|---|----------|----------|----------|--------|
| #Outdoor amusement parks#                 | ●<br>S U | ●<br>S U | ●<br>S U | C      |
| <b>Art Galleries and Studios</b>          |          |          |          |        |
| Art galleries                             | ●        | ●        | ●        | *<br>_ |
| Art, music, dancing or theatrical studios | ●        | ●        | ●        | Δ2     |
| Production or entertainment studios       | ●        | ●        | ●        | B1     |
| <b>Entertainment and Sporting Venues</b>  |          |          |          |        |
| Arenas or auditoriums                     | ●<br>S   | ●<br>S   | ●<br>S   | B1     |
| Drive-in theaters                         | ○        | ○        | ○        | N/A    |
| Racetracks                                | ○        | ○        | ○        | B1     |
| Stadiums                                  | ●<br>S U | ●<br>S U | ●<br>S U | B1     |
| Theaters                                  | ●        | ●        | ●        | B1     |
| <b>Other Assembly Spaces</b>              |          |          |          |        |
| Banquet, function or reception halls      | ●        | —        | —        | B1     |
| Historical exhibits                       | ●        | ●        | ●        | B1     |
| Meeting halls                             | ●        | ●        | ●        | B1     |
| Non-commercial clubs                      | ●        | ●        | ●        | *<br>_ |
| Observation decks                         | ●        | ●        | ●        | B1     |
| Outdoor day camps                         | ●<br>U   | ●<br>U   | ●<br>U   | G      |
| Publicly accessible spaces                | ●<br>U   | ●<br>U   | ●<br>U   | N/A    |
| Riding academies or stables               | ●<br>P U | ●<br>P U | ●<br>P U | Δ4     |
| Trade expositions                         | ●<br>S   | ●<br>S   | ●<br>S   | B1     |

### **Use Group 8 – uses subject to size limitations**

For #uses# denoted with an “S” in Section 42-181 (Use Group 8 – general use allowances), the specific size limitations shall be as follows:

- (a) #Outdoor amusement parks# in all #Manufacturing Districts# are limited to 10,000 square feet of #lot area#. However, in M1 Districts, such #use# may exceed a lot area of 10,000 square feet by special permit by the Board of Standards and Appeals, in accordance with Section 73-183 (Outdoor Amusement Parks).
- (b) Arenas, auditoriums or stadiums in all #Manufacturing Districts# are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section 74-182 (Arenas, auditoriums, stadiums or trade expositions).

### **42-183**

#### **Use Group 8 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the provisions of this Section shall apply. In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

### **42-184**

#### **Use Group 8 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 42-181 (Use Group 8 – general use allowances), a #use# may be open or enclosed without restriction, except that stables in all #Manufacturing Districts# shall be enclosed.

### **42-185**

#### **Use Group 8 – uses permitted by special permit**

For #uses# denoted with “o” in Section 42-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) drive-in theaters may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission as set forth in Section 74-183 (Drive-in theaters).



- (b) racetracks may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission, in accordance with Section 74-184 (Racetracks).

#### **42-186**

##### **Use Group 8 – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 42-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) #Amusement or recreation facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.
- (b) Art galleries shall be classified as PRC A2 except that non-commercial art galleries shall be classified as PRC G.
- (c) Non-commercial clubs shall be classified as PRC B1 except that such non-commercial clubs meeting the requirements of paragraph (b) of Section 22-182 (Use Group 8 – uses subject to additional conditions) shall be classified as PRC B3.

#### **42-19**

##### **Use Group 9 – Storage**

##### **M1 M2 M3**

Use Group 9 consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-191 (Use Group 9 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-192 (Use Group 9 – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “♦” in the Use Group table;
- (c) Section 42-193 (Use Group 9 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table; and
- (d) Section 42-194 (Use Group 9 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table.

#### **42-191**

##### **Use Group 9 – general use allowances**

**Commented [Z15]:** Use Group 9 would collect the wide range of storage related uses in the ZR into this category. To better reflect the way other regulations in the ZR consider these uses, they are organized into three sub-categories: general and specialized storage, and vehicle storage.

The regulations for other uses in this category would remain unchanged. The new use the Proposal would create (“micro-distribution facility”) would not have applicability in M districts because the ZR already permits other forms of general storage.

The following table includes #uses# classified as Use Group 9 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

| <b>USE GROUP 9 – STORAGE</b>   |           |           |           |            |
|--|-----------|-----------|-----------|------------|
| <p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br/>           – = Not permitted<br/>           S = Size restriction   P = Additional conditions   U = Open use allowances</p> |           |           |           |            |
| <b>Uses</b>  | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>PRC</b> |
| <b>General Storage</b>   |           |           |           |            |
| Building materials or contractors' yard  | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Depositories for storage of office records, microfilm or computer tapes, or for data processing  | ●         | ●         | ●         | D2         |
| Micro-distribution facilities  | –         | –         | –         | D2         |
| Moving or storage offices  | ●<br>P    | ●<br>P    | ●<br>P    | D2         |
| #Self-service storage facility#  | ♦<br>P    | ♦<br>P    | ♦<br>P    | D2         |
| Trucking terminals or motor freight stations   | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Warehouses   | ●<br>P    | ●<br>P    | ●<br>P    | D2         |
| Wholesale establishments   | ●<br>P    | ●<br>P    | ●<br>P    | A4         |
| <b>Specialized Storage</b>   |           |           |           |            |
| Coal or gas storage  | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Explosives storage, when not prohibited by other ordinances  | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Grain storage  | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Junk or salvage yards, including auto wrecking or similar establishments   | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Lumber yard  | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Manure, peat or topsoil storage  | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |
| Petroleum or petroleum products, storage or handling   | ●<br>P U  | ●<br>P U  | ●<br>P U  | D2         |

|  |          |          |          |     |
|--|----------|----------|----------|-----|
| Refrigerating plants   | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Scrap metal, junk, paper or rags storage, sorting, or baling                 | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| <b>Vehicle Storage</b>   |          |          |          |     |
| Boat storage   | ●<br>P U | ●<br>P U | ●<br>P U | A4  |
| Commercial or public vehicle storage, including #accessory# motor fuel pumps | ●<br>P U | ●<br>P U | ●<br>P U | D2  |
| Dead storage of motor vehicles   | ●<br>P U | ●<br>P U | ●<br>P U | N/A |
| #Public parking garages# or #public parking lots#                            | ◆<br>P U | ◆<br>P U | ◆<br>P U | N/A |

**42-192**

**Use Group 9 – uses permitted with limited applicability**

For #uses# denoted with “◆” in Section 42-191 (Use Group 9 – general use allowances), the provisions of this Section shall apply.

(a) For #public parking garages# and #public parking lots#, the following provisions shall apply:

- (1) In the #Manhattan Core#, such #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.
- (2) In M1-1, M1-2, M1-3, M2-1, M2-2, or M3-1 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section 74-193 (Public parking garages or public parking lots outside high density areas); and
- (3) In M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section 74-194 (Public parking garages or public parking lots in high density central areas).

(b) Special provisions for self-storage facilities

[SPECIAL PROVISIONS FOR SELF-STORAGE RELOCATED FROM SECTION 42-121, WITH CROSS REFERENCES UPDATED]

**Commented [Z16]:** Existing requirements would be moved from elsewhere in the chapter to make them easier to find.

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of this Section. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of this paragraph are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section 74-192 (Self-service storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

A #self-service storage facility# shall, in Subarea 1 of APPENDIX J of this Resolution, be limited to establishments that provide an #industrial floor space# as defined in Section 12-10 (DEFINITIONS) or “business-sized” storage space as specified in paragraph (b)(2)(ii) of this Section.

- (1) On a #zoning lot# greater than or equal to 50,000 square feet in area, a #self-service storage facility# shall provide #industrial floor space# that is:
  - (i) equal in #floor area# or #cellar# space to 25 percent of the #lot area#;
  - (ii) located below the level of the third #story#, with at least 50 percent of such #industrial floor space# located on the ground floor, with such ground floor #story# located within five feet of #curb level#, or #base plane#, as applicable, and the remaining #industrial floor space# located on a level that is immediately above or below such #story#; and
  - (iii) provided with access to freight elevators and the #accessory# off-street loading berth required for such #industrial floor space# in accordance with the provisions of Section 44-566 (Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas).
- (2) On a #zoning lot# that on December 19, 2017, is less than 50,000 square feet in area, a #self-service storage facility# shall provide:
  - (i) #industrial floor space# as specified in paragraph (1) of this Section; or
  - (ii) #floor area# or #cellar# space containing securely subdivided space for lease within such #self-service storage facility#, where each subdivided space is not less than 100 square feet in area, and with a minimum clear height of eight feet. Such spaces shall be categorized as “business-sized” for the purposes of this Section and the number and sizes of such spaces shall be shown on plans filed with the Department of Buildings. The total area of such business-sized storage space shall be equal in #floor area# or #cellar# space to 25 percent of the #lot area#.

- (3) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, an information #sign# shall be provided. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building# containing the #industrial floor space#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the #building#, and at a height no less than four feet and no more than 5 feet 6 inches above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain the name and address of the building in lettering no less than three-quarters of an inch in height, and the following statement in lettering no less than one-half inch in height: "This building is subject to Industrial Floor Space regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include an Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b)(4) of this Section is available to the public.
- (4) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, no later than June 30 of each year, beginning in the first calendar year in which a temporary or final certificate of occupancy was issued for the #industrial floor space#, the owner of the #building# subject to the #use# restrictions of this Section shall prepare a report on the existing conditions of the #building#. Such report shall be in a form provided by the Director of the Department of City Planning, and shall provide the following information at the designated Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public:
- (i) the total #floor area# of the #industrial floor space# in the #building# required by this Section;
  - (ii) the name of each business establishment occupying #floor area# reserved for the #industrial floor space#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area# the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;
  - (iii) a description of each establishment, using the North American Industry Classification System (NAICS) code and number of employees;
  - (iv) the total amount of #industrial floor space# that is vacant, as applicable;
  - (v) the average annual rent for the portions of the #building#, in the aggregate, required to be #industrial floor space#; and

- (vi) the number of new leases executed during the calendar year, categorized by lease duration, in five-year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning, by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local Council Member shall be included in such transmission.

A #self-service storage facility# shall, in Subarea 2 of APPENDIX J of this Resolution, be permitted by special permit of the City Planning Commission pursuant to Section 74-192 (Self-service storage facility in designated areas within Manufacturing Districts).

Any #self-service storage facility# existing on December 19, 2017, located in a designated area within #Manufacturing Districts#, as shown on the maps in APPENDIX J, shall be considered a conforming #use#, provided that the owner of such #self-service storage facility# has filed documentation satisfactory to the Department of Buildings that it existed on such date and met the definition of #self-service storage facility# set forth in Section 12-10. Any #enlargement# or #extension# to an existing conforming facility need not provide #industrial floor space#, business-sized storage, or apply for special permit of the City Planning Commission pursuant to Section 74-192, as applicable, provided there is no increase in #lot area# of the #zoning lot# as it existed on December 19, 2017. In the event that a #building# for which satisfactory documentation has been filed with the Department of Buildings is damaged or destroyed by any means, such #building# may be reconstructed on the same #zoning lot# and continue as a #self-service storage facility# without providing #industrial floor space# or business-sized storage, as applicable, provided that the #floor area# of such reconstructed #self-service storage facility# does not exceed the #floor area# permitted pursuant to the provisions of Section 43-10 (FLOOR AREA REGULATIONS), inclusive.

Any #self-service storage facility# existing on December 19, 2017, that does not file such documentation satisfactory to the Department of Buildings pursuant to the provisions of this Section shall be considered #non-conforming# and subject to the provisions of Article V (NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) of this Resolution.

#### **42-193**

##### **Use Group 9 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-191 (Use Group 9 – general use allowances), the following provisions shall apply:

- (a) Boat storage shall be restricted to boats less than 100 feet in length.

- (b) #Public parking garages# and #public parking lots# shall be subject to the provisions set forth for #accessory# off-street parking spaces in Section 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening).
- (c) All #uses# denoted with a “P” in Section 42-191 (Use Group 9 – general use allowances), except boat storage, #public parking garages# and #public parking lots#, shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

**42-194**  
**Use Group 9 – uses subject to open use allowances**

For #uses# denoted with a “U” in Section 42-191 (Use Group 9 – general use allowances), a #use# may be open or enclosed except that:

- (a) building materials or contractors’ yard, including sales, storage, or handling of building materials, may be open or enclosed 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;
- (b) boat storage may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and
- (c) #public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

**42-20**  
**Use Group 10 – Production Uses**

**M1 M2 M3**

Use Group 10 consists of #uses# engaged in the mechanical, physical, or chemical transformation of materials into new goods. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-201 (Use Group 10 – general use allowances) which includes the compilation of #uses# in the Use Group table; and
- (b) Section 42-202 (Use Group 10 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

**Commented [Z17]:** Use Group 10 would collect the production-oriented uses found in commercial and manufacturing use groups into this category.

The current list of uses, many of which are outdated, would be updated to reflect contemporary production uses in the city. Consistent with the existing regulations, all production uses would be permitted in M districts, subject to the performance standards.

The provisions of Section 42-202, except as otherwise specified in such Sections, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-211 (Production uses), or by special permit of the City Planning Commission, in accordance with Section 74-211 (Production uses).

**42-201**

**Use Group 10 - general use allowances**

The following table includes #uses# classified as Use Group 10 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

Included in the #use# table, for reference purposes only, are the three-digit subsector categories from the manufacturing sector (sectors 31-33) of the 2022 North American Industry Classification System (NAICS). For each #use# under the three-digit subsector categories, four-digit industry group or five-digit NAICS industries are referenced. Where such four-digit or five-digit categories are not referenced after a #use#, the specified #use# shall supersede any industry group or NAICS industry.

| <b>USE GROUP 10 – PRODUCTION</b>   |  |           |           |            |    |
|--|--|-----------|-----------|------------|----|
| <p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required<br/>                     – = Not permitted<br/>                     S = Size restriction   P = Additional conditions   U = Open use allowances</p> |  |           |           |            |    |
| <b>Uses (NAICS Code)</b>   | <b>M1</b>                                  | <b>M2</b> | <b>M3</b> | <b>PRC</b> |    |
| <b>Food Manufacturing (311)</b>  |  |           |           |            |    |
| Animal food manufacturing (3111)   | ●<br>P                                     | ●<br>P    | ●<br>P    | D1         |    |
| Animal slaughtering and processing (3116)  | ●<br>P                                     | ●<br>P    | ●<br>P    | D1         |    |
| Seafood product preparation and packaging (3117)   | ●<br>P                                     | ●<br>P    | ●<br>P    | D1         |    |
| All other food manufacturing (in 311)  | ●<br>P                                     | ●<br>P    | ●<br>P    | D1         |    |
| <b>Beverage and Tobacco Product Manufacturing (312)</b>  |  |           |           |            |    |
| Beverage manufacturing (3121)  | Distilleries (31214)                       | ●<br>P    | ●<br>P    | ●<br>P     | D1 |
|  | All other beverage manufacturing (in 3121) | ●<br>P    | ●<br>P    | ●<br>P     | D1 |
| Tobacco manufacturing (3122)   | ●<br>P                                     | ●<br>P    | ●<br>P    | D1         |    |
| <b>Textile &amp; Textile Product Mills (313–314)</b>   |  |           |           |            |    |



|  |        |        |        |    |
|--|--------|--------|--------|----|
| Textile mills (313)  | ●<br>P | ●<br>P | ●<br>P | D1 |
| Textile product mills (314)  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Apparel Manufacturing (315)</b>                                   |        |        |        |    |
| Apparel manufacturing (315)  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Leather and Allied Product Manufacturing (316)</b>                |        |        |        |    |
| Leather and hide tanning and finishing (3161)                        | ●<br>P | ●<br>P | ●<br>P | D1 |
| Footwear manufacturing (3162)  | ●<br>P | ●<br>P | ●<br>P | D1 |
| Other leather and allied product manufacturing (3169)                | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Wood Product Manufacturing (321)</b>                              |        |        |        |    |
| Sawmills and wood preservation (3211)                                | ●<br>P | ●<br>P | ●<br>P | D1 |
| Veneer, plywood, and engineered wood product manufacturing (3212)    | ●<br>P | ●<br>P | ●<br>P | D1 |
| Other wood product manufacturing (3219)                              | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Paper Manufacturing (322)</b>                                     |        |        |        |    |
| Pulp, paper, and paperboard mills (3221)                             | ●<br>P | ●<br>P | ●<br>P | D1 |
| Converted paper product manufacturing (3222)                         | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Printing and Related Support Activities (323)</b>                 |        |        |        |    |
| Printing and related support activities (3231)                       | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Petroleum and Coal Products Manufacturing (324)</b>               |        |        |        |    |
| Petroleum and coal products manufacturing (3241)                     | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Chemical Manufacturing (325)</b>                                  |        |        |        |    |
| Pharmaceutical and medicine manufacturing (3254)                     | ●<br>P | ●<br>P | ●<br>P | D1 |
| Soap, cleaning compound, and toilet preparation manufacturing (3256) | ●<br>P | ●<br>P | ●<br>P | D1 |
| All other chemical manufacturing (in 325)                            | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Plastics and Rubber Products Manufacturing (326)</b>              |        |        |        |    |
| Plastics and rubber products manufacturing (326)                     | ●<br>P | ●<br>P | ●<br>P | D1 |

| <b>Nonmetallic Mineral Product Manufacturing (327)</b>                                  |  |        |        |        |    |
|---|--|--------|--------|--------|----|
| Clay product and refractory, glass and glass product manufacturing (3271 and 3272)      |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| All other nonmetallic mineral product manufacturing (in 327)                            |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Primary Metal Manufacturing and Fabricated Metal Product Manufacturing (331–332)</b> |  |        |        |        |    |
| Primary metal manufacturing (331)   |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| Fabricated metal product manufacturing (332)  |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Machinery Manufacturing (333)</b>  |  |        |        |        |    |
| Machinery manufacturing (333)   |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Computer and Electronic Product Manufacturing (334)</b>                              |  |        |        |        |    |
| Computer and peripheral equipment manufacturing (334)                                   |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Electrical Equipment, Appliance, and Component Manufacturing (335)</b>               |  |        |        |        |    |
| Electric lighting equipment manufacturing (3351)  |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| Household appliance manufacturing (3352)  | Small electrical appliance manufacturing (33521) | ●<br>P | ●<br>P | ●<br>P | D1 |
|   | Major household appliance manufacturing (33522)  | ●<br>P | ●<br>P | ●<br>P | D1 |
| All other electrical equipment and component manufacturing (in 335)                     |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Transportation Equipment Manufacturing (336)</b>                                     |  |        |        |        |    |
| Transportation equipment manufacturing (336)  |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Furniture and Related Product Manufacturing (337)</b>                                |  |        |        |        |    |
| Furniture and related product manufacturing (337)                                       |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| <b>Miscellaneous Manufacturing (339)</b>  |  |        |        |        |    |
| Medical equipment and supplies manufacturing (3391)                                     |  | ●<br>P | ●<br>P | ●<br>P | D1 |
| Other miscellaneous manufacturing (3399)  |  | ●<br>P | ●<br>P | ●<br>P | D1 |

**42-202**

**Use Group 10 – uses subject to additional conditions**

**Commented [Z18]:** The Proposal would exempt alcoholic beverage manufacturing from the performance standards regulating fire. These standards have been superseded by FDNY requirements. This would allow these uses in the broader range of M districts. Similar changes have been made in recent special purpose districts including Gowanus and Brooklyn Navy Yard.

For #uses# denoted with a “P” in Section 42-201 (Use Group 10 – general use allowances), the provisions of this Section shall apply. Permitted #uses# in all #Manufacturing Districts# shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive. However, beverage manufacturing establishments shall not be subject to the provisions of Section 42-47 (Performance Standards Regulating Fire and Explosive Hazards).

#### **42-10**

#### **USES PERMITTED AS OF RIGHT**

[TEXT OF 42-10, INCLUSIVE, BEING REPLACED BY NEW USE GROUP STRUCTURE.  
TEXT OF 42-20, INCLUSIVE, BEING RELOCATED TO SECTION 42-40, INCLUSIVE]

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

~~#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts) or, where applicable, Section 32-02 (Special Provisions for Hotels). For the purposes of this Section, inclusive, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.~~

#### **42-111**

#### **Special provisions for hotels in M1 Districts**

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

- (a) Applicability

**Commented [Z19]:** Provisions in the current version of 42-10, inclusive, would be reorganized into other sections of this chapter.

Such special permit for #transient hotels# pursuant to Section 74-803 shall be applicable to:

- (1) #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 20, 2018, did not contain such #use#; or
- (3) #enlargement# or #extension# of a #transient hotel# that existed prior to December 20, 2018, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

The provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose.
- (2) a #transient hotel# located within John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;
- (3) a #transient hotel# in an M1-6D District, a #Special Mixed Use District# or any other #Special Purpose District# where any M1 District is paired with a #Residence District#, all of which shall instead be subject to the provisions of Section 32-02 (Special Provisions for Hotels); or
- (4) in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on December 20, 2018.

(c) Within M1-5B Districts

Within an M1-5B District, a special permit pursuant to Section 74-803 shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5B Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

(d) Existing hotels

- (1) Any ~~transient hotel~~ existing prior to December 20, 2018, within an M1 District shall be considered a conforming ~~use~~ and may be continued, structurally altered, ~~extended~~ or ~~enlarged~~ subject to the limitations set forth in this Section and subject to the applicable ~~bulk~~ regulations. However, if for a continuous period of two years such ~~transient hotel~~ is discontinued, or the active operation of substantially all the ~~uses~~ in the ~~building or other structure~~ is discontinued, the space allocated to such ~~transient hotel~~ shall thereafter be used only for a conforming ~~use~~, or may be utilized for a ~~transient hotel~~ only if the Commission grants a special permit for such ~~use~~ in accordance with the provisions of Section 74-803 or other applicable section of this Resolution.
- (2) The provisions of paragraph (d)(1) of this Section shall be modified up to December 9, 2027, to allow a ~~transient hotel~~ existing on December 9, 2021 to be restored to such ~~use~~ regardless of more than two years of discontinuance of the ~~use~~, and regardless of any change of ~~use~~ between December 9, 2021 and December 9, 2027.
- (3) In the event a casualty damages or destroys a ~~transient hotel~~ within an M1 District that was in such ~~use~~ as of December 20, 2018, such ~~building~~ may be reconstructed and used as a ~~transient hotel~~ without obtaining a special permit. A ~~non-complying~~ ~~building~~ may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(e) Vesting

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, if on or before April 23, 2018, a building permit for a ~~development~~, ~~enlargement~~ or ~~conversion~~ to a ~~transient hotel~~, or a partial permit for a ~~development~~ of a ~~transient hotel~~ was lawfully issued by the Department of Buildings, such construction may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by December 20, 2021, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

Any special permit approved by the City Council for a ~~transient hotel~~ prior to December 20, 2018, shall be permitted and this Section shall not apply to such ~~transient hotel~~, subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

#### ~~42-12~~

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

~~M1 M2 M3~~

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

~~Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).~~

~~Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.~~

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

~~In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of Section 42-121 (Use Group 16D self-service storage facilities).~~

#### ~~42-121~~

~~Use Group 16D self-service storage facilities~~

~~In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of this Section. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of Section 42-121 (Use Group 16D self-service storage facilities) are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section 74-932 (Self-service~~

storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

A ~~self-service storage facility~~ shall, in Subarea 1 of APPENDIX J of this Resolution, be limited to ~~establishments that provide an industrial floor space~~ as defined in Section 12-10 (DEFINITIONS) or “business sized” storage space as specified in paragraph (b)(2) of this Section.

- (a) On a ~~zoning lot~~ greater than or equal to 50,000 square feet in area, a ~~self-service storage facility~~ shall provide ~~industrial floor space~~ that is:
  - (1) equal in ~~floor area~~ or ~~cellar~~ space to 25 percent of the ~~lot area~~;
  - (2) located below the level of the third ~~story~~, with at least 50 percent of such ~~industrial floor space~~ located on the ground floor, such ground floor ~~story~~ is located within five feet of ~~curb level~~, or ~~base plane~~, as applicable, and the remaining ~~industrial floor space~~ is located on a level that is immediately above or below such ~~story~~; and
  - (3) provided with access to freight elevators and the ~~accessory~~ off street loading berth required for such ~~industrial floor space~~ in accordance with the provisions of Section 44-586 (Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas).
- (b) On a ~~zoning lot~~ that on December 19, 2017, is less than 50,000 square feet in area, a ~~self-service storage facility~~ shall provide:
  - (1) ~~industrial floor space~~ as specified in paragraph (a) of this Section; or
  - (2) ~~floor area~~ or ~~cellar~~ space containing securely subdivided space for lease within such ~~self-service storage facility~~, where each subdivided space is not less than 100 square feet in area, and with a minimum clear height of eight feet. Such spaces shall be categorized as “business sized” for the purposes of this Section and the number and sizes of such spaces shall be shown on plans filed with the Department of Buildings. The total area of such business-sized storage space shall be equal in ~~floor area~~ or ~~cellar~~ space to 25 percent of the ~~lot area~~.
- (c) On a ~~zoning lot~~ on which ~~industrial floor space~~ is provided in accordance with paragraph (a) or (b)(1) of this Section, an information ~~sign~~ shall be provided. Such required ~~sign~~ shall be mounted on an exterior ~~building~~ wall adjacent to and no more than five feet from all primary entrances of the ~~building~~ containing the ~~industrial floor space~~. The ~~sign~~ shall be placed so that it is directly visible, without any obstruction, to persons entering the ~~building~~, and at a height no less than four feet and no more than 5 feet 6 inches above the adjoining grade. Such ~~sign~~ shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information ~~sign~~ shall contain the name and address of the building in lettering no less than three quarters of an inch in height, and the following

~~statement in lettering no less than one-half inch in height: "This building is subject to Industrial Floor Space regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include an Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (d) of this Section is available to the public.~~

~~(d) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (a) or (b)(1) of this Section, no later than June 30 of each year, beginning in the first calendar year in which a temporary or final certificate of occupancy was issued for the #industrial floor space#, the owner of the #building# subject to the #use# restrictions of this Section shall prepare a report on the existing conditions of the #building#. Such report shall be in a form provided by the Director of the Department of City Planning, and shall provide the following information at the designated Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public:~~

- ~~(1) the total #floor area# of the #industrial floor space# in the #building# required by this Section;~~
- ~~(2) the name of each business establishment occupying #floor area# reserved for the #industrial floor space#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area# the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;~~
- ~~(3) a description of each establishment, using the North American Industry Classification System (NAICS) code and number of employees;~~
- ~~(4) the total amount of #industrial floor space# that is vacant, as applicable;~~
- ~~(5) the average annual rent for the portions of the #building#, in the aggregate, required to be #industrial floor space#; and~~
- ~~(6) the number of new leases executed during the calendar year, categorized by lease duration, in five-year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.~~

~~The report shall be submitted to the Director of the Department of City Planning, by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local Council Member shall be included in such transmission.~~

~~A #self service storage facility# shall, in Subarea 2 of APPENDIX J of this Resolution, be permitted by special permit of the City Planning Commission pursuant to Section 74-932 (Self-service storage facility in designated areas within Manufacturing Districts).~~



~~Any self-service storage facility existing on December 19, 2017, located in a designated area within Manufacturing Districts, as shown on the maps in APPENDIX J, shall be considered a conforming use, provided that the owner of such self-service storage facility has filed documentation satisfactory to the Department of Buildings that it existed on such date and met the definition of self-service storage facility set forth in Section 12-10. Any enlargement or extension to an existing conforming facility need not provide industrial floor space, business-sized storage, or apply for special permit of the City Planning Commission pursuant to Section 74-932, as applicable, provided there is no increase in lot area of the zoning lot as it existed on December 19, 2017. In the event that a building for which satisfactory documentation has been filed with the Department of Buildings is damaged or destroyed by any means, such building may be reconstructed on the same zoning lot and continue as a self-service storage facility without providing industrial floor space or business-sized storage, as applicable, provided that the floor area of such reconstructed self-service storage facility does not exceed the floor area permitted pursuant to the provisions of Section 43-10 (FLOOR AREA REGULATIONS), inclusive.~~

~~Any self-service storage facility existing on December 19, 2017, that does not file such documentation satisfactory to the Department of Buildings pursuant to the provisions of this Section shall be considered non-conforming and subject to the provisions of Article V (NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) of this Resolution.~~

#### **42-13**

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

#### **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; health and fitness establishments; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.~~

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

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

#### **42-131**

##### **M1-5B Districts**

M1-5B

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

#### **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 Within Existing Buildings).

In M1-5M and M1-6M Districts, ~~eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.~~

#### **42-133**

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

- (a) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new ~~dwelling units~~ shall be permitted. However, ~~dwelling units~~ which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted ~~use~~ provided that a complete application to permit such ~~use~~ is filed by the owner of the ~~building~~ or the occupant of a ~~dwelling unit~~ in such ~~building~~ not later than June 21, 1983.

Such ~~dwelling units~~ shall comply with the requirements of Sections 15-024 or 15-22, where applicable and with Section 15-23. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of ~~residential~~ occupancy on September 1, 1980, shall be deemed to permit ~~residential use~~ as of right for such ~~dwelling units~~.

(b) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as of right for such #dwelling unit#;
- (2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this Section shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued; and
- (3) in M1-6D Districts, #residential use# shall be permitted as of right subject to the supplemental #use# regulations set forth in Section 42-48 (Supplemental Use Regulations in M1-6D Districts).

#### 42-14

#### Use Group 17

#### M1-M2-M3

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

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

#### A. Service or wholesale establishments

Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates)

of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Produce or meat markets, wholesale

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

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

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

Beverages, non-alcoholic

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

Bottling work, for all beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Carpets

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

Chemicals, compounding or packaging

Cork products

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

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

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

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

Film, photographic

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

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

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

Hosiery

Ice, dry or natural

Ink or inked ribbon

Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

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

Luggage

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

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

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

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing, heat

treatment, or similar processes

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

Motoreycles, 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, 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 M1-5B Districts

M1-5B

- (1) ~~#Joint living work quarters for artists# in #buildings# in 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 M1-5B 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 M1-5B 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 M1-5B Districts), or by authorization of the City Planning Commission pursuant to Section 42-142.~~
  - (d) ~~In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Sections 42-141, 74-781 or by authorization of the City Planning Commission pursuant to Section 42-142.~~
  - (e) ~~At least 30 percent of the gross roof area of a #building# containing 15 #joint living work quarters for artists# shall be provided for recreational use. For each additional #joint living work quarters for artists#, 100 square feet of additional roof area shall be provided for recreational use up to a~~



maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 42-141.

- (f) In any #building# which, as a result of #zoning map# change CP-23167 is zoned M1-5B, any existing occupant of a #joint living work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.
  - (g) In a #building# for which an alteration permit for #joint living work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.
- (2) #Commercial# and #manufacturing# #uses# below the floor level of the second #story# provided, 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 M1-5B 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.~~
- (e) ~~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, and catering establishments.~~
- (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 M1-5B Districts, Section 52-37 is hereby suspended and replaced by paragraph D.(4)(b) of this Section.~~
- (b) ~~In 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.~~

~~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.~~

E. ~~#Accessory uses#~~

**42-141**

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

In M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D.(2) of Section 42-14 (Use Group 17) may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

- (a) The provisions of paragraphs D.(1)(e) or (d) or D.(2) of Section 42-14 may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.
- (b) The provisions of paragraphs D.(1)(c) or (d) of Section 42-14 may be modified, provided that:
  - (1) the #floor area# below the level of the second #story# was occupied by #joint living work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building#, or the occupant of a #joint living work quarters for artists# in the #building#, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as of right for such quarters; or
  - (2) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.
- (c) The provisions of paragraph D.(2) of Section 42-14 may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.
- (d) The requirements of D.(1)(e) of Section 42-14 may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.
- (e) The requirements of D.(1)(b) of Section 42-14 relating to #joint living work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600

square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:

- (1) such #floor area# was occupied on September 1, 1980, as #joint living work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;
- (2) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and
- (3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.

#### 42-142

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

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

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

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

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

42-15

**Use Group 18**

M3

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

- (1) either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot be designed without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences; and
- (2) normally generate a great deal of traffic, both pedestrian and freight.

A. Manufacturing establishments

Asphalt or asphalt products

Beverages, alcoholic or breweries

Brick, tile or clay

Cement

Charcoal, lampblack or fuel briquettes

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

Coal, coke or tar products

Excelsior or packing materials

Fertilizers

Foundries, ferrous or non-ferrous

Gelatin, glue or size

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

Grain, milling or processing

Graphite or graphite products

Gypsum

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

Incineration or reduction of garbage, offal or dead animals

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

Leather or fur tanning, curing, finishing or dyeing

Linoleum or oil cloth

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

Matches

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

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

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

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

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

Monument works, with no limitation on processing

Paint, varnishes or turpentine

Petroleum or petroleum products, refining

Plastic, raw

Porcelain products, including bathroom or kitchen equipment or similar products

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

Railroad equipment, including railroad cars or locomotives

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

~~Sewage disposal plants~~

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

~~Soaps or detergents, including fat rendering~~

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

~~Solvent extracting~~

~~Stock yards or slaughtering of animals or poultry~~

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

~~Sugar refining~~

~~Textile bleaching~~

~~Wood or bone distillation~~

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

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

~~Wool scouring or pulling~~

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

~~Coal or gas storage~~

~~Dumps, marine transfer stations for garbage or slag piles~~

~~Electric power or steam generating plants~~

~~Explosives storage, when not prohibited by other ordinances~~

~~Gas manufacturing plants~~

~~Grain storage~~

~~Junk or salvage yards, including auto wrecking or similar establishments, provided that~~

such yard is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

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

Manure, peat or topsoil storage

Petroleum or petroleum products, storage or handling

Refrigerating plants

Scrap metal, junk, paper or rags storage, sorting, or baling, provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

C. #Accessory uses#

## 42-20

### PERFORMANCE STANDARDS

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group 11A, 16, 17, or 18, and every #building or other structure# or open area of a #zoning lot# thereafter #developed#, constructed, or used for any #use# listed in Use Group 11A, 16, 17, or 18, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to the district in which such #use#, #building or other structure# or open area is located.

If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after December 15, 1961, the applicable district regulations for each and every performance standard shall apply with respect to such #extended#, #enlarged#, or reconstructed portion or portions of such #use# or #building or other structure#.

In case of any conflict between the Use Groups and the performance standards, the latter shall control. #Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

**Commented [Z20]:** The Performance Standards would be located later in the chapter unchanged.



## 42-21

### Performance Standards Regulating Noise

#### 42-211

##### Definitions

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

##### Decibel

A "decibel" is a unit of measurement of the intensity of sound (the sound pressure level).

##### Impact noise analyzer

An "impact noise analyzer" is an instrument used in conjunction with the #sound level meter# to measure the peak intensities of short duration sounds.

##### Octave band

An "octave band" is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such #octave bands# serve to define the sound in terms of its pitch components.

##### Octave band analyzer

An "octave band analyzer" is an instrument used in conjunction with a #sound level meter# to measure sound in each of eight #octave bands#.

##### Sound level meter

A "sound level meter" is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in #decibels#.

#### 42-212

##### Method of measurement

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

The "C" network and the "slow" meter response of the #sound level meter# shall be used. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the #sound level meter#, shall be measured with the #impact noise analyzer# as manufactured by the General Radio Company, or its equivalent, in order to

determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth in Section 42-213 (Maximum permitted decibel levels) may be increased by six #decibels#.

**42-213**

**Maximum permitted decibel levels**

In all #Manufacturing Districts#, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any #lot line#, the maximum permitted #decibel# levels for the designated #octave band# as set forth in the following table for the district indicated.

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted #decibel# levels.

MAXIMUM PERMITTED SOUND PRESSURE LEVEL  
(in #decibels#)

| #Octave Band#<br>(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 |

**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).

## **42-22**

### **Performance Standards Regulating Vibration**

#### **42-221**

##### **Definitions**

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

##### **Frequency**

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

##### **Impact vibrations**

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

##### **Steady state vibrations**

"Steady state vibrations" are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be ~~#steady state vibrations#~~.

##### **Three-component measuring system**

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

#### **42-222**

##### **Method of measurement**

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

#### **42-223**

##### **Maximum permitted steady state vibration displacement**

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#<br>(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 |

**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#<br>(cycles per second) | District |       |       |
|------------------------------------|----------|-------|-------|
|                                    | M1       | M2    | M3    |
| 10 and below                       | .0016    | .0040 | .0078 |

|             |       |       |       |
|-------------|-------|-------|-------|
| 10—20       | .0010 | .0020 | .0044 |
| 20—30       | .0006 | .0012 | .0022 |
| 30—40       | .0004 | .0008 | .0014 |
| 40—50       | .0002 | .0006 | .0010 |
| 50—60       | .0002 | .0004 | .0008 |
| 60 and over | .0002 | .0002 | .0008 |

**42-225**

**Special provisions applying along district boundaries**

Whenever an M2 or M3 District adjoins a #Residence District#, the #steady state# and #impact vibration# displacement, measured at the district boundary, shall not exceed the maximum permitted for an M1 District for the #frequencies# as set forth in the tables in Section 42-223 (Maximum permitted steady state vibration displacement) or Section 42-224 (Maximum permitted impact vibration displacement).

**42-23**

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

**42-231**

**Definitions**

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

**Combustion for indirect heating**

"Combustion for indirect heating" is the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.

**Dust**

"Dust" is solid #particulate matter# capable of being air or gas borne.

**Particulate matter**

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

#### Process weight

"Process weight" is the total weight of all materials used in any process which discharges #dust# into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.

#### Smoke

"Smoke" is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.

#### Smoke unit

A "smoke unit" is a measure of the quantity of #smoke# being discharged and is the number obtained by multiplying the #smoke# density in a #Standard Smoke Chart number# by the time of emission in minutes. For example, the emission of #Standard Smoke Chart number# 1 for one minute equals one #smoke unit#.

#### Standard Smoke Chart numbers

"Standard Smoke Chart numbers" are the numbers on the Standard Smoke Chart of the Department of Air Pollution Control that coincide most nearly with the grids on the Standard Smoke Chart indicating graduations of light obscuring capacity of #smoke#.

### **42-232**

#### **Maximum permitted emission of smoke**

In all #Manufacturing Districts#, the density of emission of #smoke# during normal operations shall not exceed #Standard Smoke Chart number# 2, and the quantity of #smoke# shall not exceed a maximum of 10 #smoke units# per hour per stack in M1 Districts, 20 such units in M2 Districts, and 30 such units in M3 Districts. The method of measurement, additional limitations on the emission of #smoke# of a density not exceeding #Standard Smoke Chart number# 2, and the maximum permitted density and quantity of #smoke# during special operations such as building new fires, banking, or cleaning fires, soot blowing, or process purging, shall be determined in accordance with rules and regulations adopted by the Department of Environmental Protection.

### **42-233**

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

(a) Related to ~~combustion for indirect heating~~

~~In all Manufacturing Districts, the emission into the atmosphere of dust related to combustion for indirect heating from any source shall not exceed the maximum number of pounds of dust per million British thermal units heat input per hour as set forth herein:~~

(1) In M1 Districts

~~In M1 Districts, the maximum permitted emission shall be 0.50 pounds for minimum size plants producing a heat input of 10 million or less British thermal units per hour and 0.15 for maximum size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.~~

(2) In M2 or M3 Districts

~~In M2 or M3 Districts, the maximum permitted emission for such minimum size plants shall be 0.60 in M2 Districts and 0.70 in M3 Districts, and for such maximum size plants shall be 0.16 in M2 Districts and 0.18 in M3 Districts. All intermediate values shall be determined from a straight line plotted on log graph paper.~~

(b) Related to processes

~~In all Manufacturing Districts, the emission into the atmosphere of process dust or other particulate matter which is unrelated to combustion for indirect heating or incineration shall not exceed 0.50 pounds per hour for 100 pounds of process weight or 50 pounds per hour for 100,000 pounds of process weight. All intermediate values shall be determined from a straight line plotted on log graph paper.~~

(c) Total limit on emission of dust or other particulate matter in M1 or M2 Districts

~~In M1 or M2 Districts the maximum amount of dust or other particulate matter from all sources including combustion for indirect heating, process dust, or combustion for incineration which may be emitted from a single stack or vent shall not exceed 33 pounds per hour in M1 Districts, nor 250 pounds per hour in M2 Districts.~~

(d) Method of measurement and dust from incineration

~~In all Manufacturing Districts, the method of measurement and permitted emission of dust related to combustion for incineration shall not exceed the maximum allowances established under rules and regulations adopted by the Department of Environmental Protection.~~

(e) ~~Prevention of wind-blown air pollution~~

~~In all #Manufacturing Districts#, all storage areas, yards, service roads, or other untreated open areas within the boundaries of a #zoning lot# shall be improved with appropriate landscaping or paving, or treated by oiling or any other means as specified in rules and regulations adopted by the Department of Environmental Protection, so that #dust# or other types of air pollution borne by the wind from such sources shall be minimized.~~

~~42-234~~

~~General control over smoke and other particulate matter~~

~~In addition to the performance standards of regulating #smoke# and other #particulate matter#, the emission of such matter shall be so controlled in manner and quantity of emission as not to be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.~~

~~42-24~~

~~Performance Standards Regulating Odorous Matter~~

~~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.~~

~~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.~~

~~42-25~~

~~Performance Standards Regulating Toxic Noxious Matter~~

~~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.

#### **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.

#### **42-26**

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

#### **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.

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

**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.

**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.

**42-27**

**Performance Standards Regulating Fire and Explosive Hazards**

**42-271**

## **Definitions**

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

### **Flammable or explosive**

"Flammable or explosive" materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with an #open cup flash point# of less than 100 degrees F.

### **Free burning**

"Free burning" materials are materials constituting an active fuel.

### **Intense burning**

"Intense burning" materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.

### **Moderate burning**

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

### **Open cup flash point**

The "open cup flash point" is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.

### **Original sealed containers**

"Original sealed containers" are containers with a capacity of not more than 55 gallons.

### **Slow burning**

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

## **42-272**

### **Classifications**

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified #open

cup flash points# as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

- (a) Class I includes #slow burning# to #moderate burning# materials. This shall include all liquids with an #open cup flash point# of 182 degrees F. or more.
- (b) Class II includes #free burning# to #intense burning# materials. This shall include all liquids with an #open cup flash point# between 100 and 182 degrees F.
- (c) Class III includes materials which produce #flammable or explosive# vapors or gases under ordinary weather temperature. This shall include all liquids with an #open cup flash point# of less than 100 degrees F.
- (d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; and strong oxidizing agents such as perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

#### **42-273**

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

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

#### **42-274**

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

Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

- (a) In M1 Districts

In M1 Districts, Class II materials or products shall be stored, manufactured, or utilized subject to the following limitations:

- (1) such storage, manufacture or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;

(2) ~~such #buildings or other structures# shall either be set back at least 40 feet from any #lot lines# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code; and~~

(3) ~~the storage of Class II materials or products shall be limited to 100,000 gallons.~~

(b) ~~In M2 Districts~~

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

(1) ~~Special provisions applying along district boundaries~~

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

(c) ~~In M3 Districts~~

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

(1) ~~Special provisions applying along district boundaries~~

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

#### **42-275**

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

~~Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:~~

(a) ~~In M1 Districts~~

~~In M1 Districts, Class III materials or products shall not be manufactured in any event, and shall be stored or utilized subject to the following limitations:~~

- (1) such storage or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;
- (2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot line# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code;
- (3) the final manufactured product shall have a rating of Class I; and
- (4) the storage of Class III materials or products shall be limited to 50,000 gallons.

(b) In M2 Districts

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

- (1) the final manufactured product shall have a rating of Class II; and
- (2) the storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in #original sealed containers#.
- (3) In M2 Districts, and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class III materials or products shall be stored or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

(c) In M3 Districts

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

- (1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a #Residence District#, a #Commercial District# or an M1 District, the provisions set forth in paragraph (a) of this Section for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

**42-276**

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

~~Class IV materials or products shall not be manufactured in any #Manufacturing District# and may be utilized in manufacturing processes or other production in any #Manufacturing District# only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. No storage of Class IV materials or products is permitted in any #Manufacturing District# except such #accessory# storage as may be authorized by such special permit for the utilization of such materials or products in manufacturing processes or other production.~~

**42-277**

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

~~Oxygen, gaseous or liquid, shall not be manufactured in any #Manufacturing District# except when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. Oxygen, gaseous or liquid, may be stored or utilized in all #Manufacturing Districts# in accordance with the provisions set forth in the Administrative Code and subject to the following limitations:~~

(a) ~~In M1 Districts~~

~~In M1 Districts, the total quantity of such oxygen stored shall not exceed 150,000 cubic feet at standard temperature and pressure.~~

(b) ~~In M2 Districts~~

~~In M2 Districts, the total quantity of such oxygen stored shall not exceed 500,000 cubic feet at standard temperature and pressure.~~

(c) ~~In M3 Districts~~

~~In M3 Districts, the total quantity of such oxygen stored is unlimited.~~

**42-28**

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

**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#.

**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#.

**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.

**42-30**

**~~USES PERMITTED BY SPECIAL PERMIT~~**

**SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS**

**42-31**

**~~By the Board of Standards and Appeals~~  
Use of Railroad or Transit Air Space**

[INTEGRATING SPECIAL PERMIT REFERENCES IN SUBSECTIONS OF 42-10 – 42-20;  
PROVISIONS FOR USE OF RAILROAD OR TRANSIT AIR SPACE RELOCATED FROM  
SECTION 42-46 WITH EDITORIAL CHANGE TO PREAMBLE AND PARAGRAPH (A)  
BELOW]

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]

**M1-5B**



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

~~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~~

~~Radio or television towers, non #accessory#~~

~~M1 M2 M3~~

~~Sand, gravel or clay pits~~

~~M1~~

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

In all #Manufacturing Districts#, #railroad or transit air space# may be #developed# or used in accordance with the provisions of this Section.

- (a) #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 74-61 (Development within or over a railroad or transit right-of-way or yard), a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-149 (Railroad Passenger Stations) or an open vehicle storage establishment authorized pursuant to this Section unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-61 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 74-61 may be changed to another #use# listed in a permitted Use Group, and no special permit from the Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the Commission. Ownership of rights permitting the #enlargement# or replacement of such a

#building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative ownership arrangements specified in the #zoning lot# definition of Section 12-10 (DEFINITIONS).

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

(b) When the #use# of a railroad or transit right-of-way or yard, or portion thereof, has been permanently discontinued or terminated and a #large-scale development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# created on such property. As a condition for such authorization, the Commission shall find that:

(1) the proposed #zoning lots#, indicated by a map describing the boundaries of, and the total area of, each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and

(2) each resulting #zoning lot# has direct access to one or more #streets#.

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

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

(c) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the Borough of Brooklyn, the Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:

- (1) that adequate access to one or more #streets# is provided;
- (2) that access to such #use# is located on a #street# not less than 60 feet in width;
- (3) that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby #streets#; and
- (4) that such establishment is located not less than 20 feet below #curb level# except for access ramps to the #street# or #streets#.

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

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

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

**42-32**

**By the City Planning Commission  
Special Regulations Applicable to Certain Districts**

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

**Commented [Z21]:** The Proposal would group the various use regulations applicable in certain areas that are found throughout the chapter.

~~Bus stations, with 10 or more berths~~

~~M1~~

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

~~M1~~

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

~~M1~~

~~Department stores [PRC-B]~~

~~M1 M2 M3~~

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

~~M1 M2 M3~~

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

~~M1~~

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

~~M1~~

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

~~M1~~

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

~~M1 M2 M3~~

~~Heliports~~

~~M1~~

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

~~M1-5~~

~~Museums and non-commercial art galleries~~

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

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

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

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

~~M1 M2 M3~~

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

M1 M2 M3  
Railroad passenger stations

M1 M2 M3  
Seaplane bases

M1 M2 M3  
~~#Self-service storage facilities# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution.~~

M1 M2  
Sewage disposal plants

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

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

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

M1  
~~#Uses# listed in Use Group 4A Community Facilities, except ambulatory diagnostic or treatment health care facilities and houses of worship~~

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

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

\*\* In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6

**42-321**  
**Residential uses in M1-1D through M1-5D Districts**

[PROVISIONS FOR RESIDENTIAL USES IN M1-1D THROUGH M1-5D DISTRICTS  
RELOCATED FROM SECTION 42-47 WITH MODIFICATIONS  
TO PARAGRAPH (c)(2) BELOW]

**Commented [Z22]:** Relocated provisions, with cross reference changes, including changes of use group terminology.

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

- (a) On #zoning lots# containing #residential# or #community facility# #uses#, new #residences# or #enlargements# of existing #residences# may be authorized, provided:
- (1) the #zoning lot# contains a #building# that has one or more #stories# of lawful #residential# or #community facility# #uses# and no more than one #story# of #commercial# or #manufacturing# #uses# therein;
  - (2) the #zoning lot# contains no other #commercial# or #manufacturing# #uses#; and
  - (3) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.
- (b) On vacant #zoning lots#, new #residences# may be authorized, provided:
- (1) the #zoning lot# has been vacant continuously since June 20, 1988, or has been vacant continuously for five years prior to the date of application for such authorization;
  - (2) a #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by a #community facility building# or a #building# containing #residences#; and
  - (3) either of the following conditions exist:
    - (i) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 10,000 square feet of #lot area#, and 50 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#; or
    - (ii) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 5,000 square feet of #lot area#, and 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.

(c) On #land with minor improvements#, new #residences# may be authorized provided such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (b) of this Section, except that new #residential use# shall not be authorized on #land with minor improvements# that:

(1) is used for parking, storage or processing in connection with a conforming, enclosed #commercial# or #manufacturing# #use# within the district; or

(2) has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.

(d) In determining eligibility for #residential use#, pursuant to paragraphs (a), (b) or (c) of this Section, the following regulations shall be applicable:

(1) In order to determine whether a #corner lot# meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses# may be measured along any #block# front upon which such #corner lot# has frontage.

(2) In determining the percent of the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses#, the length along the #block# front of every #zoning lot#, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the #block# fronts occupied by #zoning lots# containing lawful #residential# or #community facility# #uses#. Vacant #zoning lots# and #land with minor improvements# shall not be counted as #residential# or #community facility# frontage.

For the purpose of this Section, the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and no more than one #story# of #commercial# or #manufacturing# #use# shall be considered as a frontage of #residential# or #community facility# #uses#, and the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and more than one #story# of #commercial# or #manufacturing# #uses# shall be considered as a frontage of #commercial# or #manufacturing# #uses#.

(3) New #residential use# shall not be authorized on any #floor area# that is vacant or that is occupied by a #commercial# or #manufacturing# #use#, except that in a #building designed for residential use# where at least 50 percent of the #floor area# is occupied by #residential use#, the #residential use# may be #extended#.

(4) In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

(5) For the purposes of this Section, a #through lot# fronting on no more than two #streets# shall be treated as if it consisted of two separate #zoning lots# with #abutting# #rear lot lines# at a line midway between the two #street lines# upon which such #through lot# fronts. In the case of a #through lot# that fronts on more than two #streets#, the #through lot# portion shall first be considered as if it were so divided, and then any remaining portion shall be considered as if it were a separate #zoning lot#. Notwithstanding, in no event shall contiguous portions of a #through lot# that front on the same #street# be treated as if they were separate #zoning lots#.

Each resulting portion of such #through lot# on each #street# frontage shall be considered separately to determine whether it meets the criteria for new #residences# set forth in paragraphs (a), (b) or (c) of this Section, and only on such portion may new #residences# or #enlargements# of existing #residences# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

(6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (b)(3).

(e) In authorizing such #residential uses#, the Commission shall find that:

(1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing# #uses#;

(2) there are no open #uses# listed under:

(i) sewage, storm water and waste infrastructure in Use Group 4B; or

(ii) specialized storage in Use Group 9,

within 400 feet of the #zoning lot#;

(3) the #residential uses# will not adversely affect #commercial# or #manufacturing# #uses# in the district; and



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

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

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

Regulations governing other #residential uses# in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section 52-45 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts) or of this Section.

#### 42-322

#### Use regulations in M1-6D Districts

[USE REGULATIONS IN M1-6D DISTRICTS RELOCATED FROM SECTIONS 42-48 THROUGH 42-486 WITH PROVISION REFERENCES UPDATED AND MODIFICATIONS FOUND IN PARAGRAPHS (B)(C) AND (E) BELOW]

All permitted #uses# in M1-6D Districts, as set forth in Sections 42-11 (Use Group 1 – Agriculture and Open Uses) through 42-20 (Use Group 10 – Production Uses) shall comply with the provisions set forth in this Section, inclusive.

#### (a) Residential use

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

#### (1) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

#### (2) #Residential use# by certification

**Commented [Z23]:** Relocated provisions, with cross reference changes, including changes of use group terminology.

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:

- (i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area converted# to #residential# vertical circulation and lobby space need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

(b) Community facility uses

The #community facility# #use# regulations applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #community facility# #uses# listed in Use Group 3 shall be permitted, except that #uses# listed in Use Group 3A shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (1) #Uses# listed in Use Group 3A shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (2) #Uses# listed in Use Group 3A shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential# #floor area# that

existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:

- (i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area# converted to vertical circulation and lobby space associated with a #use# listed in Use Group 3A need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #uses# listed in Use Group 3A, or for a new #building# containing such a #use#.

(c) Commercial uses

The #commercial use# regulations applicable in M1 Districts shall apply in M1-6D Districts, except that grocery and convenience retailers and specialty food retailers, as listed in Use Group 6A, shall not be limited as to size of establishment.

(d) Manufacturing uses

In M1-6D Districts, the #manufacturing# #use# regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-22 (Modification of Use Groups 4B, 7, 9 and 10), inclusive, shall apply.

(e) Streetscape provisions

[UPDATED TO REFLECT NEW UNDERLYING STREETSCAPE FRAMEWORK]

For the purposes of applying the underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS) to this Section, the streetscape regulations for C6 Districts shall apply in M1-6D Districts.

#Ground floor level# #street frontages# along #wide streets# shall be considered #Tier C street frontages#. A #ground floor level# #street# frontage along any other #street# shall

**Commented [Z24]:** The Proposal would establish a consistent set of streetscape regulations in Commercial Districts. To align with the original intent of the M1-6D district, those Commercial District regulations would be made to apply in M1-6D.

be considered a #Tier B street frontage#. Such #Tier B# provisions shall apply regardless of the zoning district designations on the same or an adjoining #block#, notwithstanding the exemptions within the definition of #Tier B street frontage#. Defined terms in this Section include those in Sections 12-10 and 32-301.

#### **42-323**

##### **Use regulations in M1-5M and M1-6M Districts**

[Use regulations in M1-5M and M1-6M Districts relocated from Section 42-132, with modifications for eating or drinking establishments]

In M1-5M and M1-6M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, the #conversion# to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).

In M1-5M and M1-6M Districts, eating or drinking establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-162.

**Commented [Z25]:** Relocated provisions, with cross reference changes, including changes of use group terminology.

#### **42-324**

##### **Use regulations in certain M1-1, M1-5 and M1-6 Districts**

[USE REGULATIONS IN CERTAIN M1-1, M1-5 AND M1-6 DISTRICTS RELOCATED FROM SECTIONS 42-02 (Residential Uses) AND 42-133 (Provisions for dwelling units in certain M1-5 or M1-6 Districts) WITH CROSS REFERENCE UPDATED]

- (a) In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43-01 (Applicability of This Chapter) and the #accessory# off-street parking regulations of Section 44-025 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).
- (b) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

**Commented [Z26]:** Relocated provisions, with cross reference changes, including changes of use group terminology.

Such #dwelling units# shall comply with the requirements of Sections 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for

artists and loft dwellings) or 15-22 (Number of Permitted Dwelling Units), where applicable and with Section 15-23 (Light and Air Provisions). 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#.

- (c) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#;
  - (2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this Section shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued; and
  - (3) in M1-6D Districts, #residential use# shall be permitted as-of-right subject to the #use# regulations set forth in Section 42-322 (Use regulations in M1-6D Districts).

#### **42-325**

##### **Use regulations in M1-5B Districts**

[USE REGULATIONS IN M1-5B DISTRICTS RELOCATED FROM PARAGRAPH D. OF SECTION 42-14 TO PARAGRAPH (a) BELOW WITH PROVISION REFERENCES AND CROSS REFERENCES UPDATED; USE PROVISIONS OTHER THAN JOINT LIVING-WORK QUARTER FOR ARTIST CONSOLIDATED IN PARAGRAPH (b) BELOW]

The regulations governing M1 Districts shall apply in M1-5B Districts except where the special #use# regulations set forth in paragraphs (a) and (b) of this Section, provide otherwise.

- (a) #Joint living-work quarters for artists# in #buildings# in M1-5B Districts, provided:
- (1) Such #building# was erected prior to December 15, 1961.

**Commented [Z27]:** Relocated provisions, with cross reference changes, including changes of use group terminology.

The Proposal would also broaden the list of permitted ground floor uses to reflect the small remaining area where this zoning district still applies. However, eating or drinking establishments of all types would continue to be limited to 5k.

- (2) 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 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts) by minor modification of the Chairperson of the City Planning Commission pursuant to paragraph (c)(5) of this Section or by authorization of the Commission pursuant to paragraph (d) of this Section.
- (3) 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 paragraph (c) of this Section, Section 74-781 (Modification by special permit of the Commission of uses in M1-5B Districts), or by authorization of the Commission pursuant to paragraph (d) of this Section.
- (4) 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 paragraph (c) of this Section, 74-781 or by authorization of the Commission pursuant to paragraph (d) of this Section.
- (5) At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be provided for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet of additional roof area shall be provided for recreational use up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to paragraph (c) of this Section.
- (6) 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.

(7) 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.

(b) #Uses# permitted in M1 Districts, pursuant to Sections 42-11 (Use Group 1 – Agriculture and Open Uses) through 42-20 (Use Group 10 – Production Uses), inclusive, shall be allowed below the floor level of the second #story# except that all eating or drinking establishments, as listed in Use Group 6B, shall be limited to 5,000 square feet of floor area per establishment. Such #use# provisions may be modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section or by the Commission pursuant to Section 74-781 (Modifications by special permit of the Commission of uses in M1-5B Districts).

(c) Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts

In M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3), (a)(4) and (a)(5) or paragraph (b) of this Section may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

(1) The provisions of paragraphs (a)(3) or (a)(4) or paragraph (b) of this Section 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.

(2) The provisions of paragraphs (a)(3) or (a)(4) of this Section may be modified, provided that:

(i) 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

(ii) 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.

- (3) The provisions of paragraph (b) of this Section may be modified provided a #use# not otherwise permitted 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.
- (4) The requirements of paragraph (a)(5) of this Section 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.
- (5) The requirements of paragraph (a)(2) of this Section 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:
  - (i) 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;
  - (ii) 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
  - (iii) 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.

- (d) Modification by authorization of the City Planning Commission of use regulations in M1-5B Districts

In M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3) and (a)(4) of this Section may be modified by authorization of the City Planning Commission, provided that:

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



- (2) 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
- (3) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.

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

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

42-40

**SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES**  
**PERFORMANCE STANDARDS**

[PERFORMANCE STANDARDS RELOCATED, UNCHANGED, FROM SECTION 42-20]

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group 1, 4, 6, 8, 9 or 10, and every #building or other structure# or open area of a #zoning lot# thereafter #developed#, constructed, or used for any #use# listed in Use Group 1, 4, 6, 8, 9 or 10, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to the district in which such #use#, #building or other structure# or open area is located.

If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after December 15, 1961, the applicable district regulations for each and every performance standard shall apply with respect to such #extended#, #enlarged#, or reconstructed portion or portions of such #use# or #building or other structure#.

In case of any conflict between the Use Groups and the performance standards, the latter shall control.

In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

42-41

**Commented [Z28]:** The Performance Standards that apply to production and other uses would be relocated unchanged, except for cross reference updates.

**Enclosure of Commercial or Manufacturing Activities  
Performance Standards Regulating Noise**

[ENCLOSURE PROVISIONS FOR COMMERCIAL OR MANUFACTURING ACTIVITIES  
MOVED TO SECTION 42-51]

M1 M2 M3

~~In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise specifically provided in the Use Groups permitted in the district, and in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.~~

**42-411  
In M1 Districts  
Definitions**

[ENCLOSURE PROVISIONS FOR COMMERCIAL OR MANUFACTURING ACTIVITIES  
IN M1 DISTRICTS MOVED TO SECTION 42-511; PERFORMANCE STANDARDS  
DEFINITIONS RELOCATED FROM SECTION 42-211, UNCHANGED]

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#.~~

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

Decibel

A "decibel" is a unit of measurement of the intensity of sound (the sound pressure level).

Impact noise analyzer

An "impact noise analyzer" is an instrument used in conjunction with the #sound level meter# to measure the peak intensities of short duration sounds.

### Octave band

An “octave band” is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such #octave bands# serve to define the sound in terms of its pitch components.

### Octave band analyzer

An “octave band analyzer” is an instrument used in conjunction with a #sound level meter# to measure sound in each of eight #octave bands#.

### Sound level meter

A “sound level meter” is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in #decibels#.

## **42-412**

### **Method of measurement**

[ENCLOSURE PROVISIONS FOR COMMERCIAL OR MANUFACTURING ACTIVITIES IN M2 OR M3 DISTRICTS MOVED TO SECTION 42-512; PERFORMANCE STANDARDS RELOCATED FROM SECTION 42-212, WITH X-REF UPDATED]

### 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#.

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 42-413 (Maximum permitted decibel levels) may be increased by six #decibels#.

## **42-413**

### **Maximum permitted decibel levels**

[RELOCATED FROM SECTION 42-213, UNCHANGED]

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#)

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

**42-414**

**Special provisions applying along district boundaries**

[RELOCATED FROM SECTION 42-214, WITH X-REF UPDATED]

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 42-413 (Maximum permitted decibel levels).

#### 42-42

#### **Enclosure or Screening of Storage Performance Standards Regulating Vibration**

[ENCLOSURE OR SCREENING PROVISIONS FOR STORAGE  
MOVED TO SECTION 42-52]

M1 M2 M3

~~In all districts, as indicated, all storage of materials or products established by #development#, #enlargement#, #extension#, change of #use#, or any new open storage or any increase in the portion of a #zoning lot# used for open storage, shall conform to the provisions of this Section. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.~~

~~With respect to the #enlargement# or #extension# of existing storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such storage.~~

#### 42-421

#### **In M1 Districts Definitions**

[ENCLOSURE OR SCREENING PROVISIONS FOR STORAGE IN M1 DISTRICTS  
MOVED TO SECTION 42-521; PERFORMANCE STANDARDS RELOCATED FROM  
SECTION 42-221, UNCHANGED]

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#.~~

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

#### Frequency

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

#### Impact vibrations

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

#### Steady state vibrations

“Steady state vibrations” are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be #steady state vibrations#.

#### Three-component measuring system

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

#### **42-422**

##### **In M2 or M3 Districts**

##### **Method of measurement**

[ENCLOSURE OR SCREENING PROVISIONS FOR STORAGE IN M2 OR M3 DISTRICTS  
MOVED TO SECTION 42-522; PERFORMANCE STANDARDS RELOCATED FROM  
SECTION 42-222, UNCHANGED]

#### **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.~~

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

#### **42-423**

##### **Maximum permitted steady state vibration displacement**

[RELOCATED FROM SECTION 42-223, UNCHANGED]

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)

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

**42-424**

**Maximum permitted impact vibration displacement**

[RELOCATED FROM SECTION 42-224, UNCHANGED]

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)

| <u>#Frequency#</u><br>(cycles per second) | <u>District</u> |              |              |
|---|-----------------|--------------|--------------|
|   | <u>M1</u>       | <u>M2</u>    | <u>M3</u>    |
| <u>10 and below</u>                       | <u>.0016</u>    | <u>.0040</u> | <u>.0078</u> |
| <u>10 - 20</u>                            | <u>.0010</u>    | <u>.0020</u> | <u>.0044</u> |

|                    |              |              |              |
|--------------------|--------------|--------------|--------------|
| <u>20 - 30</u>     | <u>.0006</u> | <u>.0012</u> | <u>.0022</u> |
| <u>30 - 40</u>     | <u>.0004</u> | <u>.0008</u> | <u>.0014</u> |
| <u>40 - 50</u>     | <u>.0002</u> | <u>.0006</u> | <u>.0010</u> |
| <u>50 - 60</u>     | <u>.0002</u> | <u>.0004</u> | <u>.0008</u> |
| <u>60 and over</u> | <u>.0002</u> | <u>.0002</u> | <u>.0008</u> |

**42-425**

**Special provisions applying along district boundaries**

[RELOCATED FROM SECTION 42-225, WITH X-REFS UPDATED]

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 42-423 (Maximum permitted steady state vibration displacement) or Section 42-424 (Maximum permitted impact vibration displacement).

**42-43**

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

[TITLE MOVED FROM SECTION 42-23]

**42-431**

**Definitions**

[RELOCATED FROM SECTION 42-231, UNCHANGED]

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

Combustion for indirect heating

“Combustion for indirect heating” is the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.

Dust



“Dust” is solid #particulate matter# capable of being air- or gas-borne.

#### Particulate matter

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

#### Process weight

“Process weight” is the total weight of all materials used in any process which discharges #dust# into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.

#### Smoke

“Smoke” is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.

#### Smoke unit

A “smoke unit” is a measure of the quantity of #smoke# being discharged and is the number obtained by multiplying the #smoke# density in a #Standard Smoke Chart number# by the time of emission in minutes. For example, the emission of #Standard Smoke Chart number# 1 for one minute equals one #smoke unit#.

#### Standard Smoke Chart numbers

“Standard Smoke Chart numbers” are the numbers on the Standard Smoke Chart of the Department of Air Pollution Control that coincide most nearly with the grids on the Standard Smoke Chart indicating graduations of light-obscuring capacity of #smoke#.

#### 42-432

#### **Maximum permitted emission of smoke**

[RELOCATED FROM SECTION 42-232, UNCHANGED]

In all #Manufacturing Districts#, the density of emission of #smoke# during normal operations shall not exceed #Standard Smoke Chart number# 2, and the quantity of #smoke# shall not exceed a maximum of 10 #smoke units# per hour per stack in M1 Districts, 20 such units in M2 Districts, and 30 such units in M3 Districts. The method of measurement, additional limitations

on the emission of #smoke# of a density not exceeding #Standard Smoke Chart number# 2, and the maximum permitted density and quantity of #smoke# during special operations such as building new fires, banking, or cleaning fires, soot blowing, or process purging, shall be determined in accordance with rules and regulations adopted by the Department of Environmental Protection.

**42-433**

**Maximum permitted emission of dust**

[RELOCATED FROM SECTION 42-233, UNCHANGED]

(a) Related to #combustion for indirect heating#

In all #Manufacturing Districts#, the emission into the atmosphere of #dust# related to #combustion for indirect heating# from any source shall not exceed the maximum number of pounds of #dust# per million British thermal units heat input per hour as set forth herein:

(1) In M1 Districts

In M1 Districts, the maximum permitted emission shall be 0.50 pounds for minimum-size plants producing a heat input of 10 million or less British thermal units per hour and 0.15 for maximum size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

(2) In M2 or M3 Districts

In M2 or M3 Districts, the maximum permitted emission for such minimum-size plants shall be 0.60 in M2 Districts and 0.70 in M3 Districts, and for such maximum-size plants shall be 0.16 in M2 Districts and 0.18 in M3 Districts. All intermediate values shall be determined from a straight line plotted on log graph paper.

(b) Related to processes

In all #Manufacturing Districts#, the emission into the atmosphere of process #dust# or other #particulate matter# which is unrelated to #combustion for indirect heating# or incineration shall not exceed 0.50 pounds per hour for 100 pounds of #process weight# or 50 pounds per hour for 100,000 pounds of #process weight#. All intermediate values shall be determined from a straight line plotted on log graph paper.

(c) Total limit on emission of #dust# or other #particulate matter# in M1 or M2 Districts

In M1 or M2 Districts the maximum amount of #dust# or other #particulate matter# from

all sources including #combustion for indirect heating#, process #dust#, or combustion for incineration which may be emitted from a single stack or vent shall not exceed 33 pounds per hour in M1 Districts, nor 250 pounds per hour in M2 Districts.

(d) Method of measurement and #dust# from incineration

In all #Manufacturing Districts#, the method of measurement and permitted emission of #dust# related to combustion for incineration shall not exceed the maximum allowances established under rules and regulations adopted by the Department of Environmental Protection.

(e) Prevention of wind-blown air pollution

In all #Manufacturing Districts#, all storage areas, yards, service roads, or other untreated open areas within the boundaries of a #zoning lot# shall be improved with appropriate landscaping or paving, or treated by oiling or any other means as specified in rules and regulations adopted by the Department of Environmental Protection, so that #dust# or other types of air pollution borne by the wind from such sources shall be minimized.

**42-434**

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

[RELOCATED FROM SECTION 42-234, UNCHANGED]

In addition to the performance standards of regulating #smoke# and other #particulate matter#, the emission of such matter shall be so controlled in manner and quantity of emission as not to be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.

**42-44**

**Limitations on Business Entrances, Show Windows or Signs  
Performance Standards Regulating Odorous Matter**

[LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS  
MOVED TO SECTION 42-53; PERFORMANCE STANDARDS REGULATING ODOROUS  
MATTER TITLE MOVED FROM SECTION 42-24]

**M1-M2-M3**

In all districts, as indicated, the location of primary business entrances, #show windows#, or #signs# shall be subject to the provisions of this Section. For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto, shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a ~~#corner lot#~~ shall include the entire ~~#zoning lot#~~, notwithstanding the 100 foot limitation in the definition of ~~#corner lots#~~ in Section 12-10 (DEFINITIONS). All other ~~#zoning lots#~~ shall be considered ~~#zoning lots#~~ with single frontage.

The provisions of this Section shall not apply to:

- (a) ~~vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;~~
- (b) ~~service entrances, or other entrances less than 3 feet, 6 inches in width;~~
- (c) ~~windows other than #show windows#; or~~
- (d) ~~ventilators, fire escapes or other appurtenances required by law.~~

#### 42-441

#### **For zoning lots with single frontage In M1 or M2 Districts**

[PROVISIONS FOR ZONING LOTS WITH SINGLE FRONTAGE MOVED TO SECTION 42-531; PERFORMANCE STANDARDS RELOCATED FROM SECTION 42-241, UNCHANGED]

#### 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).

In M1 or M2 Districts, the emission of odorous matter shall be in accordance with limits established by the Department of Environmental Protection. In addition to such limits, the emission of odorous matter in such quantities as to be readily detectable at any point along #lot lines# or to produce a public nuisance or hazard beyond #lot lines# is prohibited.

42-442

**For corner lots  
In M3 Districts**

[PROVISIONS FOR CORNER LOTS MOVED TO SECTION 42-532; PERFORMANCE STANDARDS RELOCATED FROM SECTION 42-242, UNCHANGED]

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.

In M3 Districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard at or beyond #lot lines# is prohibited.

42-45

**Exceptions for Integrated Developments Divided by District Boundaries  
Performance Standards Regulating Toxic Noxious Matter**

[EXCEPTIONS FOR INTEGRATED DEVELOPMENTS DIVIDED BY DISTRICT BOUNDARIES MOVED TO SECTION 42-533; PERFORMANCE STANDARDS REGULATING TOXIC NOXIOUS MATTER TITLE MOVED FROM SECTION 42-25]

M1 M2 M3

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Manufacturing District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

- (a) is divided by a boundary between the #Manufacturing District# and a #Residence District#; or

- (b) ~~is presently in the same ownership as adjoining property located in a #Residence District#, and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Manufacturing District#, as evidenced by deed restrictions filed in an office of record binding the owner and his heirs and assigns.~~

#### 42-451

##### Definitions

[RELOCATED FROM SECTION 42-251, UNCHANGED]

For the purposes of this Section, the following term is defined:

##### Toxic or noxious matter

“Toxic or noxious matter” is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, #dusts#, fumes, and mists, containing properties which by chemical means are:

- (a) inherently harmful and likely to destroy life or impair health; or
- (b) capable of causing injury to the well-being of persons or damage to property.

#### 42-452

##### Regulation of toxic or noxious matter

[RELOCATED FROM SECTION 42-252, UNCHANGED]

In all #Manufacturing Districts#, the emission of #toxic or noxious matter# into the atmosphere shall be in accordance with limits established by the Department of Environmental Protection. In addition to such emission limits, the emission of such matter shall be so controlled that no concentration at or beyond #lot lines# shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.

#### 42-46

##### ~~Air Space Over a Railroad or Transit Right-of-way or Yard~~ Performance Standards Regulating Radiation Hazards

[AIR SPACE OVER A RAILROAD OR TRANSIT RIGHT-OF-WAY OR YARD TITLE  
MOVED TO SECTION 42-31; PERFORMANCE STANDARDS REGULATING RADIATION  
HAZARDS TITLE MOVED FROM SECTION 42-26]

#### 42-461

## Definitions

[PROVISIONS FOR USE OF RAILROAD OR TRANSIT AIR SPACE MOVED TO SECTION 42-31; PERFORMANCE STANDARDS DEFINITION MOVED FROM SECTION 42-261]

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

For the purposes of this Section, the following term is defined:

### Fireproof containers

“Fireproof containers” shall include steel or concrete containers and shall not include lead or other low-melting metals or alloys, unless the lead or low-melting metal or alloys are completely encased in steel.

## 42-462

### ~~Use of railroad or transit air space~~

### Maximum permitted quantities of unsealed radioactive material

[PROVISIONS FOR USE OF RAILROAD OR TRANSIT AIR SPACE MOVED TO SECTION 42-31; PERFORMANCE STANDARDS RELOCATED FROM SECTION 42-262, UNCHANGED]

## M1 M2 M3

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

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

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

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

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

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

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

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



- (e) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the Borough of Brooklyn, the Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:
- (1) that adequate access to one or more #streets# is provided;
  - (2) that access to such #use# is located on a #street# not less than 60 feet in width;
  - (3) that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby #streets#; and
  - (4) that such establishment is located not less than 20 feet below #curb level# except for access ramps to the #street# or #streets#.

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

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

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

In M1 Districts, unsealed radioactive materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of one million times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

In M2 Districts, such materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of 10 million times the quantities set forth in Column 1 of the table cited in this Section. In M3 Districts no limits as to such permitted quantities shall apply.

#### **42-463**

#### **Maximum permitted quantities of fissionable materials**

[RELOCATED FROM SECTION 42-263, UNCHANGED]

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

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

#### **42-464**

##### **Administration and appeal**

[RELOCATED FROM SECTION 42-264, UNCHANGED]

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 42-462 (Maximum permitted quantities of unsealed radioactive material) or Section 42-463 (Maximum permitted quantities of fissionable materials). In any case where the Board of Health determines that the radiation hazard on or beyond any #lot line# is remote and minimal, even in the event of an accident, the Board may permit such additional quantity.

#### **42-47**

##### **Residential Uses in M1-1D Through M1-5D Districts**

##### **Performance Standards Regulating Fire and Explosive Hazards**

[PROVISIONS FOR M1-1D THROUGH M1-5D DISTRICTS MOVED TO SECTION 42-321;  
PERFORMANCE STANDARDS TITLE RELOCATED FROM SECTION 42-27]

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

- (a) On #zoning lots# containing #residential# or #community facility# #uses#, new #residences# or #enlargements# of existing #residences# may be authorized, provided:
- (1) the #zoning lot# contains a #building# that has one or more #stories# of lawful #residential# or #community facility# #uses# and no more than one #story# of #commercial# or #manufacturing# #uses# therein;
  - (2) the #zoning lot# contains no other #commercial# or #manufacturing# #uses#; and
  - (3) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.
- (b) On vacant #zoning lots#, new #residences# may be authorized, provided:
- (1) the #zoning lot# has been vacant continuously since June 20, 1988, or has been vacant continuously for five years prior to the date of application for such authorization;
  - (2) a #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by a #community facility building# or a #building# containing #residences#; and
  - (3) either of the following conditions exist:
    - (i) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 10,000 square feet of #lot area#, and 50 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#; or
    - (ii) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 5,000 square feet of #lot area#, and 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.
- (c) On #land with minor improvements#, new #residences# may be authorized provided such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (b) of this Section, except that new #residential use# shall not be authorized on #land with minor improvements# that:

- (1) is used for parking, storage or processing in connection with a conforming, enclosed #commercial# or #manufacturing# #use# within the district; or
  - (2) has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.
- (d) In determining eligibility for #residential use#, pursuant to paragraphs (a), (b) or (c) of this Section, the following regulations shall be applicable:
- (1) In order to determine whether a #corner lot# meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses# may be measured along any #block# front upon which such #corner lot# has frontage.
  - (2) In determining the percent of the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses#, the length along the #block# front of every #zoning lot#, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the #block# fronts occupied by #zoning lots# containing lawful #residential# or #community facility# #uses#. Vacant #zoning lots# and #land with minor improvements# shall not be counted as #residential# or #community facility# frontage.  
  
For the purpose of this Section, the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and no more than one #story# of #commercial# or #manufacturing# #use# shall be considered as a frontage of #residential# or #community facility# #uses#, and the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and more than one #story# of #commercial# or #manufacturing# #uses# shall be considered as a frontage of #commercial# or #manufacturing# #uses#.
  - (3) New #residential use# shall not be authorized on any #floor area# that is vacant or that is occupied by a #commercial# or #manufacturing# #use#, except that in a #building designed for residential use# where at least 50 percent of the #floor area# is occupied by #residential use#, the #residential use# may be #extended#.
  - (4) In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#.
  - (5) For the purposes of this Section, a #through lot# fronting on no more than two #streets# shall be treated as if it consisted of two separate #zoning lots# with #abutting# #rear lot lines# at a line midway between the two #street lines# upon which such #through lot# fronts. In the case of a #through lot# that fronts on more than two #streets#, the #through lot# portion shall first be considered as if it were

so divided, and then any remaining portion shall be considered as if it were a separate #zoning lot#. Notwithstanding, in no event shall contiguous portions of a #through lot# that front on the same #street# be treated as if they were separate #zoning lots#.

Each resulting portion of such #through lot# on each #street# frontage shall be considered separately to determine whether it meets the criteria for new #residences# set forth in paragraphs (a), (b) or (c) of this Section, and only on such portion may new #residences# or #enlargements# of existing #residences# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

(6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (b)(3).

(e) In authorizing such #residential uses#, the Commission shall find that:

- (1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing# #uses#;
- (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
- (3) the #residential uses# will not adversely affect #commercial# or #manufacturing# #uses# in the district; and
- (4) the authorization will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing# #zoning lots#.

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

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

~~Regulations governing other residential uses in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).~~

~~Residential uses in M1-D Districts may enlarge pursuant to the regulations of Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts) or of this Section.~~

#### 42-471

#### Definitions

[DEFINITIONS RELOCATED FROM SECTION 42-271, UNCHANGED]

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

#### Flammable or explosive

“Flammable or explosive” materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with an open cup flash point of less than 100 degrees F.

#### Free burning

“Free burning” materials are materials constituting an active fuel.

#### Intense burning

“Intense burning” materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.

#### Moderate burning

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

#### Open cup flash point

The “open cup flash point” is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.

#### Original sealed containers

“Original sealed containers” are containers with a capacity of not more than 55 gallons.

#### Slow burning

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

#### 42-472

##### Classifications

[RELOCATED FROM SECTION 42-272, UNCHANGED]

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified #open cup flash points# as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

- (a) Class I includes #slow burning# to #moderate burning# materials. This shall include all liquids with an #open cup flash point# of 182 degrees F. or more.
- (b) Class II includes #free burning# to #intense burning# materials. This shall include all liquids with an #open cup flash point# between 100 and 182 degrees F.
- (c) Class III includes materials which produce #flammable or explosive# vapors or gases under ordinary weather temperature. This shall include all liquids with an #open cup flash point# of less than 100 degrees F.
- (d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; and strong oxidizing agents such as perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

#### 42-473

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

[RELOCATED FROM SECTION 42-273, UNCHANGED]

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

**42-474**

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

[RELOCATED FROM SECTION 42-274, UNCHANGED]

Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class II materials or products shall be stored, manufactured, or utilized subject to the following limitations:

- (1) such storage, manufacture or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;
- (2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot lines# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code; and
- (3) the storage of Class II materials or products shall be limited to 100,000 gallons.

(b) In M2 Districts

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

(1) Special provisions applying along district boundaries

In M2 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-474, paragraph (a), for M1 Districts.



(c) In M3 Districts

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

(1) Special provisions applying along district boundaries

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

**42-475**

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

[RELOCATED FROM SECTION 42-275, UNCHANGED]

Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class III materials or products shall not be manufactured in any event, and shall be stored or utilized subject to the following limitations:

- (1) such storage or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;
- (2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot line# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code;
- (3) the final manufactured product shall have a rating of Class I; and
- (4) the storage of Class III materials or products shall be limited to 50,000 gallons.

(b) In M2 Districts

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

- (1) the final manufactured product shall have a rating of Class II; and

(2) the storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in #original sealed containers#.

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

(c) In M3 Districts

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

(1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a #Residence District#, a #Commercial District# or an M1 District, the provisions set forth in paragraph (a) of this Section for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

#### **42-476**

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

[RELOCATED FROM SECTION 42-276, UNCHANGED]

Class IV materials or products shall not be manufactured in any #Manufacturing District# and may be utilized in manufacturing processes or other production in any #Manufacturing District# only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. No storage of Class IV materials or products is permitted in any #Manufacturing District# except such #accessory# storage as may be authorized by such special permit for the utilization of such materials or products in manufacturing processes or other production.

#### **42-477**

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

[PERFORMANCE STANDARDS RELOCATED FROM SECTION 42-277, UNCHANGED]

Oxygen, gaseous or liquid, shall not be manufactured in any #Manufacturing District# except when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. Oxygen, gaseous or liquid, may be stored or utilized in all #Manufacturing Districts# in accordance with the provisions set forth in the Administrative Code and subject to the following limitations:

(a) In M1 Districts

In M1 Districts, the total quantity of such oxygen stored shall not exceed 150,000 cubic feet at standard temperature and pressure.

(b) In M2 Districts

In M2 Districts, the total quantity of such oxygen stored shall not exceed 500,000 cubic feet at standard temperature and pressure.

(c) In M3 Districts

In M3 Districts, the total quantity of such oxygen stored is unlimited.

**42-48**

**Supplemental Use Regulations in M1-6D Districts  
Performance Standards Regulating Humidity, Heat or Glare**

[SUPPLEMENTAL USE REGULATIONS IN M1-6D DISTRICTS MOVED  
TO SECTION 42-322; PERFORMANCE STANDARDS TITLE RELOCATED FROM  
SECTION 42-28, UNCHANGED]

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

**42-481**

**Residential use  
Regulation applying to M1 Districts**

[SUPPLEMENTAL USE REGULATIONS IN M1-6D DISTRICTS MOVED TO SECTION 42-  
322; PERFORMANCE STANDARDS PROVISIONS RELOCATED FROM SECTION 42-281,  
UNCHANGED]

~~#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions  
of this Section. For the purposes of this Section, a “qualifying #building#” shall be any~~

~~#building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.~~

~~(a) #Residential use# as of right~~

~~#Residential use# shall be permitted as of right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.~~

~~(b) #Residential use# by certification~~

~~#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non #residential floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:~~

- ~~(1) preservation of non #residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and~~
- ~~(2) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.~~

~~However, non #residential# #floor area converted# to #residential# vertical circulation and lobby space need not be replaced as non #residential# #floor area#.~~

~~A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non #residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non #residential# to #residential#, or for a new #building# containing #residences#.~~

~~In M1 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any #lot line#.~~

42-482

**Community facility use**

**Regulation applying to M2 Districts**

[SUPPLEMENTAL USE REGULATIONS IN M1-6D DISTRICTS MOVED

TO SECTION 42-322; PERFORMANCE STANDARDS PROVISIONS RELOCATED FROM SECTION 42-282, UNCHANGED]

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

~~For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.~~

- ~~(a) #Community facilities# with sleeping accommodations shall be permitted as of right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.~~
- ~~(b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non #residential# #floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:
  - ~~(1) preservation of non #residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and~~
  - ~~(2) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.~~~~

~~However, non #residential# #floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non #residential# #floor area#.~~

~~A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility# with sleeping accommodations, or for a new #building# containing a #community facility# with sleeping accommodations.~~

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

In M2 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any #lot line#.

#### 42-483

##### **Commercial uses**

##### **Regulation applying to M3 Districts**

[SUPPLEMENTAL USE REGULATIONS IN M1-6D DISTRICTS MOVED TO SECTION 42-322; PERFORMANCE STANDARDS PROVISIONS RELOCATED FROM SECTION 42-283, UNCHANGED]

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

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

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond the district boundary.

#### 42-484

##### **Manufacturing uses**

[SUPPLEMENTAL USE REGULATIONS IN M1-6D DISTRICTS MOVED TO SECTION 42-322]

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

#### 42-485

##### **Streetscape provisions**

[SUPPLEMENTAL USE REGULATIONS IN M1-6D DISTRICTS MOVED TO SECTION 42-322]

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

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

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

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

#### 42-486

#### Authorization for modification of streetscape provisions

[SUPPLEMENTAL USE REGULATIONS IN M1-6D DISTRICTS MOVED  
TO SECTION 42-322]

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

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

**42-50**

**SIGN REGULATIONS**

**SUPPLEMENTARY USE REGULATIONS**

[SIGN REGULATIONS MOVED TO SECTION 42-60, INCLUSIVE; SUPPLEMENTARY USE REGULATIONS MOVED FROM SECTION 42-40]

**42-51**

**Definitions**

**Enclosure of Commercial or Manufacturing Activities**

[SIGN DEFINITIONS MOVED TO SECTION 42-61; ENCLOSURE OF COMMERCIAL OR MANUFACTURING ACTIVITIES RELOCATED FROM SECTION 42-41, UNCHANGED]

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

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise specifically provided in the Use Groups permitted in the district, and in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

**42-511**

**In M1 Districts**

[ENCLOSURE OF COMMERCIAL OR MANUFACTURING ACTIVITIES IN M1 DISTRICTS RELOCATED FROM SECTION 42-411, UNCHANGED]

M1

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

**42-512**



**In M2 or M3 Districts**

[ENCLOSURE OF COMMERCIAL OR MANUFACTURING ACTIVITIES IN M2 OR M3 DISTRICTS RELOCATED FROM SECTION 42-412, UNCHANGED]

M2 M3

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

**42-513**

**Drive-through facilities**

M1 M2 M3

In all districts, as indicated, #accessory# drive-through facilities shall be permitted for any #use# listed in Use Group 6, as set forth in Section 42-16 (Use Group 6 – Retail and Services).

**42-52**

**Permitted Signs**

**Enclosure or Screening of Storage**

[SECTION OUTLINE FOR PERMITTED SIGNS MOVED TO SECTION 42-62; ENCLOSURE OR SCREENING OF STORAGE RELOCATED FROM SECTION 42-42, UNCHANGED]

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)

**Commented [Z29]:** The Proposal would maintain the allowance for drive through facilities in M districts for retail and service uses.

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.~~

M1 M2 M3

In all districts, as indicated, all storage of materials or products established by #development#, #enlargement#, #extension#, change of #use#, or any new open storage or any increase in the portion of a #zoning lot# used for open storage, shall conform to the provisions of this Section. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

With respect to the #enlargement# or #extension# of existing storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such storage.

42-521

**In M1 Districts**

[ENCLOSURE OR SCREENING OF STORAGE IN M1 DISTRICTS  
RELOCATED FROM SECTION 42-421, UNCHANGED]

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

42-522

**In M2 or M3 Districts**

[ENCLOSURE OR SCREENING OF STORAGE IN M2 OR M3 DISTRICTS  
RELOCATED FROM SECTION 42-422, UNCHANGED]

M2 M3

In the districts indicated, and within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

42-53

**Surface Area and Illumination Provisions**

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

[SURFACE AREA AND ILLUMINATION PROVISIONS MOVED TO SECTION 42-63;  
LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS RELOCATED  
FROM SECTION 42-44, UNCHANGED]

M1 M2 M3

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

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

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences# or #joint living work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences# or #joint living work quarters for artists#.

M1 M2 M3

In all districts, as indicated, the location of primary business entrances, #show windows#, or #signs# shall be subject to the provisions of this Section. For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto, shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot#, notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

- (a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;
- (b) service entrances, or other entrances less than 3 feet, 6 inches in width;
- (c) windows other than #show windows#; or
- (d) ventilators, fire escapes or other appurtenances required by law.

**42-531**

**Total surface area of signs**

**For zoning lots with single frontage**

[PROVISIONS FOR TOTAL SURFACE AREA OF SIGNS MOVED TO SECTION 42-631; LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS FOR ZONING LOTS WITH SINGLE FRONTAGE RELOCATED FROM SECTION 42-441, UNCHANGED]

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.~~

M1 M2 M3

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

However, where the #street# frontage of such #zoning lot# or portion thereof located within the #Manufacturing District# is less than 30 feet in length, such minimum distance shall be reduced to 10 feet.

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

**42-532**

**Non-illuminated signs**

**For corner lots**

[PROVISIONS FOR NON-ILLUMINATED SIGNS MOVED TO SECTION 42-632;

LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS FOR  
CORNER LOTS RELOCATED FROM SECTION 42-442, UNCHANGED]

M1 M2 M3

~~In all districts, as indicated, non illuminated signs with total surface areas not exceeding six times the street frontage of the zoning lot, in feet, but in no event more than 1,200 square feet for each sign, are permitted.~~

~~However, in any Manufacturing District in which residences or joint living work quarters for artists are, under the provisions of the Zoning Resolution, allowed as of right or by special permit or authorization, the total surface area of all such permitted signs shall not exceed six times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 750 square feet.~~

M1 M2 M3

In all districts, as indicated, no primary business entrance, show window or sign shall be located on that portion of the street frontage of a corner lot within 75 feet of frontage on the same side of the street in a Residence District.

However, primary business entrances, show windows, or signs may be located on frontage less than 75 feet, but not less than 20 feet, from a Residence District boundary:

- (a) if the total length of the block face containing such frontage is less than 220 feet; or
- (b) if such frontage adjoins frontage on a corner lot in a Residence District; or
- (c) if such frontage is separated from frontage in the Residence District by one or more zoning lots with single frontage.

42-533

**Illuminated or flashing signs**

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

[PROVISIONS FOR ILLUMINATED OR FLASHING SIGNS MOVED TO SECTION 42-633;  
LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS FOR  
CORNER LOTS RELOCATED FROM SECTION 42-45, UNCHANGED]

M1 M2 M3

~~In all districts, as indicated, illuminated or flashing advertising signs are not permitted.~~

~~illuminated or flashing signs, other than advertising signs, and accessory or advertising signs with indirect illumination are permitted, provided that the total surface area of all such signs, in square feet, shall not exceed:~~

- ~~(a) for illuminated or flashing signs other than advertising signs, five times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 500 square feet; and~~
- ~~(b) for accessory or advertising signs with indirect illumination, five times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 750 square feet.~~

~~However, in any Manufacturing District in which residences or joint living work quarters for artists are, under the provisions of the Zoning Resolution, allowed as of right or by special permit or authorization, the total surface area of all such permitted signs shall not exceed five times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 500 square feet.~~

#### M1 M2 M3

In all districts, as indicated, primary business entrances, show windows or signs may be located on any frontage within a Manufacturing District, if the Commissioner of Buildings finds that the zoning lot on which the business entrance, show window or sign is to be located:

- (a) is divided by a boundary between the Manufacturing District and a Residence District; or
- (b) is presently in the same ownership as adjoining property located in a Residence District, and no building in the Residence District exists, or will in the future be erected, within a distance of 75 feet from the Manufacturing District, as evidenced by deed restrictions filed in an office of record binding the owner and his heirs and assigns.

#### **42-54**

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

[MOVED TO SECTION 42-64]

#### M1 M2 M3

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

#### 42-541

##### Permitted projection

[MOVED TO SECTION 42-641]

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 M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non #illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.
- (b) for #zoning lots# occupied by more than two theaters designed, arranged and used for live performances of drama, music or dance and located within the area bounded by West 34th Street, Eighth Avenue, West 42nd Street and Tenth Avenue, permitted #signs# may project across a #street line# no more than 4 feet, 6 inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

#### 42-542

##### Additional regulations for projecting signs

[MOVED TO SECTION 42-642]

M1 M2 M3

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

- (a) Non #illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.
- (b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# shall project more than 48 inches above nor more than 12 inches below such marquee.

**42-543**

**Height of signs**

[MOVED TO SECTION 42-643]

M1 M2 M3

In all districts, as indicated, permitted ~~signs~~ shall not extend to a height greater than 40 feet above ~~curb level~~, provided that non ~~illuminated signs~~ or ~~signs with indirect illumination~~ may extend to a maximum height of 75 feet.

**42-55**

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

[MOVED TO SECTION 42-65]

M1 M2 M3

In all districts, as indicated, the provisions of paragraphs (a), (b) and (c), or paragraph (d), of this Section, shall apply for ~~signs~~ near designated arterial highways or certain ~~public parks~~.

- (a) ~~Within 200 feet of an arterial highway or a public park with an area of one half acre or more, signs that are within view of such arterial highway or public park shall be subject to the following provisions:~~
  - (1) ~~no permitted sign shall exceed 500 square feet of surface area; and~~
  - (2) ~~no advertising sign shall be allowed; nor shall an existing advertising sign be structurally altered, relocated or reconstructed.~~
- (b) ~~Beyond 200 feet from such arterial highway or public park, the surface area of such signs may be increased one square foot for each linear foot such sign is located from the arterial highway or public park.~~
- (c) ~~The more restrictive of the following shall apply:~~
  - (1) ~~any advertising sign erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right of way of an arterial highway, whose message is visible from such arterial highway, shall have legal non-conforming use status pursuant to Section 52-83 (Non-conforming Advertising Signs), to the extent of its size existing on May 31, 1968; or~~



- (2) any ~~advertising sign~~ erected, structurally altered, relocated or reconstructed between June 1, 1968, and November 1, 1979, within 660 feet of the nearest edge of the right of way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in ~~surface area~~ on its face, 30 feet in height and 60 feet in length, shall have legal ~~non-conforming use~~ status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All ~~advertising signs~~ not in conformance with the standards set forth herein shall terminate.
- (d) Within one half mile of any boundary of the City of New York, permitted ~~signs~~ and ~~advertising signs~~ may be located along any designated arterial highway that is also:
- (1) a “principal route” or “toll crossing” that prohibits direct vehicular access to abutting land and provides complete separation of conflicting traffic flows; and
  - (2) a through truck route designated by the New York City Department of Transportation; and
  - (3) that crosses a boundary of the City of New York, without regard to the provisions of paragraphs (a), (b) and (c) of this Section, provided any such permitted or ~~advertising sign~~ otherwise conforms to the regulations of this Chapter including, with respect to an ~~advertising sign~~, a location not less than 500 feet from any other ~~advertising sign~~, except that, in the case of any such permitted or ~~advertising sign~~ erected prior to August 7, 2000, such ~~sign~~ shall have ~~non-conforming use~~ status pursuant to Sections 52-82 (Non-conforming Signs Other Than Advertising Signs) and 52-83 with respect to all other regulations of this Chapter to the extent of the degree of ~~non-conformity~~ of such ~~sign~~ as of August 7, 2000, including, with respect to an ~~advertising sign~~, its location within 500 feet of any other such ~~advertising sign~~.

Upon application, the requirements of paragraphs (a), (b) and (c) of this Section shall be waived, provided that the Chairperson of the City Planning Commission certifies that such waiver is limited to a single non ~~flashing sign~~ other than an ~~advertising sign~~, located on a ~~zoning lot~~ not less than one and one half acres and, all other permitted ~~signs~~, other than ~~advertising signs~~ located on such ~~zoning lot~~, that are subject to the provisions of this Section, conform with all the ~~sign~~ regulations applicable in C1 Districts.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as “principal routes,” “parkways” or “toll crossings,” and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

#### 42-551

#### Advertising signs on waterways

[MOVED TO SECTION 42-651]

~~No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Manufacturing Districts# and within view from an arterial highway.~~

~~For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as “principal routes,” “parkways” or “toll crossings” and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.~~

~~For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.~~

**42-56**  
**~~Special Provisions Applying Along District Boundaries~~**

[MOVED TO SECTION 42-66]

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

[MOVED TO SECTION 42-661]

M1 M2 M3

~~In all districts, as indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one half acre or more, #advertising signs# that face at an angle of less than 165 degrees away from such #Residence District# or park boundary shall not be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.~~

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

[MOVED TO SECTION 42-662]

M1 M2 M3

In all districts, as indicated, and within 500 feet of the boundary of a #Residence District# or #Commercial District#, except C7 or C8 Districts, any illuminated portion of any #sign# shall face at an angle of more than 90 degrees away from such boundary line and a #sign with indirect illumination# may extend only to a height of 58 feet above #curb level#.

#### 42-57

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

[MOVED TO SECTION 42-67]

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.

#### 42-58

##### **Signs Erected Prior to December 13, 2000**

[MOVED TO SECTION 42-68]

M1 M2 M3

In all districts, as indicated, a #sign# erected prior to December 13, 2000, shall have #non-conforming# #use# status pursuant to Sections 52-82 (Non-conforming Signs Other Than Advertising Signs) or 52-83 (Non-conforming Advertising Signs) with respect to the extent of the degree of #non-conformity# of such #sign# as of such date with the provisions of Sections 42-52, 42-53 and 42-54, where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. In all such districts, as indicated, a #sign# other than an #advertising sign# erected prior to December 13, 2000, shall also have #non-conforming# #use# status pursuant to Section 52-82 with respect to the degree of #non-conformity# of such #sign# as of such date with the provisions of Section 42-55, paragraphs (a)(1) and (b), where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. Nothing herein shall be construed to confer #non-conforming# #use# status upon any #advertising sign# located within 200 feet of an arterial highway or of a #public park# with an area of one half acre or more, and within view of such arterial highway or #public park#, or where such #advertising sign# is located at a distance from an arterial highway or #public park# with an area of one half acre or more which is greater in linear feet than there are square feet of

~~#surface area# on the face of such #sign#, contrary to the requirements of Section 42-55, paragraph (b). The #non-conforming# #use# status of signs subject to Section 42-55, paragraphs (c)(1), (c)(2) and (d), shall remain unaffected by this provision.~~

~~For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.~~

#### **42-59**

#### **Sign Regulations in M1-6D Districts**

[MOVED TO SECTION 42-69]

~~In M1-6D Districts, #signs# are permitted subject to the #sign# regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.~~

#### **42-60**

#### **SIGN REGULATIONS**

[RELOCATED FROM SECTION 42-50, UNCHANGED]

#### **42-61**

#### **Definitions**

[RELOCATED FROM SECTION 42-51, UNCHANGED]

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

#### **42-62**

#### **Permitted Signs**

[RELOCATED FROM SECTION 42-52 WITH CROSS REFERENCES UPDATED]

#### **M1 M2 M3**

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

Section 42-63 (Surface Area and Illumination Provisions)

Section 42-64 (Permitted Projection or Height of Signs)

Section 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 42-66 (Special Provisions Applying Along District Boundaries)

Section 42-67 (Additional Sign Regulations for Adult Establishments)

Section 42-68 (Signs Erected Prior to December 13, 2000).

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

#### **42-63**

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

[RELOCATED FROM SECTION 42-53, UNCHANGED]

M1 M2 M3

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

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

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences# or #joint living-work quarters for artists#.

**42-631**

**Total surface area of signs**

[RELOCATED FROM SECTION 42-531 WITH CROSS REFERENCE UPDATED]

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 42-632.

**42-632**

**Non-illuminated signs**

[RELOCATED FROM SECTION 42-532, UNCHANGED]

M1 M2 M3

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding six times the #street# frontage of the #zoning lot#, in feet, but in no event more than 1,200 square feet for each #sign#, are permitted.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed six times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

**42-633**

**Illuminated or flashing signs**

[RELOCATED FROM SECTION 42-533, UNCHANGED]

M1 M2 M3

In all districts, as indicated, #illuminated# or #flashing# #advertising signs# are not permitted.

#Illuminated# or #flashing signs#, other than #advertising signs#, and #accessory# or #advertising# #signs with indirect illumination# are permitted, provided that the total #surface area# of all such #signs#, in square feet, shall not exceed:

- (a) for #illuminated# or #flashing signs# other than #advertising signs#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet; and

- (b) for #accessory# or #advertising# #signs# with indirect illumination#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet.

#### **42-64**

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

[RELOCATED FROM SECTION 42-54, UNCHANGED]

M1 M2 M3

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

#### **42-641**

##### **Permitted projection**

[RELOCATED FROM SECTION 42-541, WITH CROSS REFERENCE UPDATED]

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-642 (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 M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.
- (b) For #zoning lots# occupied by more than two theaters designed, arranged and used for live performances of drama, music or dance and located within the area bounded by West 34th Street, Eighth Avenue, West 42nd Street and Tenth Avenue, permitted #signs# may

project across a #street line# no more than 4 feet, 6 inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

**42-642**

**Additional regulations for projecting signs**

[RELOCATED FROM SECTION 42-542, UNCHANGED]

M1 M2 M3

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

- (a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.
- (b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# shall project more than 48 inches above nor more than 12 inches below such marquee.

**42-643**

**Height of signs**

[RELOCATED FROM SECTION 42-543, UNCHANGED]

M1 M2 M3

In all districts, as indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 75 feet.

**42-65**

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

[RELOCATED FROM SECTION 42-55, UNCHANGED]

M1 M2 M3

In all districts, as indicated, the provisions of paragraphs (a), (b) and (c), or paragraph (d), of this Section, shall apply for #signs# near designated arterial highways or certain #public parks#.



- (a) Within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, #signs# that are within view of such arterial highway or #public park# shall be subject to the following provisions:
- (1) no permitted #sign# shall exceed 500 square feet of #surface area#; and
  - (2) no #advertising sign# shall be allowed; nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed.
- (b) Beyond 200 feet from such arterial highway or #public park#, the #surface area# of such #signs# may be increased one square foot for each linear foot such sign is located from the arterial highway or #public park#.
- (c) The more restrictive of the following shall apply:
- (1) any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming# #use# status pursuant to Section 52-83 (Non-conforming Advertising Signs), to the extent of its size existing on May 31, 1968; or
  - (2) any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968, and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.
- (d) Within one-half mile of any boundary of the City of New York, permitted #signs# and #advertising signs# may be located along any designated arterial highway that is also:
- (1) a “principal route” or “toll crossing” that prohibits direct vehicular access to abutting land and provides complete separation of conflicting traffic flows; and
  - (2) a through truck route designated by the New York City Department of Transportation; and
  - (3) that crosses a boundary of the City of New York, without regard to the provisions of paragraphs (a), (b) and (c) of this Section, provided any such permitted or #advertising sign# otherwise conforms to the regulations of this Chapter including, with respect to an #advertising sign#, a location not less than 500 feet from any other #advertising sign#, except that, in the case of any such permitted or #advertising sign# erected prior to August 7, 2000, such #sign# shall have

#non-conforming# #use# status pursuant to Sections 52-82 (Non-conforming Signs Other Than Advertising Signs) and 52-83 with respect to all other regulations of this Chapter to the extent of the degree of #non-conformity# of such #sign# as of August 7, 2000, including, with respect to an #advertising sign#, its location within 500 feet of any other such #advertising sign#.

Upon application, the requirements of paragraphs (a), (b) and (c) of this Section shall be waived, provided that the Chairperson of the City Planning Commission certifies that such waiver is limited to a single non-#flashing sign# other than an #advertising sign#, located on a #zoning lot# not less than one and one-half acres and, all other permitted #signs#, other than #advertising signs# located on such #zoning lot#, that are subject to the provisions of this Section, conform with all the #sign# regulations applicable in C1 Districts.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as “principal routes,” “parkways” or “toll crossings,” and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

#### **42-651**

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

[RELOCATED FROM SECTION 42-551, UNCHANGED]

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Manufacturing Districts# and within view from an arterial highway.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as “principal routes,” “parkways” or “toll crossings” and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

#### **42-66**

##### **Special Provisions Applying Along District Boundaries**

#### **42-661**

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

[RELOCATED FROM SECTION 42-561, UNCHANGED]

M1 M2 M3

In all districts, as indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, #advertising signs# that face at an angle of less than 165 degrees away from such #Residence District# or park boundary shall not be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

**42-662**

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

[RELOCATED FROM SECTION 42-562, UNCHANGED]

M1 M2 M3

In all districts, as indicated, and within 500 feet of the boundary of a #Residence District# or #Commercial District#, except C7 or C8 Districts, any illuminated portion of any #sign# shall face at an angle of more than 90 degrees away from such boundary line and a #sign with indirect illumination# may extend only to a height of 58 feet above #curb level#.

**42-67**

**Additional Sign Regulations for Adult Establishments**

[RELOCATED FROM SECTION 42-57, UNCHANGED]

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.

**42-68**

**Signs Erected Prior to December 13, 2000**

[RELOCATED FROM SECTION 42-58, WITH CROSS REFERENCES UPDATED]

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 42-62 (Permitted Signs), 42-63 (Surface Area and Illumination Provisions) and 42-64 (Permitted Projection or Height of Signs), 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 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 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 42-65, paragraph (b). The #non-conforming# #use# status of signs subject to Section 42-65, paragraphs (c)(1), (c)(2) and (d), shall remain unaffected by this provision.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as “principal routes,” “parkways” or “toll crossings,” and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

#### **42-69**

#### **Sign Regulations in M1-6D Districts**

[RELOCATED FROM SECTION 42-59, UNCHANGED]

In M1-6D Districts, #signs# are permitted subject to the #sign# regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

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

\* \* \*

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

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility# #uses#, and the regulations of Section 44-28 (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts) shall apply to #residential uses# authorized pursuant to ~~Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts)~~ Section 42-321 (Residential uses in M1-1D through M1-5D Districts).

\* \* \*

#### 44-10 PERMITTED ACCESSORY OFF-STREET PARKING SPACES

\* \* \*

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

M1 M2 M3

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

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided

**Commented [Z1]:** Article IV Chapter 4 contains the parking and loading regulations for Manufacturing Districts.

Consistent with changes to the use groups, the Proposal would update the organization of the parking requirements in this chapter. It would also make similar changes to the organization of loading and bicycle parking requirements. These changes would not, on their own, change the requirements but would make it easier to understand and follow them.

The Proposal would also update some loading requirements that make it difficult to change the uses in buildings over time. It would also make some limited changes to update loading rules in line with more contemporary requirements found in special purpose districts.

in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

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

**44-21**  
**General Provisions**

[UPDATING PARKING REQUIREMENT TABLE  
TO REFLECT CHANGES IN USE GROUPS PER PROJECT GOALS]

M1 M2 M3

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

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

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

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

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

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

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of ~~Section 44-23~~ Section 44-232 (Waiver of Requirements for Spaces Below Minimum Number) or, for certain #uses#, below the #lot area# or establishment size thresholds set forth in Section 44-233 (Waiver of requirements for certain small zoning lots or establishments);

**Commented [Z2]:** The Proposal would make changes to the organizational structure of the parking requirements to make them easier to understand. These changes would not effect the rules themselves.

The primary change would be to switch the Parking Requirement Categories (PRCs) from a framework based on a confusing mix of uses to one based on the calculation method for parking. Doing this would make it easier to find and understand the requirements for different uses. It would also allow the parking requirement to more easily be included in the use group charts in Article IV, Chapter II.

- (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.

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

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

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

|   |  |  |
|---|--|--|
| for agricultural #uses#, such exception including greenhouses, nurseries, or truck gardens;   |  |  |
| with a minimum of either 10,000 square feet of #floor area# or 15 employees.  |  |  |
| Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC-A in Use Group 6  | None required<br><br>1 per 200 square feet of #floor area#   | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br><br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#; #uses# in PRC-B in Use Group 6, 8, 9 or 10; or #uses# in PRC-B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14, or 16, or when permitted by special permit | None required<br><br>1 per 300 square feet of #floor area# <sup>3</sup>                                      | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br><br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| Low traffic generating #uses#. #Uses# in PRC-C in Use Group 6, 7, 9, 13, 14 or 16   | None required<br><br>1 per 600 square feet of #floor area#   | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br><br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| Places of Assembly. #Uses# in PRC-D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit   | None required<br><br>1 per 8 persons rated capacity  | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br><br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| Open commercial amusements. #Uses# in PRC-E in Use Group 13, or when permitted by special permit <sup>5</sup>   | None required<br><br>1 per 500 square feet of #lot area# <sup>4</sup>  | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br><br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| Other #commercial# #uses#. #Uses# in PRC-H in Use Group 5, 6, 7, 12, 13 or 14, or when permitted by special permit:   |  |  |
| #Boatels#   | 1 per 2 guest rooms or suites  | M1   |
| Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees  | 1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces | M1 M2 M3   |



|   |  |  |
|---|--|--|
| Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed | See Section 62-43 for parking requirement  |  |
| Hotels  | None required  | M1-4 M1-5 M1-6   |
| (a) For the #floor area# used for sleeping accommodations   | 1 per 8 guest rooms or suites  | M1-1 M1-2 M1-3   |
| (b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios                | None required<br>1 per 8 persons rated capacity                                  | M1-4 M1-5 M1-6<br>M1-1 M1-2 M1-3                               |
| #Motels# or #tourist cabins#  | 1 per guest room or suite  | M1   |
| Post offices  | None required<br>1 per 1,200 square feet of #floor area#                         | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| Prisons   | None required<br>1 per 10 beds rated capacity                                    | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| Refreshment stands, drive-ins   | 1 per 50 square feet of #floor area#<br>1 per 100 square feet of #floor area#    | M1-1 M1-2 M1-3 M2-1 M2-2 M3-1<br>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 |
| Funeral establishments  | None required<br>1 per 400 square feet of #floor area#                           | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| <b>FOR COMMUNITY FACILITY USES</b>  |  |  |
| Agricultural #uses#, including greenhouses, nurseries, or truck gardens   | None required<br>1 per 1,000 square feet of #lot area# used for selling purposes | M1-4 M1-5 M1-6 M2-3 M2-4 M3-2<br>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 |
| Ambulatory diagnostic or treatment health care facilities listed in Use Group 4   | None required<br>1 per 300 sq. ft. of #floor area#                               | M1-4 M1-5 M1-6<br>M1-1 M1-2 M1-3                               |

|   |  |                |
|---|--|----------------|
|   | and #cellar# space <sup>3</sup> , except #cellar# space used for storage |                |
| Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations, except ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers | None required  | M1-4 M1-5 M1-6 |
|   | 1 per 10 persons-rated capacity  | M1-1 M1-2 M1-3 |
| Hospitals and related facilities <sup>6</sup>   | 1 per 5 beds   | M1-1 M1-2 M1-3 |
|   | 1 per 10 beds  | M1-4 M1-5 M1-6 |
| Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room   | None required  | M1-4 M1-5 M1-6 |
|   | 1 per 15 persons-rated capacity  | M1-1 M1-2 M1-3 |
| Seminaries  |  |                |
| (a) For that #floor area# used for classrooms, laboratories, student centers or offices   | None required  | M1-4 M1-5 M1-6 |
|   | 1 per 1,000 sq. ft. of #floor area#                                      | M1-1 M1-2 M1-3 |
| (b) For that #floor area# used for theaters, auditoriums, gymnasiums or stadiums  | None required  | M1-4 M1-5 M1-6 |
|   | 1 per 8 persons-rated capacity   | M1-1 M1-2 M1-3 |
| Outdoor skating rinks   | None required  | M1-4 M1-5 M1-6 |
|   | 1 per 800 square feet of #lot area#                                      | M1-1 M1-2 M1-3 |
| Outdoor tennis courts   | None required  | M1-4 M1-5 M1-6 |
|   | 1 per 2 courts   | M1-1 M1-2 M1-3 |

NOTE: PRC – Parking Requirement Category

<sup>1</sup> For predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

<sup>2</sup> For predominantly open storage or miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

<sup>3</sup> The parking requirements for ambulatory diagnostic or treatment health care facilities

listed in Use Group 4 and #uses# in PRC-B1, may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for Ambulatory Diagnostic or Treatment Health Care Facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

<sup>4</sup> In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees

<sup>5</sup> 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

<sup>6</sup> Requirements are in addition to area utilized for ambulance parking

| Parking Requirement Category        | PRC - A                                      |               |                        |               | PRC - B                    |               |               | C  |
|-------------------------------------|--|---------------|------------------------|---------------|----------------------------|---------------|---------------|--|
|                                     | A1   | A2            | A3                     | A4            | B1                         | B2            | B3            |  |
| Unit of Measurement                 | per square feet of #floor area# <sup>1</sup> |               |                        |               | per persons-rated capacity |               |               | per square feet of #lot area# <sup>3,4</sup> |
| M1-1 M1-2<br>M1-3 M2-1<br>M2-2 M3-1 | 1 per 200                                    | 1 per 300     | 1 per 300 <sup>2</sup> | 1 per 600     | 1 per 8                    | 1 per 8       | 1 per 10      | 1 per 500                                    |
| M1-4 M1-5<br>M1-6 M2-3<br>M2-4 M3-2 | None required                                | None required | None required          | None required | None required              | None required | None required | None required                                |

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

<sup>4</sup> 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 <sup>5</sup>                            |  | per bed               |     |     | per guest room or suites |               |
| M1-1 M1-2<br>M1-3 M2-1<br>M2-2 M3-1 | 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 <sup>6</sup>  | n/a | n/a | 1 per 1                  | 1 per 8       |
| M1-4 M1-5<br>M1-6 M2-3<br>M2-4 M3-2 | None required  | None required  | 1 per 10 <sup>6</sup> |     |     |                          | None required |

<sup>5</sup> 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.

<sup>6</sup> 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<br>M1-3 M2-1<br>M2-2 M3-1 | 1 per 1,000   | 1 per 2               | 1 per 800                     | 1 per 1,000   | None required                   | 1 per 15                   | None required                           |
| M1-4 M1-5<br>M1-6 M2-3<br>M2-4 M3-2 | None required   | None required         | None required                 | None required   |                                 | None required              |   |

| Parking Requirement Category        | PRC - G (continued)             |                                 |                         |                   |  |                                 |                                 |                                 |
|-------------------------------------|---------------------------------|---------------------------------|-------------------------|-------------------|--|---------------------------------|---------------------------------|---------------------------------|
|                                     | Court houses                    | Fire or Police stations         | Prisons                 | Docks             | Camps, overnight and day                       | Post Offices                    | Funeral Establishments          | Riding academies or stables     |
| Unit of Measurement                 | 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<br>M1-3 M2-1<br>M2-2 M3-1 | 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<br>M1-6 M2-3<br>M2-4 M3-2 | None required                   |                                 | None required           |                   |  | None required                   |                                 |                                 |

\* \* \*

**44-22**

**Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements**

[UPDATING CROSS REFERENCES]

M1 M2 M3

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

However, the number of spaces required for houses of worship or for #uses# in parking requirement category ~~D (Places of Assembly)~~ B1, when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-431 (Reduction of parking spaces for houses of worship) or 73-432 (Reduction of parking spaces for places of assembly).

Commented [Z3]: Updates to cross reference.

**44-23**

**Waiver of Requirements for Spaces Below Minimum Number or Certain Small Zoning Lots, Developments or Enlargements**

[RELOCATING WAIVER PROVISIONS TO SECTION 44-232]

Commented [Z4]: Updates to cross references and relocating provisions..

M1 M2 M3

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

| <u>District</u>                              | <u>Number of Spaces</u> |
|--|-------------------------|
| <del>M1-1 M1-2 M1-3 M2-1<br/>M2-2 M3-1</del> | <del>15</del>           |
| <del>M1-4 M1-5 M1-6 M2-3<br/>M2-4 M3-2</del> | <del>40</del>           |

In all districts, as indicated, the requirements for accessory off-street parking spaces shall be subject to the waiver provisions of this Section.

#### 44-231

##### Exceptions to application of waiver provisions

[UPDATING CROSS REFERENCES]

M1 M2 M3

In all districts, as indicated, the waiver provisions of ~~Section 44-23~~ Section 44-232 shall not apply to the following types of ~~#uses#~~:

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

~~#Boatels#~~

~~Camps, overnight or day~~

#Motels# or #tourist cabins#

~~Refreshment stands, drive in.~~

**44-232**

**Waiver of Requirements for Spaces Below Minimum Number**

[RELOCATING FROM SECTION 44-23, WITH UPDATED CROSS REFERENCES]

M1 M2 M3

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

| <u>District</u>                          | <u>Number of Spaces</u> |
|--|-------------------------|
| <u>M1-1 M1-2 M1-3 M2-1<br/>M2-2 M3-1</u> | <u>15</u>               |
| <u>M1-4 M1-5 M1-6 M2-3<br/>M2-4 M3-2</u> | <u>40</u>               |

**44-233**

**Waiver of requirements for certain small zoning lots or establishments**

[RELOCATING WAIVERS FOR SMALL DEVELOPMENTS FROM SECTION 44-21]

M1 M2 M3

In all districts, as indicated, the parking requirements of Section 44-21 (General Provisions) for certain #uses# shall be waived in accordance with this Section:

- (a) For #uses# in PRC-D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;
- (b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15; and

Commented [Z5]: Relocating provisions.

- (c) For camps, overnight or day, parking requirements, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10.

\* \* \*

#### 44-25

#### Waiver for Locally-Oriented Houses of Worship

[UPDATING CROSS REFERENCE]

M1

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

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in ~~Section 44-23~~ Section 44-231 (Waiver of Requirements for Spaces Below Minimum Number); and
- (c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

\* \* \*

#### 44-28

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

[UPDATING CROSS REFERENCES]

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to #residential uses# authorized pursuant to ~~Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts)~~ Section 42-321 (Residential uses in M1-1D through M1-5D Districts).

- (a) In M1-1D Districts, for any new #residence# authorized pursuant to Section 42-321, one #accessory# parking space shall be provided for each #dwelling unit#. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new #residence#.

Access to such required #accessory# parking shall be designed so as to minimize any



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

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

The Commission may authorize #accessory# parking provided:

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

#### 44-29

#### **Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in Designated Areas**

[UPDATING CROSS REFERENCES]

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

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

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of ~~paragraphs (a) or (b)(1) of Section 42-121 (Use Group 16D self-service storage facilities)~~ paragraphs (d)(1) or (d)(2)(i) of Section 42-193 (Use Group 9 – use subject to additional conditions), #accessory# off-street parking spaces, open or enclosed, shall not be required for #uses# within #industrial floor space#, where all such #uses# occupy less than 10,000 square feet of #floor area# or have fewer than 15 employees. For #industrial floor space# on such #zoning lots# where such #uses#, in total, occupy at least 10,000 square feet of #floor area# or have 15 or more employees, #accessory# off-street parking spaces, open or enclosed, shall be required for all #uses# within the #industrial floor space# at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require fewer spaces.

\* \* \*

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

\* \* \*

**44-45  
Screening**

[UPDATING CROSS REFERENCE]

M1 M2 M3

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

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:
  - (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
  - (2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in ~~Section 42-52 (Permitted Signs)~~ Section 42-62 (Permitted Signs).

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

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

M1 M2 M3

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

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

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), ~~74-511 (In C1 Districts), 74-512 (In other Districts) or 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas)~~ 74-193 (Public parking garages or public parking lots outside high density areas) or 74-194 (Public parking garages or public parking lots inside high density areas).

#### 44-47

#### **Parking Lot Maneuverability and Curb Cut Regulations**

M1 M2 M3

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

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

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in ~~Use Groups 9 or 16~~ Use Group 6.

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

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

\* \* \*

#### 44-50 OFF-STREET LOADING REGULATIONS

\* \* \*

#### 44-51 Permitted Accessory Off-street Loading Berths

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of ~~Sections 44-582 (Location of access to the street), 44-583 (Restrictions on location of berths near Residence Districts), 44-584 (Surfacing) and 44-585 (Screening)~~ Sections 44-562 (Location of access to the street), 44-563 (Restrictions on location of berths near Residence Districts), 44-564 (Surfacing) and 44-565 (Screening).

#### 44-52 Required Accessory Off-street Loading Berths

[CHANGING APPLICABILITY, PER PROJECT GOAL;  
UPDATING CHART TO REFLECT USE GROUP CHANGES]

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# after December 15, 1961, for the #community facility#, #commercial# or #manufacturing# #uses# listed in the table, ~~except as otherwise provided in Sections 44-53 (Special Provisions for a~~

**Commented [Z6]:** The Proposal would make changes to the organizational structure of the loading requirements to make them easier to understand. These changes would not effect the rules themselves.

The primary change would be to create Loading Requirement Categories (LRCs), similar to the new PRCs for parking. This would create a framework based on the calculation method for loading, rather than based on a confusing mix of uses.

In addition, the Proposal would remove requirements that subject changes of use to loading requirements. This would treating loading the same as parking is treated earlier in the chapter. This would make it easier to reoccupy existing space, particularly for uses like production that are subject to more onerous requirements.

~~Single Zoning Lot With Uses Subject to Different Loading Requirements) or 44-54 (Wholesale, Manufacturing or Storage Uses Combined With Other Uses), as a condition precedent to the #use# of such #development#.~~

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

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

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

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

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

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

| Type of Use   | For #Floor Area# (in square feet)           | Required Berths |
|---|---|-----------------|
| M1 M2 M3<br><br>Hospitals and related facilities*<br>or prisons | First 10,000                                | ±               |
|   | Next 290,000                                | None            |
|   | Each additional 300,000 or fraction thereof | ±               |
| M1 M2 M3<br><br>Funeral establishments                          | First 10,000                                | ±               |
|   | Next 20,000                                 | ±               |
|   | Any additional amount                       | ±               |
| M1-1 M1-2 M1-4 M2-1 M2-3<br>M3-1 M3-2                           | First 25,000                                | None            |

|  |   |  |
|--|---|--|
| Hotels, offices, or court houses   | <p>Next 75,000</p> <p>Next 200,000</p> <p>Each additional 300,000 or fraction thereof</p>   | <p>±</p> <p>±</p> <p>±</p>                               |
| <p>M1-3 M1-5 M1-6 M2-2 M2-4</p> <p>Hotels, offices, or court houses</p>  | <p>First 100,000</p> <p>Next 200,000</p> <p>Each additional 300,000 or fraction thereof</p>   | <p>None</p> <p>±</p> <p>±</p>                            |
| <p>M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2</p> <p>#Commercial# #uses#.</p> <p>All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A.</p> <p>All amusement #uses# listed in Use Group 8A or 12A.</p> <p>All automotive service #uses# listed in Use Group 7D.</p> | <p>First 8,000</p> <p>Next 17,000</p> <p>Next 15,000</p> <p>Next 20,000</p> <p>Next 40,000</p> <p>Each additional 150,000 or fraction thereof</p> | <p>None</p> <p>±</p> <p>±</p> <p>±</p> <p>±</p> <p>±</p> |
| <p>M1-3 M1-5 M1-6 M2-2 M2-4</p> <p>#Commercial# #uses#.</p> <p>All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A.</p> <p>All amusement #uses# listed in Use Group 8A or 12A.</p> <p>All automotive service #uses# listed in Use Group 7D.</p>           | <p>First 25,000</p> <p>Next 15,000</p> <p>Next 60,000</p> <p>Each additional 150,000 or fraction thereof</p>                                      | <p>None</p> <p>±</p> <p>±</p> <p>±</p>                   |
| <p>M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2</p>  | <p>First 8,000</p> <p>Next 17,000</p>   | <p>None</p>  |

|   |  |      |
|---|--|------|
| Services, wholesale, #manufacturing# or storage #uses#.                                     | Next 15,000                                | ±    |
|   | Next 20,000                                | ±    |
| All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. | Each additional 80,000 or fraction thereof | ±    |
| All #manufacturing# #uses# listed in Use Group 11A, 17B or 18A.                             |  | ±    |
| M1-3 M1-5 M1-6 M2-2 M2-4  | First 15,000                               | None |
| Services, wholesale, #manufacturing# or storage #uses#.                                     | Next 25,000                                | ±    |
|   | Next 40,000                                | ±    |
| All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. | Each additional 80,000 or fraction thereof | ±    |
| All #manufacturing# #uses# listed in Use Group 11A, 17B or 18A.                             |  | ±    |

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

| Loading Requirement Category | Districts   |  |
|------------------------------|---|--|
|                              | M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2  | M1-3 M1-5 M1-6 M2-2 M2-4   |
| <b>LRC-A</b>                 | <u>First 8,000 sq. ft. : None</u><br><u>Next 17,000 sq. ft. : 1</u><br><u>Next 15,000 sq. ft. : 1</u><br><u>Next 20,000 sq. ft. : 1</u><br><u>Each additional 80,000 sq. ft. : 1</u>                                    | <u>First 15,000 sq. ft. : None</u><br><u>Next 25,000 sq. ft. : 1</u><br><u>Next 40,000 sq. ft. : 1</u><br><u>Each additional 80,000 sq. ft. : 1</u>  |
| <b>LRC-B</b>                 | <u>First 8,000 sq. ft. : None</u><br><u>Next 17,000 sq. ft. : 1</u><br><u>Next 15,000 sq. ft. : 1</u><br><u>Next 20,000 sq. ft. : 1</u><br><u>Next 40,000 sq. ft. : 1</u><br><u>Each additional 150,000 sq. ft. : 1</u> | <u>First 25,000 sq. ft. : None</u><br><u>Next 15,000 sq. ft. : 1</u><br><u>Next 60,000 sq. ft. : 1</u><br><u>Each additional 150,000 sq. ft. : 1</u> |

|                           |   |  |
|---------------------------|---|--|
| <b>LRC-C</b>              | <u>First 25,000 sq. ft. : None</u><br><u>Next 75,000 sq. ft. : 1</u><br><u>Next 200,000 sq. ft. : 1</u><br><u>Each additional 300,000 sq. ft. : 1</u> | <u>First 100,000 sq. ft. : None</u><br><u>Next 200,000 sq. ft. : 1</u><br><u>Each additional 300,000 sq. ft. : 1</u> |
| <b>LRC-D</b> <sup>1</sup> | <u>First 10,000 sq. ft. : None</u><br><u>Next 290,000 sq. ft. : 1</u><br><u>Each additional 300,000 sq. ft. : 1</u>                                   |  |
| <b>LRC E</b>              | <u>First 10,000 sq. ft. : None</u><br><u>Next 20,000 sq. ft. : 1</u><br><u>Any additional amount : 1</u>  |  |

<sup>1</sup> Requirements in this table are in addition to area utilized for ambulance parking

**44-53**

**Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements**  
**Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

[REMOVING SPECIAL PROVISIONS FOR DIFFERENT  
LOADING REQUIREMENTS PER PROJECT GOAL;  
RELOCATING PROVISIONS OF SECTION 44-55 HERE,  
WITH UPDATED CROSS REFERENCES]

M1 M2 M3

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

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

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

In all districts, as indicated, the requirements set forth in Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 44-562 (Location of access to the street). The Commissioner of Buildings may refer such matter to the Department of

**Commented [Z7]:** The Proposal would remove requirements that subject changes of use to loading requirements. In addition, there are related rules that make it more difficult to locate uses, like production, that have higher loading requirements. The Proposal would also remove related impediments such as the one here. Changes like this have been made in a number of recent special purpose district like in Gowanus.  
Also relocating existing text with updates to cross references.



Transportation for a report and may base a determination on such report.

**44-54**

**Wholesale, Manufacturing or Storage Uses Combined With Other Uses  
Special Provisions for Zoning Lots Divided by District Boundaries**

Commented [Z8]: Same as in 44-53

[REMOVING PROVISIONS FOR WHOLESALE, MANUFACTURING, OR STORAGE  
USES COMBINED WITH OTHER USES PER PROJECT GOAL; RELOCATING  
PROVISIONS OF SECTION 44-56 HERE, UNCHANGED]

M1 M2 M3

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

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

**44-55**

**Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden  
Joint Loading Berths Serving Two or More Buildings**

Commented [Z9]: Relocating existing text with updates to cross references.

[RELOCATING WAIVER REQUIREMENTS TO SECTION 44-53 AND PROVISIONS OF  
SECTION 44-57 HERE WITH UPDATED CROSS REFERENCES]

M1 M2 M3

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

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

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

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

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

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

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Section 44-52 (Required Accessory Off-street Loading Berths);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

**44-56**

**Special Provisions for Zoning Lots Divided by District Boundaries  
Additional Regulations for Permitted or Required Berths**

[RELOCATING DISTRICT BOUNDARY PROVISIONS TO SECTION 44-54 AND PROVISIONS OF SECTION 44-58, INCLUSIVE, HERE]

M1 M2 M3

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

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

**44-561**

**Size of required loading berths**

[RELOCATING PROVISIONS OF SECTION 44-581 HERE WITH UPDATED TERMINOLOGY AND REQUIRED LENGTH]

M1 M2 M3

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of

**Commented [Z10]:** Relocating existing text with updates to cross references.

In addition, the Proposal would update the dimensions of required loading berths to bring them in line with recent changes in special purpose districts and the Manhattan Core. The dimensions for box trucks listed in the current text (33') does not match contemporary standards (37') and compliance with the rule can lead to trucks "sticking out" onto the sidewalk. To better ensure loading does not impact the streetscape, these would be made consistent citywide.

off-street berths shall not include driveways, or entrances to or exits from such off-street berths. Loading requirement categories (LRC) shall be as set forth in Section 44-52 (Required Accessory Off-street Loading Berths).

|              |  | <u>Length</u> | <u>Width</u> | <u>Vertical Clearance</u> |
|--------------|--|---------------|--------------|---------------------------|
| <u>LRC-A</u> | <u>with less than 10,000 sq. ft. of #floor area#</u> | <u>37</u>     | <u>12</u>    | <u>14</u>                 |
|              | <u>with 10,000 sq. ft. or more of #floor area#</u>   | <u>50</u>     | <u>12</u>    | <u>14</u>                 |
| <u>LRC-B</u> |  | <u>37</u>     | <u>12</u>    | <u>14</u>                 |
| <u>LRC-C</u> |  | <u>37</u>     | <u>12</u>    | <u>12</u>                 |
| <u>LRC-D</u> |  | <u>37</u>     | <u>12</u>    | <u>12</u>                 |
| <u>LRC-E</u> |  | <u>25</u>     | <u>10</u>    | <u>8</u>                  |

**44-562**

**Location of access to the street**

[RELOCATING PROVISIONS OF SECTION 44-582 HERE WITH UPDATED CROSS REFERENCES]

M1 M2 M3

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

The waiver provisions of Section 44-53 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

**44-563**

**Restrictions on location of berths near Residence Districts**

Commented [Z11]: Relocating existing text with updates to cross references.

[RELOCATING PROVISIONS OF SECTION 44-583 HERE, UNCHANGED]

M1 M2 M3

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

**44-564**  
**Surfacing**

[RELOCATING PROVISIONS OF SECTION 44-584 HERE, UNCHANGED]

M1 M2 M3

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

**44-565**  
**Screening**

[RELOCATING PROVISIONS OF SECTION 44-585 HERE, WITH UPDATED CROSS REFERENCE]

M1 M2 M3

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

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

In addition, such screening:

- (1) shall be maintained in good condition at all times;

- (2) may be interrupted by normal entrances or exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 42-62 (Permitted Signs).

**44-566**

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

[RELOCATING PROVISIONS OF SECTION 44-586 HERE WITH UPDATED CROSS REFERENCES]

M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Sections 44-52 (Required Accessory Off-street Loading Berths) and 44-581 (Size of required loading berths) are modified as set forth in this Section.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (d)(1) or (d)(2)(i) of Section 42-193 (Use Group 9 – use subject to additional conditions), all required #accessory# off-street loading berths for a #self-service storage facility# shall have a minimum length of 37 feet. The dimensions of off-street loading berths shall not include driveways, or entrances to or exits from such off-street loading berths.

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

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

**Commented [Z12]:** The Proposal would remove this provision that allows existing buildings to convert without recalculating the loading berth requirement, since this would become the applicable rule citywide. In addition, it would correct an error in the district list that inadvertently precludes use of these provisions in some districts with high loading requirements.

**44-57**

**Joint Loading Berths Serving Two or More Buildings**

[RELOCATING JOINT LOADING BERTH PROVISIONS TO SECTION 44-55]

M1 M2 M3

**Commented [Z13]:** Relocating existing text. This applies to the rest of the chapter.

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

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

**44-58  
Additional Regulations for Permitted or Required Berths**

[RELOCATING ADDITIONAL REGULATIONS TO SECTION 44-56, INCLUSIVE]

M1-M2-M3

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

**44-581  
Size of required loading berths**

M1-M2-M3

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

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

|   | Length | Width | Vertical Clearance |
|---|--------|-------|--------------------|
| Hospitals and related facilities or prisons | 33     | 12    | 12                 |

|  |   |    |    |    |
|--|---|----|----|----|
| Funeral establishments                                 |   | 25 | 10 | 8  |
| Hotels, offices or court houses                        |   | 33 | 12 | 12 |
| #Commercial# #uses#*                                   |   | 33 | 12 | 14 |
| Wholesale, #manu-<br>facturing# or<br>storage #uses# : | with less than 10,000<br>square feet of #floor<br>area#<br>with 10,000 square feet of<br>#floor area# or more | 33 | 12 | 14 |
|  |   | 50 | 12 | 14 |

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

**44-582**

**Location of access to the street**

M1 M2 M3

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

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

**44-583**

**Restrictions on location of berths near Residence Districts**

M1 M2 M3

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

**44-584**

**Surfacing**

M1 M2 M3

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

**44-585  
Screening**

M1 M2 M3

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

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

In addition, such screening:

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

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

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

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Sections 44-52 (Required Accessory Off street Loading Berths) and 44-581 (Size of required loading berths) are modified as set forth in this Section.

For any #zoning lot# containing a #self service storage facility# that meets the requirements of paragraphs (a) or (b)(1) of Section 42-121 (Use Group 16D self service storage facilities), all



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

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

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

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

\* \* \*

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 V  
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2  
Non-Conforming Uses**

\* \* \*

**52-20  
REPAIRS OR ALTERATIONS**

\* \* \*

**52-22  
Structural Alterations**

No structural alterations shall be made in a #building or other structure# substantially occupied by a #non-conforming# #use#, except when made:

- (a) in order to comply with requirements of law; or
- (b) in order to accommodate a conforming #use#; or
- (c) in order to conform to the applicable district regulations on performance standards; or
- (d) in the course of an #enlargement# permitted under the provisions of ~~Sections 52-41 to 52-46~~ Section 52-40 (ENLARGEMENTS OR EXTENSIONS), inclusive, ~~relating to Enlargements or Extensions,~~

Or except as set forth in ~~Sections 52-81 to 52-83~~ Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS), inclusive, ~~relating to Regulations Applying to Non-Conforming Signs.~~

**52-30  
CHANGE OF NON-CONFORMING USE**

**52-31  
General Provisions**

**Commented [Z1]:** Article V, Chapter 2 includes the regulations that apply to non-conforming uses.

Most of the textual changes reflect changes made in other chapters, including the updates to the use groups and permitting the same uses in C1/C2 districts and in C4/C5/C6/C7 districts.

Beyond those changes, the Proposal would maintain the existing non-conformance rules, except that provisions that allow for the reopening of non-conforming retail spaces would be expanded to all Residence Districts.

**Commented [Z2]:** Cross reference changes.

**Commented [Z3]:** Cross reference changes and changes reflecting the reorganized use groups.

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group. However, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

Except as provided in this Section, a #non-conforming# #use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8, shall apply to such change of #use#.

In #Mandatory Inclusionary Housing areas# and where made applicable pursuant to the provisions of ~~Section 74-32 (Additional considerations for special permit use and bulk modifications)~~ 74-05 (General Provisions for Special Permit Uses), the #affordable housing# requirements of paragraph (d) of Section 23-154 (Inclusionary Housing), except maximum #floor area ratio#, shall apply to such change of #use#.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residences# of Article II (Residence District Regulations).

A #non-conforming# #use# may be changed to another #non-conforming# #use# only in accordance with the provisions of this Chapter.

Any such change of #use# permitted by this Chapter shall conform to the applicable district regulations on #accessory# off-street loading berths as set forth in Section 52-41 (General Provisions) and on #accessory# #signs#, except that in #Residence Districts# such change shall conform to the regulations on #accessory# #signs# applicable in a C1 District.

In the #Manhattan Core#, a #non-conforming# #use# may be changed to an automobile rental establishment as listed in Use Group 6, or to a #public parking garage# or #public parking lot# as listed in Use ~~Groups 8 and 12D~~ Group 9, only pursuant to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), a #non-conforming# #use# may be changed to a #public parking garage# or #public parking lot# in Use ~~Groups 8 and 12D~~ Group 9 only pursuant to the provisions of Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

\* \* \*

**52-33**  
**Manufacturing or Related Uses in Residence Districts**

**Commented [Z4]:** Changes here would maintain the current requirement but translated to the new use group framework.

**52-331**  
**Buildings designed for residential use**

In all #Residence Districts#, a #non-conforming# #use# ~~listed in Use Group 11A, 16, 17 or 18~~ that is permitted in C8 Districts or #Manufacturing Districts# but is not permitted in C1 Districts, and which is located in a #building designed for residential use# may be changed only to a #use# permitted in #Residence Districts#.

**52-332**  
**Other buildings or structures in Residence Districts**

**Commented [Z5]:** Changes here would maintain the current requirement but translated to the new use group framework.

In all #Residence Districts#, a #non-conforming# #use# ~~listed in Use Group 11A, 16, 17 or 18~~ that is permitted in C8 Districts or #Manufacturing Districts# but is not permitted in C1 Districts, and which is not subject to the provisions of Sections 52-32 (Land with Minor Improvements) or 52-331 (Buildings designed for residential use), may be changed either to a conforming #use# or:

- (a) to any #use# ~~listed in Use Group 6, 7B, 7C, 7D, 8, 9, 10, 11B or 14~~ permitted in a C4 District, other than those in Use Group 5, in which case any subsequent change of #use# shall conform to the provisions of Section 52-34 (Commercial Uses in Residence Districts); or
- (b) in accordance with the provisions of the following table:

| <u>From Use Group</u> | <u>To Use Group</u>        |
|-----------------------|----------------------------|
| <del>11A</del>        | <del>11A</del>             |
| <del>16 or 17</del>   | <del>11A 16 or 17</del>    |
| <del>18</del>         | <del>11A 16 17 or 18</del> |

- (1) from any #use# listed in Use Group 10 and permitted in a C6 District to another #use# listed in Use Group 10 and permitted in a C6 District;
- (2) from any #use# that is permitted in C8 Districts or M1 Districts but is not permitted in C1 Districts:
  - (i) to any other such #use# permitted in C8 Districts or M1 Districts but not permitted in C1 Districts; or
  - (ii) to any #use# listed in Use Group 10 and permitted in a C6 District; or

- (3) from any #use# that is permitted only in M3 Districts:
- (i) to another such #use# only permitted in M3 Districts;
  - (ii) to any #use# permitted in C8 Districts or M1 Districts but not permitted in C1 Districts; or
  - (iii) to any #use# listed in Use Group 10 and permitted in a C6 District;

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use#, or the storage of materials or products #accessory# to any changed #use#, which is not located within a #completely enclosed building#, shall be screened by a solid wall or fence (including solid entrance or exit gates) at least eight feet in height. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

In no event shall any change of #use# permitted in paragraph (b) of this Section extend the statutory period of useful life applicable under the provisions of Section 52-74 (Uses Objectionable in Residence Districts).

#### 52-34

##### Commercial Uses in Residence Districts

In all #Residence Districts#, a #non-conforming# #use# listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14 or 15 that is permitted in a C7 District, other than those in Use Group 5, may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6 permitted in a C1 District, other than those in Use Group 5. In the case of any such change, the limitation on #floor area# set forth in Section 32-15 (Use Group 6) shall any associated size limitation denoted with an "S" in the underlying Use Group tables, need not apply. Eating or drinking establishments with musical entertainment, but not dancing, providing entertainment with cover charge or specified showtime, thus permitted as a change of #use#, shall be subject to the enclosure provisions of Section 32-411 (In C1, C5, C6-5 or C6-7 Districts).

#### 52-35

##### Manufacturing or Related Uses in Commercial Districts

In all #Commercial Districts#, a #non-conforming# #use# listed in Use Group 11A, 16, 17 or 18 that is permitted in C8 Districts or #Manufacturing Districts#, and which is not subject to the provisions of Section 52-32 (Land with Minor Improvements), may be changed either to a conforming #use# or:

**Commented [Z6]:** Changes here would maintain the current requirement but translated to the new use group framework.

(a) to a ~~use# listed in Use Group 6, 7, 8, 9, 10, 11B or 14~~, permitted in a C4 District, other than those in Use Group 5, in which case any subsequent change of ~~use#~~ shall conform to the provisions of Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts); or

(b) in accordance with the provisions of the following ~~table~~:

| <u>From Use Group</u> | <u>To Use Group</u> |
|-----------------------|---------------------|
| 11A                   | 11A                 |
| 16 or 17              | 11A 16 or 17        |
| 18                    | 11A 16 17 or 18     |

(1) from any ~~use#~~ listed in Use Group 10 and permitted in a C6 District to another ~~use#~~ listed in Use Group 10 and permitted in a C6 District;

(2) from any ~~use#~~ that is permitted in C8 Districts or M1 Districts:

(i) to any other such ~~use#~~ permitted in C8 Districts or M1 Districts; or

(ii) to any ~~use#~~ listed in Use Group 10 and permitted in a C6 District; or

(3) from any ~~use#~~ that is permitted only in M3 Districts:

(i) to another such ~~use#~~ only permitted in M3 Districts;

(ii) to any ~~use#~~ permitted in C8 Districts or M1 Districts; or

(iii) to any ~~use#~~ listed in Use Group 10 and permitted in a C6 District;

provided that such changed ~~use#~~ shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed ~~use#~~ or any storage of materials or products ~~accessory#~~ to any changed ~~use#~~ shall be located within a ~~completely enclosed building#~~. Whenever a ~~use#~~ located within a ~~completely enclosed building#~~ is changed to another ~~use#~~, no activity related to such changed ~~use#~~, including the storage of materials or products, shall be located outside of such ~~building#~~.

~~However, in C1, C3, C4 or C5 Districts, a ~~non-conforming# use#~~ listed in Use Group 11A, 16, 17 or 18, which is not subject to the provisions of Section 52-32, may not be changed to a ~~motel#~~ or ~~tourist cabin#~~.~~

**52-36**

**Non-Conforming Commercial Uses in Commercial Districts**

**Commented [Z7]:** Changes here would maintain the current requirement but translated to the new use group framework.

In ~~C1, C2, C4, C6, C7 or C8~~ Commercial Districts other than C3 Districts, any ~~non-conforming~~ commercial use ~~listed in Use Group 7, 8, 9, 10, 11B, 12, 13, 14 or 15~~ that is permitted in a C7 District, other than those in Use Group 5, may be changed, initially or in any subsequent change, only to a conforming ~~use~~ or to any ~~use~~ listed in Use Group 7, 8 or 9 permitted in a C1 District, other than those in Use Group 5.

In C3 Districts, any such ~~non-conforming~~ ~~use~~ may be changed, initially or in any subsequent change, only to a conforming ~~use~~ or to a ~~use~~ listed in Use Group 6 permitted in a C1 District, other than those in Use Group 5.

However, in C1 or C4 Districts, a ~~non-conforming~~ ~~use~~ may not be changed to a ~~motel~~ or ~~tourist cabin~~.

#### 52-37

#### Non-Conforming Commercial Uses in Manufacturing Districts

In all ~~Manufacturing Districts~~, any ~~non-conforming~~ ~~commercial~~ ~~use~~ listed in Use Group 5, 6, 7, 9, 10, 12 or 15 may be changed, initially or in any subsequent change, only to a conforming ~~use~~ or to any ~~use~~ listed in Use Group 6, 9, 10 or 12 Groups 6 or 8, other than outdoor amusement facilities.

\* \* \*

#### 52-40

#### ENLARGEMENTS OR EXTENSIONS

#### 52-41

#### General Provisions

A ~~non-conforming~~ ~~use~~ may be ~~enlarged~~ or ~~extended~~ within the district in which such ~~non-conforming~~ ~~use~~ is located only in accordance with the provisions of this Chapter. However, a ~~non-conforming~~ ~~single~~ or ~~two-family residence~~ in an R3, R4 or R5 District may be ~~enlarged~~ or ~~extended~~ in accordance with the ~~bulk~~ regulations specified for the district in which it is located. Furthermore, ~~enlargements~~ or ~~extensions~~ designed exclusively to permit conformity with the regulations on performance standards or in order to provide required ~~accessory~~ off-street parking spaces or off-street loading berths on the same ~~zoning lot~~ as the ~~use~~ to which such spaces or berths are ~~accessory~~ are not subject to the restrictions set forth herein.

For the purposes of this Section and Sections 52-31 (General Provisions), and 52-42 (C6, C8 or Manufacturing Districts) and 52-43 (C1 or C4 Districts), the applicable district regulations on ~~accessory~~ off-street parking spaces or loading berths shall be determined in accordance with the following tables. The term "required" as used in this Section shall mean some or all of, but not more than, the number of spaces or berths which would be required by such applicable

Commented [Z8]: Changes here would maintain the current requirement but translated to the new use group framework.

Commented [Z9]: Changes here would maintain the current requirement but translated to the new use group framework.

district regulations for #development# for such #use#.

\* \* \*

For #non-conforming# #use# in #Residence Districts#, #accessory# off-street parking spaces or loading berths shall be subject to the provisions of Sections 25-66 or 25-77 (Screening).

In the #Manhattan Core#, #enlargements# or #extensions# of #non-conforming# #uses# which involve the provision of off-street parking are subject to the regulations set forth in Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #enlargements# or #extensions# are subject to the regulations set forth in Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

#### 52-42

#### C6, C8 or Manufacturing Districts

Except for the #use# of #land with minor improvements#, in ~~C6 or C8 Districts~~, a ~~non-conforming# #use# listed in Use Group 17 or 18, or in C8 #Commercial Districts# or #Manufacturing Districts#, a #use# listed in Use Group 11A, 16, 17, or 18~~ which is #non-conforming# with respect to the applicable district regulations on performance standards, may be #enlarged# or #extended#, provided that:

- (a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#; provided, however, that in no event shall any such #enlargement# or #extension# create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building or other structure#; ~~and~~
- (b) such #enlarged# or #extended# portion conforms to the applicable district regulations on performance standards and on #accessory# off-street parking spaces and loading berths, as set forth in Section 52-41 (General Provisions)-; and
- (c) such #non-conformance# with the performance standards was not self-created.

In the specified districts, such #use# may be #extended# into any #floor area# where it would be permitted as a changed #use# under the provisions of Section 52-35 (Manufacturing or Related Uses in Commercial Districts), provided that the applicable district regulations on performance standards and #accessory# off-street loading berths, as set forth in Section 52-41 (General Provisions), shall apply to such #extended# #floor area#.

Commented [Z10]: Changes here would maintain the current requirement but translated to the new use group framework.



**52-43**

**C1 or C4 Districts**

Except for the ~~use# of land with minor improvements#~~, in C1 Districts, a ~~non-conforming# use# listed in Use Group 7, 8 or 9, or, in C4 Districts, a non-conforming# use# listed in Use Group 7, may be enlarged# or extended#, provided that:~~

- (a) ~~such enlarged# or extended# portion does not occupy more than 25 percent of the floor area# or space which such non-conforming# use# occupied or utilized within the building or other structure# at the time when it became non-conforming#; provided, however, that in no event shall any such enlargement# or extension# create a non-compliance# or increase the degree of non-compliance# of a non-complying# building or other structure#; and~~
- (b) ~~such enlarged# or extended# portion conforms to the applicable district regulations on accessory# off-street parking spaces and loading berths, as set forth in Section 52-41 (General Provisions).~~

~~In the specified districts, such use# may be extended# into any floor area# where it would be permitted as a changed use# under the provisions of Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts) provided that the applicable district regulations on accessory# off-street loading berths, as set forth in Section 52-41, shall apply to such extended# floor area#.~~

~~In C1 Districts, no extension# may be made in a building designed for residential use#.~~

**52-44 52-43**

**Residence Districts Except R1 and R2 Districts**

In all ~~Residence Districts#~~, except R1 and R2 Districts, a fire station may be ~~enlarged# or extended#~~, provided that:

- (a) such ~~enlarged# or extended#~~ portion does not occupy more than 25 percent of the ~~floor area# or space which such non-conforming# use# occupied or utilized within the building or other structure# at the time when it became non-conforming#;~~
- (b) such ~~enlargement# or extension#~~ shall not create a ~~non-compliance# or increase the degree of non-compliance#;~~ and
- (c) such ~~enlarged# or extended#~~ portion conforms to the applicable district regulations on ~~accessory# off-street parking spaces as set forth in Section 52-41 (General Provisions).~~

~~Community facility# bulk# regulations as set forth in Article II, Chapter 4, shall apply to such enlarged# or extended# fire stations.~~

Commented [Z11]: No longer needed due to changes to the underlying use regulations.

~~52-45~~ **52-44**

**Non-Conforming Residential Uses in M1 Districts**

In an M1 District, a non-conforming residential use occupying at least 50 percent of the floor area of a building which was designed for residential use and erected prior to December 15, 1961, may be extended on the ground floor level provided that no dwelling unit or rooming unit may be located on or below a story occupied by a commercial or manufacturing use. The total number of dwelling units or rooming units in the building may not be increased by more than one for each 400 square feet of residential floor area created by such extension.

~~52-46~~ **52-45**

**Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a building containing conforming or non-conforming residential uses may be enlarged and the residential uses extended thereby, provided that no non-residential uses exist above the level of the first story ceiling.

Such enlargement is subject to all of the following regulations:

- (a) There shall be no increase in the number of dwelling units in the building beyond the lawful number in existence on December 21, 1989.
- (b) The total amount of residential floor area in the building shall not exceed 500 square feet additional to the residential floor area in existence on December 21, 1989, or a floor area ratio of 1.65, whichever is less.
- (c) No residential enlargement shall be permitted within 30 feet of the rear lot line.
- (d) No enlarged portion shall exceed a height of 32 feet above curb level.
- (e) No side yards shall be required. However, if any open area extending along a side lot line is provided at any level it shall have a width of not less than eight feet. However, enlargements of single-family or two-family residences existing as of June 20, 1988 shall be exempt from this requirement, provided such enlarged building does not exceed a height of two stories.

Enlargements in excess of those permitted in this Section, and enlargements that create additional dwelling units may be permitted by authorization of the City Planning Commission, pursuant to the regulations of Sections ~~42-47~~ 42-321 (Residential Uses in M1-1D Through ~~through~~ M1-5D Districts) and ~~42-48~~ 42-322 (Supplemental Use Regulations in M1-6D Districts).

**52-50  
DAMAGE OR DESTRUCTION**

**52-51  
General Provisions**

Except as set forth in ~~Sections 52-81 to 52-83~~ Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS), inclusive, ~~relating to Regulations Applying to Non-Conforming Signs~~, if a ~~#non-conforming# #building or other structure#~~ is damaged, destroyed or demolished, the provisions set forth in Sections 52-52 to 52-56, inclusive, shall apply.

However, if a ~~#non-conforming# #single-# or #two-family residence#~~ in an R3, R4, or R5 District is damaged, destroyed or demolished, such ~~#building#~~ may be continued in ~~#use#~~ and reconstructed provided that such reconstruction shall not create a new ~~#non-compliance#~~ nor increase the pre-existing degree of ~~#non-compliance#~~ with the applicable ~~#bulk#~~ regulations.

\* \* \*

**52-56  
Multiple Dwellings in M1-1D Through M1-5D Districts**

In the case of damage or destruction of less than 75 percent of the total ~~#floor area#~~ of a ~~#non-conforming# #building#~~ containing three or more ~~#dwelling units#~~ in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such ~~#building#~~ may be repaired or reconstructed, and its ~~#residential use#~~ continued, subject to the following regulations:

- (a) there shall be no increase in the number of ~~#dwelling units#~~ in the ~~#building#~~ beyond the lawful number in existence prior to such damage and destruction; and
- (b) there shall be no increase to the pre-existing amount of ~~#floor area#~~ except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts).

~~#Enlargements#~~ in excess of those permitted, pursuant to paragraph (b) of this Section, and ~~#enlargements#~~ that create additional ~~#dwelling units#~~, may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section ~~42-47~~ 42-321 (Residential Uses in M1-1D Through through M1-5D Districts).

**52-60  
DISCONTINUANCE**

**52-61  
General Provisions**

**Commented [Z12]:** The Proposal would extend the permission for ground floor store spaces to reopen regardless of the typical two-year discontinuance requirement. Today, the provision is only available in R5, R6, and R7 districts outside of historic districts. It would be expanded to all Residence Districts regardless of location.

If, for a continuous period of two years, either the #non-conforming# #use# of #land with minor improvements# is discontinued, or the active operation of substantially all the #non-conforming# #uses# in any #building or other structure# is discontinued, such land or #building or other structure# shall thereafter be used only for a conforming #use#. Intent to resume active operations shall not affect the foregoing.

The provisions of this Section shall not apply where such discontinuance of active operations is directly caused by war, strikes or other labor difficulties, a governmental program of materials rationing, or the construction of a duly authorized improvement project by a governmental body or a public utility company.

~~Except in Historic Districts as designated by the Landmarks Preservation Commission~~ However, the provisions of this Section shall also not apply to vacant ground floor or #basement# stores in #buildings designed for residential use# located in ~~R5, R6 or R7 Districts~~ #Residence Districts# where the changed or reactivated #use# is ~~listed in Use Group 6A, 6B, 6C or 6F excluding post offices, veterinary medicine for small animals, automobile supply stores, electrolysis studios and drive-in banks~~ a #use# listed in Use Group 6 that would be permitted in a C2 District, or an ~~office, as listed in Use Group 7~~. In addition, the changed or reactivated #use# shall be subject to the provisions of Section 52-34 (Commercial Uses in Residence Districts).

## 52-62

### Buildings Containing Residences in M1-1D Through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

- (a) #Residential uses# in such #buildings# may be reactivated as-of-right, provided:
- (1) the #floor area# has been continuously vacant for two years or more;
  - (2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not exceed 60 feet in length (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet); and
  - (3) the #zoning lots# #abutting# on both #side lot lines# and fronting on the same #street# (or #streets#, if a #corner lot#) are occupied by #buildings designed for residential use# and contain no #manufacturing# #uses#.
- (b) #Residential uses# in such #buildings# may be reactivated by authorization of the City Planning Commission, provided:
- (1) the #floor area# has been continuously vacant for two years or more;

Commented [Z13]: Updates to cross references.

- (2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not form a continuous frontage with vacant land or #land with minor improvements# whose aggregate length exceeds 60 feet (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet);
- (3) the #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by either:
  - (i) a #building designed for residential use# or a #community facility# #building#; or
  - (ii) a #building# originally designed as #dwelling units# or #rooming units# for which an application to reactivate #residential use# in such #building# has been combined with the subject application;
- (4) 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 #community facility# #buildings# or #buildings# containing #residences#; and
- (5) the Commission finds that:
  - (i) reactivating the #residential use# will not adversely affect #manufacturing# or #commercial# #uses# in the district; and
  - (ii) such #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, or other adverse impacts from #manufacturing# or #commercial# #uses#.

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

The number of #dwelling units# permitted in such reactivated #building# containing #residences# shall not exceed the greater of the number of lawful #dwelling units# last recorded by the Department of Buildings, or one #dwelling unit# for every 675 square feet of total net #residential# #floor area# as defined in Section 28-02 (Definitions).

No #dwelling unit# shall be permitted on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Sections 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts) or ~~42-47~~ 42-321 (Residential ~~Uses~~ uses in M1-1D ~~Through~~ through M1-5D Districts) as applicable.

## 52-70

### TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

\* \* \*

**52-72**

### **Land with Minor Improvements**

In all #Residence Districts#, a #non-conforming# #use# of #land with minor improvements# ~~listed in Use Group 11A, 16, 17 or 18~~ that is permitted in C8 Districts or #Manufacturing Districts#, but is not permitted in C1 Districts, may be continued for three years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #use# shall terminate, and thereafter such land shall be used only for a conforming #use#.

\* \* \*

**52-74**

### **Uses Objectable in Residence Districts**

In all #Residence Districts#, any ~~of the following objectionable #uses# listed in Use Group 18~~ open #use# involving waste or high-hazard material storage in Use Groups 4B or 9, other than a #use# of #land with minor improvements# that:

~~Coal storage;~~

~~Dumps, marine transfer stations for garbage, or slag piles;~~

~~Junk or salvage yards, including auto wrecking or similar establishments (whether or not such yard is enclosed);~~

~~Lumber yards (whether or not such yard is enclosed);~~

~~Manure, peat or topsoil storage;~~

~~Scrap metal, junk, paper or rags storage, sorting or baling (whether or not the yard in which such #use# is conducted is enclosed);~~

~~that:~~

- ~~(a) involves activities not located within a #completely enclosed building#; and~~
- ~~(b) involves the #use# of #buildings or other structures# or other improvements with a total assessed valuation, excluding land, of less than \$20,000 as determined from the assessment rolls effective on the date established for termination;~~

~~may be continued for 10 years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-~~

**Commented [Z14]:** Updates to reflect changes to use groups.

**Commented [Z15]:** Updates to reflect changes to use groups.

conforming# #use# shall terminate, and thereafter such land or #building or other structure# shall be used only for a conforming #use#.

## 52-75

### Certain Types of Uses Involving Open Storage or Salvage

In all districts, #non-conforming# building materials or contractors' yards, or #non-conforming# junk or salvage yards, including auto wrecking or similar establishments, or #non-conforming# scrap metal, junk, paper or rags storage, sorting or baling may be continued subject to the applicable provisions set forth herein, whichever impose the greater restriction.

- (a) In #Residence Districts#, where such #use# constitutes a #non-conforming# #use# of #land with minor improvements#, the provisions of Section 52-72 (Land With Minor Improvements) apply.
- (b) In #Residence Districts#, where such #use# constitutes a #use# other than a #use# of #land with minor improvements#, and meets the criteria set forth in Section 52-74 (Uses Objectionable in Residence Districts), the provisions of Section 52-74 apply.
- (c) In all districts where such #use# is #non-conforming# with respect to the required enclosure as set forth in the listing of such #use# in ~~Sections 42-14 (Use Group 17) or 42-15 (Use Group 18)~~, Section 42-19 (Use Group 9 – Storage) and is either conforming or #non-conforming# in other respects, it may be continued without such enclosure until a date three years from February 8, 1968, or from such later date that the #use# becomes #non-conforming#. Thereafter, any such #use# which does not conform with the enclosure requirements shall be terminated, and the land shall be used only for a conforming #use#.

\* \* \*

## 52-80

### REGULATIONS APPLYING TO NON-CONFORMING SIGNS

\* \* \*

## 52-83

### Non-Conforming Advertising Signs

In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections 32-66 or ~~42-55~~ 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), any #non-conforming# #advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

Commented [Z16]: Updates to cross references.

- (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;
- (b) an increase in the #surface area# of such #sign#; or
- (c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming# #advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #non-conformity# or #non-compliance#, provided such #sign# is reconstructed pursuant to a Certificate of Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section 52-61 shall not apply to such #sign#, provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming# #advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

\* \* \*



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 VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2**  
**Special Regulations Applying in the Waterfront Area**

\* \* \*

**62-10  
GENERAL PROVISIONS**

\* \* \*

**62-13  
Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

~~#Special Sheepshead Bay District#~~

**Commented [Z1]:** Article VI, Chapter 2 contains the regulations for waterfront areas. The Proposal would make limited modifications in this chapter.

Most of the textual changes reflect changes made in other chapters, including the updates to the use groups and permitting the same uses in C1/C2 districts and in C4/C5/C6/C7 districts.

**Commented [Z2]:** Update to treat the Special Sheepshead Bay Districts like the other districts listed here. This change would not effect anything in the district.

#Special Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

~~The regulations of this Chapter shall not apply in the #Special Sheepshead Bay District#, except that Section 94-061 (Permitted residential, community facility and commercial uses) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.~~

The regulations of this Chapter shall apply in the following Special Purpose Districts, except as specifically modified within the Special Purpose District provisions:

#Special Flushing Waterfront District#

#Special Gowanus Mixed Use District#

#Special Inwood District#

#Special St. George District#.

\* \* \*

**62-20  
SPECIAL USE REGULATIONS**

**62-21  
Classification of Uses in the Waterfront Area**

The following #uses# shall be classified in accordance with their relationship to the water: Water-Dependent (WD) or Waterfront-Enhancing (WE). Such #uses# are listed in this Section only in the lowest numbered Use Group in which they appear. Where a WD or WE #use# appears in more than one Use Group, its additional listing is noted by a cross-reference.

#Uses# listed shall only be permitted in accordance with applicable district #use# regulations, including additional restrictions and conditions for certain #uses# set forth in Article II, Chapter 2, Article III, Chapter 2, and Article IV, Chapter 2, unless expressly stated otherwise in this Chapter.

**62-211  
Water-Dependent (WD) uses**

**Commented [Z3]:** The Proposal would update this list of Water-Dependent uses to reflect the new use groups.

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

~~From Use Group 4:~~

~~Non-profit private beach clubs~~

~~Non-profit private boat clubs~~

~~From Use Group 6:~~

~~\*Docks for ferries, other than #gambling vessels#, limited as to passenger load (also listed in Use Group 14)~~

~~\*Docks for water taxis (also listed in Use Group 14)~~

~~Docks or mooring facilities for non-commercial pleasure boats (also listed in Use Group 14)~~

~~Terminal facilities at river crossings for access to electric, gas or steam lines~~

~~From Use Group 7:~~

~~#Boatels#, provided that the units are #predominantly# occupied by persons with boats docked at the facility~~

~~From Use Group 9:~~

~~\*Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited as to dock capacity per #zoning lot# (also listed in Use Group 14)~~

~~From Use Group 10:~~

~~Docks for ferries, other than #gambling vessels#, with no restriction on passenger load~~

~~From Use Group 13:~~

~~Boat fuel sales establishments, open or enclosed, without restriction as to location~~

~~Commercial beaches~~

~~From Use Group 14:~~

~~Boat fuel sales establishments, open or enclosed, restricted to location within 10 feet of a boat dock berth~~

~~Boat launching facilities for non-commercial pleasure boats~~

~~Boat rental establishments, open or enclosed~~

~~\*Boat storage, repair or painting establishments with size and location restrictions~~

~~From Use Group 16:~~

~~Boat sales establishments, open or enclosed~~

~~\*Public transit yards, \*trucking terminals, warehouses and \*wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#~~

~~From Use Group 17:~~

~~\*Boat building or repair establishments, open or enclosed, for boats less than 200 feet in length~~

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

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

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

~~All other #uses# in Use Group 17 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#~~

~~From Use Group 18:~~

~~Marine transfer stations for garbage~~

~~Sewage disposal plants~~

~~Ship or boat building establishments or repair yards, for vessels 200 feet in length or over~~

~~All other #uses# in Use Group 18 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#~~

Other Uses:

~~Airports~~

~~Heliports~~

~~Seaplane bases~~

~~#Uses# #accessory# to the preceding listed #uses#~~

\* ——— Refer to Use Group for detailed description of this #use#

From Use Group 4B:

Airports

Boat launching facilities for non-commercial pleasure boats

Docks

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Heliports

Public transit yards, including accessory motor fuel pumps, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Seaplane bases

Sewage disposal plants

Terminal facilities at river crossings for access to electric, gas or steam lines

All other #uses# in Use Group 4B that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 6:

Boat dealers

Boat fuel sales

Recreational boat repair

Recreational goods rental

From Use Group 8:

Water-oriented outdoor #amusement and recreation facilities#

Non-commercial clubs, restricted to non-profit private beach clubs and private boat clubs

From Use Group 9:

Boat storage

Trucking terminals or motor freight stations, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Warehouses, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

All other #uses# in Use Group 10 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 10:

Transportation equipment manufacturing, limited to boat and ship building

All other #uses# in Use Group 10 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

**62-212**

**Waterfront-Enhancing (WE) uses**

**Commented [Z4]:** The Proposal would update this list of Water-Enhancing uses to reflect the new use groups. The list would be expanded to include a wider range of active uses like personal repair services and small-scale production uses.

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

~~From Use Group 3:~~

~~Art galleries, non-commercial~~

~~\*Colleges or universities~~

~~Libraries~~

~~Museums~~

~~#Schools#~~

~~From Use Group 4:~~

~~Community centers~~

~~Houses of worship~~

~~\*Ice skating rinks, outdoor~~

~~\*Non-commercial clubs, with restrictions~~

~~\*\*Playgrounds or private parks~~

~~Recreation centers, non-commercial~~

~~\*Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4~~

~~Golf courses~~

~~\*Tennis courts, outdoor~~

~~From Use Group 5:~~

~~#Transient hotels#~~

~~From Use Group 6:~~

All #uses# in Use Groups 6A and 6C, not otherwise listed as WD #uses# (some #uses# also listed in Use Groups 12 and 14)

\*Non-commercial clubs, without restrictions (also listed in Use Group 14)

From Use Group 7:

Bicycle rental or repair shops (also listed in Use Group 14)

\*#Motels# or #tourist cabins#

Refreshment stands, drive-in (also listed in Use Group 13)

Sailmaking establishments

From Use Group 8:

\*Ice vending machines, coin-operated (also listed in Use Group 14)

\*Theaters

From Use Group 9:

\*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

From Use Group 10:

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

From Use Group 12:

Arenas, auditoriums or stadiums, with capacity limited to 2,500 seats

\*Eating or drinking establishments, with entertainment or dancing

\*Historical exhibits



Indoor golf recreation centers

Skating rinks, enclosed

From Use Group 13:

Camps, overnight or outdoor day

\*Children's amusement parks, limited to a 10,000 square foot #zoning lot#

Circuses, carnivals or fairs of a temporary nature

Commercial swimming pools

Golf driving ranges

Miniature golf courses

Outdoor ice or roller skating rinks

\*Outdoor skateboard parks

From Use Group 14:

\*Boat showrooms or sales establishments, restricted to boats less than 100 feet in length

Fishing tackle or equipment, rental or sales

\*Sporting goods sales or rental establishments

From Use Group 15:

All #uses# listed

From Use Group 16:

Riding academies, open or enclosed

Stables for horses

#Uses# #accessory# to the preceding listed #uses#

\*—— Refer to Use Group for detailed description of this #use#

\*\*—— Open to the sky except for seasonal enclosures not more than 30 feet high or greater than 200 feet in any other dimension

From Use Group 1:

All #uses# listed in Use Group 1, subject to the #use# regulations for C4 Districts

From Use Group 3:

All #uses# listed in Use Group 3B, subject to the #use# regulations for C4 Districts

From Use Group 4:

All #uses# listed in Use Groups 4A and 4C, subject to the #use# regulations for C4 Districts

From Use Group 5:

All #uses# listed in Use Group 5, subject to the #use# regulations for C4 Districts

From Use Group 6:

All #uses# listed in Use Group 6, subject to the #use# regulations for C4 Districts

From Use Group 7:

All #uses# listed in Use Group 7, subject to the #use# regulations for C4 Districts and provided that such #uses# are limited to 5,000 square feet per establishment

From Use Group 8:

All #uses# listed in Use Group 8, subject to the #use# regulations for C4 Districts

From Use Group 9:

All #uses# listed in Use Group 9, subject to the #use# regulations for C4 Districts

From Use Group 10:

All #uses# listed in Use Group 10, subject to the #use# regulations for C4 Districts.

**62-22**

**Commercial Docking Facilities**

Commercial docking facilities are listed in ~~Use Groups 6, 9, 10, 14 and 17~~ Use Group 4B in ~~Sections 32-10 and 42-10~~ Sections 32-14 and 42-14. Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections 62-43 and 62-462 of this Chapter.

**Commented [Z5]:** Updates to cross references.

**62-23**

**Accessory Residential Docking Facilities**

\* \* \*

**62-24**

**Uses on Piers and Platforms**

#Uses# on #existing piers# or #existing platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new piers# or #new platforms# shall be subject to the provisions of Section 62-242.

**62-241**

**Uses on existing piers and platforms**

The #use# of an #existing platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

- (a) such #use# is a WD #use#; or
- (b) the #building or other structure# within which such #use# is located existed on October 25, 1993; or
- (c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section 62-342 (Developments on piers).

**Commented [Z6]:** The Proposal would update this list of uses to reflect the new use groups.

In addition, the following #use# regulations shall apply on #piers#:

- (d) ~~the following #uses#, #uses# listed in Use Groups 6 or 8,~~ not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment; and
  - (1) ~~all #uses# in Use Groups 6A and 6C;~~
  - (2) ~~the following #uses# in Use Group 9A;~~
    - (i) ~~clothing or costume rental establishments;~~
    - (ii) ~~typewriter or other small business machine sales, rental or repairs;~~
  - (3) ~~all #uses# in Use Group 10 with parking categories "B" or "B1";~~
  - (4) ~~the preceding #uses#, when listed in other Use Groups;~~
  - (5) ~~wholesale establishments or warehouses that provide #accessory# retail sales areas; and~~
- (e) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (d) of this Section.

Any #use# on an #existing pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms).

\* \* \*

## **62-25**

### **Uses on Floating Structures**

- (a) WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a #floating structure#, in accordance with the applicable district regulations, only if the #water coverage# of the #floating structure# does not exceed 5,000 square feet:

- (1) eating or drinking establishments as listed in ~~Use Groups 6 or 12~~ Use Group 6;

**Commented [Z7]:** The Proposal would update this list of uses to reflect the new use groups.

- (2) theaters as listed in Use Group 8; and
  - (3) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.
- (b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-834.

\* \* \*

**62-29**  
**Special Use Regulations for R6, R7, R8, R9 and R10 Districts**

R6 R7 R8 R9 R10

In the districts indicated, any Use Group ~~6 or 9~~ or 8 #use#, ~~listed as set forth~~ in Section 62-212 (Waterfront-enhancing (WE) uses); shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

- (a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;
- (b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;
- (c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and
- (d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in Section 62-611 (Permitted obstructions).

**Commented [Z8]:** The Proposal would update this list of uses to reflect the new use groups.

**62-291**  
**Special Provisions in Waterfront Access Plan BK-1**

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in ~~Section 32-15 (Use Group 6)~~ Use Group 4B in Sections 32-14 and 42-14, shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

**Commented [Z9]:** The Proposal would update this list of uses to reflect the new use groups.

**62-30  
SPECIAL BULK REGULATIONS**

\* \* \*

**62-33  
Special Yard Regulations on Waterfront Blocks**

#Yard# regulations for #zoning lots# shall be governed by the provisions of this Section. For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts#, #developments# comprised predominantly of #uses# in Use Groups ~~16, 17 or 18~~ 4B, 9 and 10, or for #developments# on #zoning lots# that are not #waterfront zoning lots#, #yards# shall be provided in accordance with the applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections 62-331 (Front yards and side yards) and 62-332 (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

\* \* \*

**62-34  
Height and Setback Regulations on Waterfront Blocks**

Height and setback regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section. However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# in Use Groups ~~16, 17 or 18~~ 4B, 9 and 10 shall be exempt from the requirements of this Section.

\* \* \*

**62-40  
SPECIAL PARKING AND LOADING REGULATIONS**

\* \* \*

**62-45  
Supplementary Regulations for All Parking Facilities**

\* \* \*

**62-453  
Screening requirements for parking facilities on waterfront blocks**

**Commented [Z10]:** The Proposal would update this list of uses to reflect the new use groups.

**Commented [Z11]:** The Proposal would update this list of uses to reflect the new use groups.

**Commented [Z12]:** The Proposal would update this list of uses to reflect the new use groups.

- (a) Open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots# pursuant to Section 62-655 (Planting and trees), paragraph (a)(7)(iii), or from a #street# or an #upland connection# pursuant to Section 37-921 (Perimeter landscaping). Screening may be interrupted only by vehicular or pedestrian entrances.
- (b) All parking garages that occupy the ground floor frontage along any #street# or #upland connection# shall be screened in accordance with the planting requirements of Section 62-655.
- (c) For parking garages on #piers#, at least 50 percent of the perimeter wall area on all sides fronting on public access areas, up to a height of 15 feet, shall consist of clear or lightly tinted transparent material or latticework.
- (d) The screening requirements shall not apply to #accessory# parking for WD #uses# or other #uses# in Use Groups ~~46, 17 or 18~~ 4B, 9 and 10, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

\* \* \*

**62-50  
GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT  
PUBLIC ACCESS AREAS**

\* \* \*

**62-51  
Applicability of Visual Corridor Requirements**

#Visual corridors# shall be provided for #zoning lots# #developed# within #waterfront blocks# in accordance with the provisions of this Section.

However, the following shall be exempt from the provisions of this Section:

airports, heliports and seaplane bases

#developments# in C8 or #Manufacturing Districts# comprised #predominantly# of #uses# in Use Groups ~~46, 17 or 18~~ 4B, 9 and 10, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels

#developments# in R1 or R2 Districts

**Commented [Z13]:** The Proposal would update this list of uses to reflect the new use groups.

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# on #zoning lots# less than 10,000 square feet in any district

#extensions#

changes of #use# within existing #buildings or other structures#.

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width# or there is no way to provide a #visual corridor# in compliance with Section 62-511, no #visual corridors# shall be required.

\* \* \*

## 62-52

### Applicability of Waterfront Public Access Area Requirements

Waterfront public access shall be provided for all #waterfront zoning lots# with a #lot area# of at least 10,000 square feet and a #shoreline# of at least 100 feet that are #developed#, and for all #developments# on #floating structures#, in accordance with the provisions of the following Sections:

Section 62-53 (Requirements for Shore Public Walkways)

Section 62-54 (Requirements for Public Access on Piers)

Section 62-55 (Requirements for Public Access on Floating Structures)

Section 62-56 (Requirements for Upland Connections)

Section 62-57 (Requirements for Supplemental Public Access Areas).

However, #zoning lots# with #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements; #zoning lots# with #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

(a) The following shall be exempted from #waterfront public access area# requirements:

airports, heliports, seaplane bases;

#developments# comprised of #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;

**Commented [Z14]:** The Proposal would update this list of uses to reflect the new use groups.



#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# Use Groups ~~46, 47 or 48~~ 4B, 9 and 10 #uses#, as listed in Article III, Chapter 2, and Article IV, Chapter 2, except as set forth in paragraph (b)(2) of this Section;

#developments# in R1 or R2 Districts;

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# in any district;

#developments# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts, comprised of #predominantly# #residential uses#;

#enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on the #zoning lot# on October 25, 1993, and not more than 20,000 square feet;

#extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

changes of #use#, from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

\* \* \*

**62-80  
SPECIAL REVIEW PROVISIONS**

\* \* \*

**62-81  
Certifications by the Chairperson of the City Planning Commission**

The provisions of Sections 62-811 and 62-812, relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section 62-811:

airports, heliports and seaplane bases;

**Commented [Z15]:** The Proposal would update this list of uses to reflect the new use groups.

in any district, existing #zoning lots# of less than 10,000 square feet #developed# #predominantly# with #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings#, provided such #zoning lots# are not included within an area subject to a Waterfront Access Plan pursuant to Section 62-90;

#zoning lots# in R1 and R2 Districts; and

#zoning lots# in C8 and #Manufacturing Districts#, containing #predominantly# Use Groups ~~16, 17 or 18~~ 4B, 9 and 10 #uses#, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

\* \* \*

**62-813**

**Docking facilities for ferries or water taxis in certain waterfront areas**

**Commented [Z16]:** The Proposal would update this list of uses to reflect the new use groups.

In Community District 1 in the Borough of Brooklyn, docking facilities for ferries or water taxis set forth in paragraph (a) of this Section shall be permitted, provided that the Chairperson of the City Planning Commission certifies to the Commissioner of the Department of Buildings that such docking facilities comply with the standards for required amenities set forth in paragraph (b) of this Section and, where provided, the standards for permitted amenities set forth in paragraph (c) of this Section. In conjunction with such certification, parking and drop-off and pick-up area requirements for docking facilities with a vessel capacity of up to 399 passengers shall be waived, as applicable. Where such docking facilities are proposed within a #waterfront public access area#, such docking facilities shall also comply with the provisions of paragraph (d) of this Section. Where modifications to a docking facility certified pursuant this Section are made, including the amount or configuration of docking facility amenities, establishment of, or modification to, #waterfront public access areas# on the same #waterfront zoning lot#, or the cessation of ferry or water taxi service to such docking facility, the provisions of paragraph (e) of this Section shall apply.

The amount of amenities permitted or required pursuant to paragraphs (b) and (c) of this Section shall be calculated for each docking facility on the #waterfront zoning lot# and not according to the number of vessels a single docking facility can accommodate.

(a) Docking facilities

The following docking facilities, as listed in Use Group 4B, are subject to the certification provisions of this Section:

- (1) in R6 through R10 Districts, #Commercial Districts# and #Manufacturing Districts#, docks for water taxis, with a vessel capacity of up to 99 passengers, ~~as listed in Use Group 6C, when located within R6 through R10 Districts, or C1, C2,~~

~~C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#;~~

- (2) ~~in R6 through R10 Districts, #Commercial Districts# and #Manufacturing Districts#, docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#; and~~
- (3) ~~in C4, C5, C6 and C8 Districts, and #Manufacturing Districts#, docks for ferries with an unlimited capacity, as listed in Use Group 10A, in C4, C5, C6, C8 Districts and #Manufacturing Districts#.~~

(b) Required amenities

\* \* \*

**62-82**

#### Authorizations by the City Planning Commission

\* \* \*

**Commented [Z17]:** The Proposal would update this list of uses to reflect the new use groups.

**62-823**

#### Modification of use regulations in C3 Districts

In C3 Districts, the City Planning Commission may authorize modification of #use# regulations to allow a WE #use# not otherwise allowed as-of-right or by special permit. In conjunction with such authorization, the Commission may also allow the #sign# regulations of a C1 District to apply to the #zoning lot#.

As a condition to the granting of such authorization the Commission shall find:

- (a) that such WE #use# is a #use# listed in Use Groups 5, 6, 7, or 8, 9, 10, 12 or 13;
- (b) that the #zoning lot# also includes a WD #use# that is either permitted in the district as-of-right or has been permitted by special permit;
- (c) that such WE #use# will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;
- (d) that the entrances and exits for #accessory# parking or loading facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

- (e) that such WE #use# will not impair the character or future use or development of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include limitations on the size of the establishment, limitations on lighting and signage or screening requirements.

\* \* \*

**62-83  
Special Permits by the City Planning Commission**

\* \* \*

**62-833  
Docks for ferries or water taxis in Residence Districts**

**Commented [Z18]:** The Proposal would update this list of uses to reflect the new use groups.

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1 in the Borough of Brooklyn, where the certification provisions of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in ~~Use Group 6~~ Use Group 4B, provided that:

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;
- (b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;
- (c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;
- (d) #accessory# off-street parking spaces are provided in accordance with Section 62-43 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and
- (e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

\* \* \*

**62-838**

**Docks for gambling vessels**

In all #Commercial Districts#, ~~except C1 Districts,~~ and in all #Manufacturing Districts#, the City Planning Commission may permit docks for #gambling vessels#, provided that, in #Commercial Districts#, the maximum aggregate dock capacity per #zoning lot# set forth in paragraph (b)(3) of Section 32-142 (Use Group 4 – uses subject to size limitations) shall apply. ~~shall be determined by the zoning district, as indicated in the applicable provisions of Sections 32-18 (Use Group 9) and 32-23 (Use Group 14).~~

**Commented [Z19]:** The Proposal would update this list of uses to reflect the new use groups.

As a condition for permitting such #use#, the Commission shall find that:

- (a) the #streets# providing access to such docking facility will be adequate to ensure that the traffic generated will not unduly impede surface traffic and pedestrian flow in the surrounding area;
- (b) any noise and activity related to the docking facility, including vessel operations, will not have a detrimental impact on the waterfront and surrounding area; and
- (c) such #use# will not be incompatible with the essential character, #use# or future growth of the waterfront and surrounding area.

Docks for #gambling vessels# shall comply with all provisions of the Resolution, including the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), applicable to the type of vessel on which the shipboard gambling business is operated.

The Commission may prescribe additional conditions and safeguards to minimize any adverse effects on the waterfront and surrounding area.

~~This text amendment shall take effect on April 27, 1998.~~

\* \* \*

**62-90**

**WATERFRONT ACCESS PLANS**

**62-91  
General Provisions**

\* \* \*

**62-912  
Elements of a Waterfront Access Plan**

**Commented [Z20]:** The Proposal would update this list of uses to reflect the new use groups.

A Waterfront Access Plan may:

- (a) on #zoning lots# where a #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, modify the size, configuration, location or design of required #waterfront public access areas# or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a #waterfront public access area# or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a #zoning lot# may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the #waterfront public access area# and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the #waterfront public access area# and #visual corridor# requirements of each #zoning lot# within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;
- (b) on #zoning lots# where #waterfront public access area# or #visual corridors# are not required pursuant to the provisions of Sections 62-50 and 62-60, inclusive, establish requirements for a #waterfront public access area# or #visual corridors#, except for those #zoning lots# #predominantly# #developed# for airports, heliports, seaplane bases or, in C8 or #Manufacturing Districts#, #uses# in Use Groups ~~4, 6, 17 or 18~~ 4B, 9 and 10, provided that such #zoning lots#, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate one or more of the #waterfront public access areas# or #visual corridors# listed in Section 62-50, inclusive, consistent with the standards of Sections 62-50 and 62-60, inclusive. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60;

- (c) modify or waive specific requirements for a #waterfront public access area# or #visual corridors# in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;
- (d) identify shore terminations of mapped #streets# or #existing piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;
- (e) apply the #bulk# regulations of Section 62-30, inclusive, to a non-#waterfront block# when such #block# results from a subdivision of a #waterfront block# as the result of a #street# mapping; and
- (f) for #developments# where a #waterfront yard# is not otherwise required by Section 62-33 (Special Yard Regulations on Waterfront Blocks), establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 (Front yards and side yards) or 62-332 (Rear yards and waterfront yards), as modified by the further provisions of this paragraph, (f), for such other #developments#. #Enlargements# of #buildings# or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or ~~Use Groups 16, 17 or 18~~ Use Groups 4B, 9 and 10 #uses# and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be permitted within 10 feet of the seaward edge of such #waterfront yard#.

A Waterfront Access Plan shall include the following elements:

- (1) identification of the plan by Borough and plan number or area name;
- (2) a #zoning map#, or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;
- (3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and
- (4) a description in the plan text of all features established or modified by the plan, with reference to affected #blocks# and lots.

\* \* \*

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 VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 6  
Special Regulations Applying Around Mass Transit Stations**

\* \* \*

**66-20  
SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES**

\* \* \*

**66-22  
Special Use Regulations**

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

**66-221  
Temporary uses**

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

- (a) in all districts, ~~any #community facility use# without sleeping accommodations~~ #uses# listed in Use Group 3B, as permitted ~~allowed~~ by the underlying district;
- (b) in #Residence Districts#, #uses# listed in ~~Use Group 6A and 6C~~ Use Group 6; or
- (c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

**Commented [Z1]:** Article VI, Chapter 6 includes the regulations around mass transit stations. The Proposal would make limited changes to this chapter reflecting the updated use groups or other changes made elsewhere.

**Commented [Z2]:** Updates to reflect new use groups.



Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

**66-222**

**Special use allowances around easement volumes**

The following #use# allowances around #easement volumes# shall apply in applicable districts.

**(a) Special #use# allowances in #Residence Districts#**

In all #Residence Districts#, #uses# listed in ~~Use Group 6A and 6C~~ Use Group 6 shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

- (1) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or
- (2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

**(b) ~~Special regulations for #commercial use# location in #mixed buildings# in #Commercial Districts#~~**

~~In C1 or C2 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# that are #developed# or #enlarged# with an #easement volume# serving an #above-grade mass transit station#, to allow all permitted #commercial uses# on the lowest two #stories#.~~

\* \* \*

**Commented [Z3]:** Updates to reflect new use groups. Paragraph (b) would no longer be necessary since changes elsewhere in the Proposal would make this applicable everywhere.

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 VII ADMINISTRATION

### Chapter 3 Special Permits by the Board of Standards and Appeals

#### 73-00 SPECIAL PERMIT USES AND MODIFICATIONS

\* \* \*

#### 73-03 General Findings Required for All Special Permit Uses and Modifications

The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit #uses# or modifications of #use#, parking, or #bulk# regulations as specifically provided in this Chapter, provided in each case:

- (a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use# or modification of #use#, parking or #bulk# regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit #use# or modification of #use#, parking or #bulk# regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit #use# or modification of #use#, parking or #bulk# regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.
- (b) In all cases the Board shall deny a special permit whenever such proposed special permit #use# or modification of #use#, parking or #bulk# regulations will interfere with any public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

**Commented [Z1]:** Article VII, Chapter 3 contains the special permits available from the Board of Standards and Appeals (BSA). The Proposal would make a number of updates to this chapter.

First, the Proposal would reorganize the existing use permits into the new 10 use categories that better reflect land use activities that occur in the city. While this change wouldn't, on its own, change any zoning regulations, it would make it easier to understand what rules apply since the current use permits are highly disorganized.

Second, the Proposal would make updates to a number of existing use permits to reflect changes elsewhere in the Proposal. It would also create some new permits that would apply to some specific uses (like micro-distribution) or to broad classes of uses (like retail and service uses). They are noted in the text.

Finally, the Proposal would provide a more consistent framework for how long the BSA could grant use permits. Currently, permits have a range of listed terms. Some are so short that they make the permit difficult to use, while others list no term at all. The Proposal would allow the BSA to grant initial permits for a term of 10 years and renewals at the Board's discretion. To ensure compliance with its approvals, the Board would also be able to revoke any permits for uses that did not comply.

(c) When under the applicable findings the Board is required to determine whether the special permit #use# or modification of #use#, parking or #bulk# regulations is appropriately located in relation to the #street# system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit #use# or modification of #use#, parking or #bulk# regulations in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such #street#.

(d) For applications relating to Sections ~~73-243-73-311~~ (Drive-through facilities), ~~73-48-73-47~~ (Exceptions to Maximum Size of Accessory Group Parking Facilities) and ~~73-49 73-48~~ (Roof Parking), the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit #use# or modification of #use#, parking or #bulk# regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.

(e) The following shall apply regarding terms of years for special permits:

(1) For special permit #uses# issued by the Board of Standards and Appeals prior to [date of adoption], such permit may continue pursuant to the terms established at the time such permit was granted, as applicable.

For special permit #uses# granted after [date of adoption], the Board may issue permits not to exceed 10 years. For a #use# where a special permit has previously been granted, the term may exceed 10 years at the discretion of the Board.

(2) For other special permits, if ~~if~~ a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit #uses# ~~or involving~~ a modification of #use#, parking or #bulk# regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit #use# ~~or modification of #use# parking or #bulk# regulations.~~

(f) Any violation of the terms of a special permit may be grounds for its revocation.

~~(f)~~(g) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it

**Commented [Z2]:** The Proposal would add requirements for how long the BSA could grant use special permits for. A first term could be for a maximum of 10 years and the length for renewals would be at the Board's discretion. This is consistent with recent changes made to permits during the Zoning for Coastal Flood Resiliency project. The Proposal would also make clear that the BSA could revoke a use permit if the use is not operating pursuant to the requirements the BSA set for the permit.

shall deny the application for renewal.

(e)(h) The Board may permit the #enlargement# or #extension# of any existing #use#, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Board shall make all of the required findings applicable to the special permit #use#, except that:

- (1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section ~~73-121~~ 73-132 (Colleges or universities); and
- (2) in the case of public utility #uses#, the Board may waive all such required findings set forth in Sections 73-14 (~~Public Service Establishments~~) or ~~73-16 (Public Transit, Railroad or Electric Utility Substations)~~ (Public Service Facilities and Infrastructure), inclusive.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the existing degree of #non-compliance# with the applicable #bulk# regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

\* \* \*

### 73-10 SPECIAL PERMIT USES

[RELOCATING EXISTING TEXT FROM SECTION 73-11]

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-10 to 73-20, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit special permit #uses# are modified by the provisions of Sections 81-13 (Special Permit Use Modifications) and 81-061 (Applicability of Chapter 3 of Article VII).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

Camps

Public utility or public service facilities

Commented [Z3]: Relocating existing text and makes updates to cross references.

Radio and television towers, non-#accessory#

Riding academies or stables.

**73-11**

**General Provisions**

**Agriculture and Open Uses**

[RELOCATING TEXT TO SECTION 73-10]

~~Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.~~

~~In the #Special Midtown District#, the powers of the Board to permit special permit #uses# are modified by the provisions of Sections 81-13 (Special Permit Use Modifications) and 81-061 (Applicability of Chapter 3 of Article VII).~~

~~Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:~~

~~Camps~~

~~Public utility or public service facilities~~

~~Radio and television towers, non #accessory#~~

~~Riding academies or stables.~~

**Commented [Z4]:** All permits for Use Group 1 would be located here.

**73-111**

**Outdoor racket courts and skating rinks**

[RELOCATING TEXT FROM SECTION 73-13]

In R1 or R2 Districts, the Board of Standards and Appeals may permit outdoor racket courts or skating rinks, provided that the Board finds that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#.

The Board shall prescribe the following conditions:

- (a) that such #use# and any #accessory# facilities affixed to the land are not located closer than 20 feet to any #lot line#; and

**Commented [Z5]:** Relocating and making updates to terminology.

(b) that all lighting is directed away from nearby #zoning lots# containing #residences#.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for screening or for landscaping.

**73-112**

**Sand, gravel or clay pits**

[RELOCATING TITLE FROM SECTION 73-31 AND  
CONSOLIDATING SECTIONS 73-311 AND 73-312]

In all districts, the Board of Standards and Appeals may permit the extraction of sand, gravel, or clay from a #zoning lot# which is limited in size to a maximum of 50 acres and which is located not less than 1,000 feet from the nearest boundary of any #zoning lot# 10 acres or more in area used for such extraction, provided that the Board finds that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area, and provided that the following conditions are met:

- (a) that the applicant submits a site plan showing the proposed extent and depth of the area to be excavated, together with the certification of the Department of Buildings that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby #streets#, sewers, #buildings or other structures#, or installations;
- (b) that the applicant submits a plan for the rehabilitation of the #zoning lot# to be undertaken after the completion of the excavation operations which is satisfactory to the Board, and posts a bond, in an amount to be determined by the Board, for the performance of such rehabilitation;
- (c) that the entire perimeter of the #zoning lot#, except for necessary truck roads, is fenced, including locked gates, so as to prevent children from gaining access to the excavated areas;
- (d) that one #accessory# off-street parking space is provided for every 2,000 square feet of #lot area# or for every three employees, whichever shall require a lesser number of spaces;
- (e) that the performance standards for M1 Districts shall apply to such operations in all districts other than M2 or M3 Districts, where the applicable performance standards shall govern;
- (f) that all drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.;

**Commented [Z6]:** Relocating and making updates to include current conditions and findings text into a single permit, consistent with other permits.

- (g) that the emission of process dust either from the area of operations or from the excavated materials themselves shall be minimized by frequent watering or by such other means as the Board shall direct;
- (h) that the warning notices respecting unlawful entry shall be posted on the fence, and that a watchman shall be stationed on the premises to police the entire area after normal working hours and on weekends and holidays; and
- (i) that excavation operations shall be undertaken in such manner as to avoid the creation of undrained pockets and the formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed in accordance with the requirements of the Department of Health to eliminate breeding places for mosquitoes or other insects.

The Board may prescribe additional appropriate conditions and safeguards to protect the public health, safety and general welfare during the period between the cessation of operations and the final rehabilitation of the site in accordance with approved plans.

**73-12**

**Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts Residences**

[RELOCATING TEXT TO SECTION 73-13, INCLUSIVE]

~~In R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts, the Board of Standards and Appeals may permit specified #community facility uses# in accordance with the provisions of this Section.~~

[PLACEHOLDER FOR ANY FUTURE SPs THAT PERMIT RESIDENCES]

**Commented [Z7]:** All permits for Use Group 2 would be located here. There are none currently.

**73-121**

**Colleges or universities**

[RELOCATING TEXT TO SECTION 73-132]

~~The Board of Standards and Appeals may permit colleges or universities including professional schools but excluding business colleges or trade schools in R1 or R2 Districts, provided that the following findings are made:~~

- (a) ~~that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single family residences#; and~~

**Commented [Z8]:** Various permits below are moved to their appropriate section of the chapter.

~~(b) — that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

### ~~73-122~~

#### ~~College or school student dormitories or fraternity or sorority student houses~~

[RELOCATING TEXT TO SECTION 73-131]

~~The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made:~~

- ~~(a) — that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts);~~
- ~~(b) — that the amount of #open space# and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;~~
- ~~(c) — that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number), at least one #accessory# off-street parking space is provided for each six beds; and~~
- ~~(d) — that such #use# conforms to all the other applicable Off-street Parking Regulations as set forth in Article II, Chapter 5.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

### ~~73-123~~

#### ~~Non-commercial clubs~~

[RELOCATING TEXT TO SECTION 73-184]

~~The Board of Standards and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming pools located less than 500 feet from any #lot line#, in R1 or R2 Districts, provided that the following findings are made:~~

- ~~(a) — that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;~~



- (b) ~~that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;~~
- (c) ~~that such #use# complies with the minimum required #open space ratio# and maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts);~~
- (d) ~~that not more than half the #open space# provided is occupied by driveways, private streets, open #accessory# off-street parking spaces or active outdoor recreation facilities; and~~
- (e) ~~that the amount of #open space# provided and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.~~

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening or landscaping.

### **73-124**

#### **Welfare centers**

[RELOCATING TEXT TO SECTION 73-135]

The Board of Standards and Appeals may permit welfare centers in R1 or R2 Districts, provided that the following findings are made:

- (a) ~~that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single family residences#; and~~
- (b) ~~that such #use# is conveniently accessible to the people it serves.~~

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-125**

#### **Ambulatory diagnostic or treatment health care facilities**

[RELOCATING TEXT TO SECTION 73-134]

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, ~~excluding #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the~~

neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### 73-126

#### **Certain community facility uses in lower density growth management areas**

[RELOCATING TEXT TO SECTION 73-134]

In R3-1, R3A, R3X, R4-1, R4A or R4B Districts in #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas).

In addition, for #buildings# in R3, R4 and R5 Districts in #lower density growth management areas# subject to the provisions of paragraph (b) of Section 24-012 (Exceptions to the bulk regulations of this Chapter) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts).

In order to grant such special permit, the Board shall find that:

- (a) — the amount and type of open area and its distribution on the #zoning lot# is compatible with the character of the neighborhood;
- (b) — the distribution of #bulk# on the #zoning lot# will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (c) — the scale and placement of the #building# on the #zoning lot# relates harmoniously with surrounding #buildings#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### 73-13

#### **Open Uses in R1 or R2 Districts Community Facilities**

[RELOCATING TEXT TO SECTION 73-111]

Commented [Z9]: All permits for Use Group 3 would be located here.

In R1 or R2 Districts, the Board of Standards and Appeals may permit outdoor tennis courts or ice skating rinks, provided that the Board finds that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single family residences#.

The Board shall prescribe the following conditions:

- (a) that such #use# and any #accessory# facilities affixed to the land are not located closer than 20 feet to any #lot line#; and
- (b) that all lighting is directed away from nearby #zoning lots# containing #residences#.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for screening or for landscaping.

### **73-131**

#### **College or student dormitories and fraternity or sorority student houses**

[RELOCATING TEXT FROM SECTION 73-122]

The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts);
- (b) that the amount of #open space# and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;
- (c) that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number), at least one #accessory# off-street parking space is provided for each six beds; and
- (d) that such #use# conforms to all the other applicable Off-street Parking Regulations as set forth in Article II, Chapter 5.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-132**

#### **Colleges or universities**

Commented [Z10]: Relocating existing permit.

Commented [Z11]: Relocating existing permit.

[RELOCATING TEXT FROM SECTION 73-121]

The Board of Standards and Appeals may permit colleges or universities including professional schools but excluding business colleges or trade schools in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-133**  
**Schools**

[RELOCATING TEXT FROM SECTION 73-19]

In C8 or M1 Districts, the Board of Standards and Appeals may permit #schools# which have no #residential# accommodations except #accessory# accommodations for a caretaker, provided that the following findings are made:

- (a) that within the neighborhood to be served by the proposed #school# there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;
- (b) that such #school# is located not more than 400 feet from the boundary of a district wherein such #school# is permitted as-of-right;
- (c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-#Residential Districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#; and
- (d) that the movement of traffic through the #street# on which the #school# is located can be controlled so as to protect children going to and from the #school#. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse

Commented [Z12]: Relocating existing permit.

effects on the character of the surrounding area.

**73-134**

**Ambulatory diagnostic or treatment health care facilities**

[RELOCATING, CONSOLIDATING AND MODIFYING TEXT  
FROM SECTIONS 73-125 AND 73-126. RELOCATING BULK MODIFICATION  
ALLOWANCES FOR LDGMA TO SECTION 73-71]

In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that:

- (a) outside of #lower density growth management areas#, the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood; or
- (b) in #lower density growth management areas#, such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas).

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**Commented [Z13]:** Relocating and consolidating into a single permit focused on use. Bulk modification would be located in the bulk section of BSA permits.

**73-135**

**Welfare centers**

[RELOCATING TEXT FROM SECTION 73-124]

The Board of Standards and Appeals may permit welfare centers in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and
- (b) that such #use# is conveniently accessible to the people it serves.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**Commented [Z14]:** Relocating existing permit.

**73-14**

**Public Service Establishments**

**Commented [Z15]:** All permits for Use Group 4 would be located here.

## **Public Service Facilities and Infrastructure**

[RELOCATING TEXT TO SECTION 73-142, 73-143 & 73-145. SPLITTING BY INFRASTRUCTURE TYPE]

In all #Residence Districts#, the Board of Standards and Appeals may permit electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet, potable water pumping stations, or telephone exchanges or other communications equipment structures, provided that the following findings are made:

- (a) ~~that such #use# will serve the residential area within which it is proposed to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and~~
- (b) ~~in the case of such electric or gas utility substations or potable water pumping stations, that the site for such #use# has a minimum #lot area# of 4,500 square feet.~~

~~The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that electric utility substations shall meet the performance standards for an M1 District; that such electric or gas utility substations or potable water pumping stations shall be surrounded with fences, barriers, or other safety devices; or that any such #use# shall be landscaped.~~

### **73-141** **Radio or television towers**

[RELOCATING TEXT FROM SECTION 73-30]

In all districts, the Board of Standards and Appeals may permit non-#accessory# radio or television towers, provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-142** **Telephone exchanges or other communications equipment structures**

[RELOCATING TEXT FROM SECTION 73-14.  
SPLITTING FROM OTHER INFRASTRUCTURE]

In all #Residence Districts#, the Board of Standards and Appeals may permit telephone

**Commented [Z16]:** Relocating existing permit.

**Commented [Z17]:** For legibility, the Proposal would split a single permit into parts that better reflect the underlying uses.

exchanges or other communications equipment structures, provided that the Board finds that such #use# will serve the residential area within which it is proposed to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such #use# shall be landscaped.

**73-143**

**Electric or gas utility substations**

[RELOCATING TEXT FROM SECTION 73-14 & 73-16.  
SPLITTING FROM OTHER INFRASTRUCTURE]

The Board of Standards and Appeals may permit electric or gas utility substations pursuant to either paragraph (a) or (b) of this Section, as applicable.

(a) In all #Residence Districts#, the Board may permit electric or gas utility substations, limited in each case to a site between 4,500 square feet and not more than 10,000 square feet, provided that the Board finds that:

- (1) such #use# will serve the residential area within which it is proposed to be located; and
- (2) there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such substations shall be landscaped and surrounded with fences, barriers, or other safety devices; and that electric utility substations shall meet the performance standards for an M1 District.

(b) In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board may permit electric utility substations (including transformers, switches, or auxiliary apparatus), limited in each case to a site between 10,000 and 40,000 square feet, provided that the Board finds that:

- (1) that such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

**Commented [Z18]:** For legibility, the Proposal would combine existing permits into a single permit that better reflects the underlying uses.

- (2) that the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;
- (3) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (4) that such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

**73-144**

**Public utility stations or terminal facilities**

[RELOCATING TEXT FROM SECTION 73-15]

In all #Residence Districts#, the Board of Standards and Appeals may permit public utility stations for oil or gas metering or regulating, or terminal facilities located at river crossings for access to electric, gas or steam lines, provided that the Board finds that the proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for construction of fences, barriers or other safety devices, or for landscaping.

**Commented [Z19]:** Relocating existing permit.

**73-145**

**Water pumping stations**

[RELOCATING TEXT FROM SECTION 73-14.  
SPLITTING FROM OTHER INFRASTRUCTURE]

In all #Residence Districts#, the Board of Standards and Appeals may permit potable water pumping stations, on sites with a minimum #lot area# of at least 4,500 square feet, provided that the Board finds that:

- (a) such #use# will serve the residential area within which it is proposed to be located; and
- (b) there are serious difficulties in locating such #use# in a district where it is permitted as of

**Commented [Z20]:** For legibility, the Proposal would split a single permit into parts that better reflect the underlying uses.



right and from which it could serve the residential area, that make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such pumping stations shall be landscaped and surrounded with fences, barriers, or other safety devices.

**73-146**

**Public transit or railroad electric substations**

[RELOCATING AND REORGANIZING TEXT FROM SECTION 73-16.  
SEPARATING THIS TEXT FROM OTHER INFRASTRUCTURE]

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board of Standards and Appeals may permit public transit or railroad electric substations, limited in each case to a site of between 4,500 and not more than 40,000 square feet, and a minimum frontage of 50 feet, provided that the following findings are made:

- (a) that such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;
- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

**73-15**

**Other Public Utility Facilities**  
**Transient Accommodations**

[RELOCATING TEXT TO SECTION 73-144]

In all #Residence Districts#, the Board of Standards and Appeals may permit public utility

**Commented [Z21]:** For legibility, the Proposal would split a single permit into parts that better reflect the underlying uses.

**Commented [Z22]:** All permits for Use Group 5 would be located here.

~~stations for oil or gas metering or regulating, or terminal facilities located at river crossings for access to electric, gas or steam lines, provided that the Board finds that the proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for construction of fences, barriers or other safety devices, or for landscaping.~~

**73-151**

### **Overnight camps**

[RELOCATING TEXT FROM SECTION 73-17 AND REORGANIZING]

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit overnight camps, whether commercial or philanthropic, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

- (a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;
- (b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land; and
- (c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a #Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-16**

### **Public Transit, Railroad or Electric Utility Substations Retail and Services**

[RELOCATING TEXT TO SECTION 73-143 & 73-146]

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board of Standards and Appeals may permit electric utility substations

Commented [Z23]: Relocating existing permit.

Commented [Z24]: All permits for Use Group 6 would be located here.

(including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet, and in the case of electric utility substations to a site of not less than 10,000 square feet, provided that the following findings are made:

- (a) that such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as of right;
- (b) in the case of public transit or railroad electric substations, that the site for such #use# has a minimum frontage of 50 feet and a minimum #lot area# of 4,500 square feet;
- (c) that the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;
- (d) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (e) that such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

### **73-161**

#### **Retail and service uses**

[NEW PERMIT]

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying retail and service #uses# set forth in Sections 32-16 and 42-16 (Use Group 6 – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For retail and service #uses#, other than those #uses# for which another permit exists pursuant to Section 73-16, inclusive, the Board may permit:
  - (1) modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group 6;
  - (2) modifications to supplementary #use# regulations, including enclosure and

**Commented [Z25]:** The Proposal would create a new permit for retail / service uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. This would provide limited flexibility for uses to make modifications to the underlying regulations.

The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts.

The BSA would be limited to doubling the maximum size of a use. Beyond that, a similar new CPC permit would be required. This extends the typical framework where the BSA can permit uses only up to a certain point, after which CPC review is required.

location within #buildings# provisions; or

- (3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

- (1) such #use# will not impair the character or the future use or development of the surrounding area;
- (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (3) the modifications are necessary to support the operation of such #use#; and

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-162**

**Eating or drinking establishments**

[MOVED FROM SECTION 73-24, INCLUSIVE,  
CONSOLIDATED AND MODIFIED]

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying eating or drinking establishment regulations set forth in Sections 32-16 and 42-16 (Use Group 6 – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For eating or drinking establishments, the Board may permit:

- (1) modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group 6;
- (2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or
- (3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

- (1) such #use# will not cause undue vehicular or pedestrian congestion in local #streets# and that due consideration is given to the size and location of entrances

**Commented [Z26]:** The Proposal would permit modifications to the applicable zoning requirements for eating or drinking establishments. The findings reflect the current special permits for eating or drinking establishments.

The BSA could only increase the maximum size of an eating or drinking establishment by 200 percent, after which a CPC special permit would be required.

and enclosed lobby areas;

- (2) such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;
- (3) such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code;
- (4) the modifications are necessary to support the operation of such #use#; and
- (5) the application is made jointly by the owner of the #building# and the operator of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

**73-163**

#### **Automotive service stations**

[RELOCATING FROM SECTION 73-21, INCLUSIVE, AND EXPANDING]

In C1, C2, and C4 through C7 Districts, the Board of Standards and Appeals may permit #automotive service stations# and, in those districts and C8 Districts, may permit modification to the #accessory sign# regulations for such #use#, provided that the following findings are made:

- (a) that such #use# will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the continuity of surrounding retail frontages;
- (b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that the site for such #use# which is not located on an arterial highway or a major #street# has a maximum area of 15,000 square feet;
- (d) that any facilities for lubrication, minor repairs or washing are located within a #completely enclosed# #building#;
- (e) that the site is so designed as to provide, at maximum expected operation, reservoir space for waiting automobiles within the #zoning lot# in addition to spaces available within an

**Commented [Z27]:** The Proposal would update the existing BSA special permit for automotive service stations. It would allow use of the permit in a wider range of zoning districts, but make the findings more robust to align it with other use permits. Like today, facilities would be limited to a maximum size of 15,000 square feet unless it was located on a highway or major street.

enclosed lubricatorium or at the pumps;

- (f) that entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #automotive service station# will cause a minimum of obstruction on #streets# or sidewalks;
- (g) that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is adequately screened with planting, fences or walls; and
- (h) that the modifications to #accessory sign# regulations are necessary for adequate advance identification of such #automotive service station# to motorists on heavily traveled #streets# in the interests of traffic safety. In no event shall such #signs# project across a #street line# more than four feet and modification to the surface area of #signs# shall be limited to C1 and C2 Districts and a maximum surface area of 150 square feet.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and to protect #residential zoning lots# which are adjoining or across the #street#.

#### **73-164**

#### **Light motor vehicle repair and maintenance shops**

In C1, C2, and C4 through C7 Districts, the Board of Standards and Appeals may permit #light motor vehicle repair and maintenance shops#, provided that the following findings are made:

- (a) such #use# will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the continuity of surrounding retail frontages;
- (b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) any facilities used for repair or maintenance are located within a #completely enclosed building#; and
- (d) entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #use# will cause a minimum of obstruction on #streets# or sidewalks.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **73-17**

#### **Camps, Overnight or Outdoor Day**

**Commented [Z28]:** The Proposal would include a new permit for light motor vehicle repair and maintenance shops applicable in some Commercial Districts. The permit's findings look to ensure the use would have minimal impact on the surrounding area.

**Commented [Z29]:** All permits for Use Group 7 would be located here.

## **Offices and Laboratories**

[RELOCATING TEXT TO SECTIONS 73-151 AND 73-185]

In all ~~#Residence Districts#~~, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit overnight or outdoor day camps, whether commercial or philanthropic, for a term not to exceed five years, provided that the Board finds that such ~~#use#~~ will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

- (a) ~~that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;~~
- (b) ~~that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land;~~
- (c) ~~that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a #Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year round dense screen at least six feet high within three years; and~~
- (d) ~~that in the case of outdoor day camps, for each 6,000 square feet of #lot area#, one #accessory# off street parking space of 500 square feet is provided to accommodate buses used in the transportation of campers, in addition to the #accessory# off street parking requirement established for such #uses# under the applicable provisions of Sections 25-31 or 36-21 (General Provisions).~~

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-171**

### **Ground floor offices in the flood zone**

[RELOCATING AND MODIFYING TEXT FROM SECTION 73-72]

In all #Residence Districts# in the #flood zone#, for #buildings# containing #residential uses#, the Board of Standards and Appeals may permit offices, as listed in Section 32-17 (Use Group 7 – Offices and Laboratories), provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) of this Section are met:

- (a) Conditions

Commented [Z30]: Relocating existing permit with updates to cross references.

All applications shall be subject to the following conditions:

- (1) the #building# complies with #flood-resistant construction standards#;
- (2) the office #use# is located on the lowest #story# above grade within the #building#;
- (3) access to such office #use# is from a separate entrance than that serving the #residential# portion of the #building#;
- (4) the #floor area# associated with such office #use# shall be considered as #community facility# #use# for the purposes of determining compliance with the applicable district #floor area ratio# regulations, and amount of #floor area# attributed to such office #use# shall not exceed 10,000 square feet;
- (5) the office #use# complies with the #accessory# off-street parking regulations for ambulatory diagnostic or treatment health care facilities, as listed in Use Group 3B, in accordance with Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations); and
- (6) such office #use# complies with #accessory# #signs# regulations for #buildings# containing #residences#, as set forth in Section 22-32 (Permitted Non-Illuminated Accessory Signs).

(b) Findings

In order to grant the special permit, the Board shall find that:

- (1) such office #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;
- (2) such office #use# will not produce objectionable effects; and
- (3) such office #use# will not alter the essential character of the neighborhood in which the #building# is located.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-18**

**Riding Academies or Stables  
Recreation, Entertainment and Assembly Spaces**

[RELOCATING TEXT TO SECTION 73-186]

**Commented [Z31]:** All permits for Use Group 8 would be located here.



In all ~~#Residence Districts#~~, and in ~~C2, C6 or C7 Districts~~, the Board of Standards and Appeals may permit riding academies or stables operated as a recreation service, for a term not to exceed five years, provided that the following findings are made:

- (a) ~~that such #use# is so located as not to impair the essential character of the surrounding area;~~
- (b) ~~that adequate horseback riding facilities are available on the same #zoning lot# or within 600 feet of such #zoning lot#;~~
- (c) ~~that the location and operation of such #use# will not be such as to result in any serious traffic hazards or conflicts on nearby #streets#; and~~
- (d) ~~that in #Residence Districts#, no stables or riding areas are located within 40 feet of any #side# or #rear lot line#.~~

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation, for screening, or for landscaping.

**73-181**

**Recreation, entertainment and assembly space uses**

[NEW PERMIT]

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying recreation, entertainment and assembly space #uses# set forth in Sections 32-18 and 42-18 (Use Group 8 – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For recreation, entertainment and assembly space #uses#, other than those #uses# for which another permit exists pursuant to Section 73-18, inclusive, the Board may permit:
  - (1) modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group 8;
  - (2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or
  - (3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.
- (b) In order to grant such permit, the Board shall find that:

**Commented [Z32]:** The Proposal would create a new permit for recreation, entertainment and assembly uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. This would provide limited flexibility for uses to make modifications to the underlying regulations.

The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts.

The BSA would be limited to doubling the maximum size of a use. Beyond that, a similar new CPC permit would be required. This extends the typical framework where the BSA can permit uses only up to a certain point, after which CPC review is required.

- (1) such #use# will not impair the character or the future use or development of the surrounding area;
- (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (3) the modifications are necessary to support the operation of such #use#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-182**

#### **Outdoor recreation and amusement facilities**

[NEW PERMIT IN PLACE OF 73-22 AND 73-23]

In C3 Districts, the Board of Standards and Appeals may permit water-oriented outdoor #amusement and recreation facilities#, provided that the following findings are met:

- (a) such #use# will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the continuity of surrounding residential or retail frontages, as applicable;
- (b) such #use# and any #accessory# facilities affixed to the land is adequately separated from any #lot line#; and
- (c) along any #rear lot line# or #side lot line# adjoining a Residence District, the #zoning lot# is adequately screened with planting, fences or walls.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-183**

#### **Outdoor amusement parks**

[NEW PERMIT ADAPTED FROM 73-25]

In C7, C8 or M1 Districts, the Board of Standards and Appeals may permit #outdoor amusement parks# that exceed a #lot area# of 10,000 square feet, provided that the following findings are met:

- (a) such #use# will not impair the character or the future use or development of the surrounding area;

**Commented [Z33]:** The Proposal would consolidate existing permits for outdoor uses in C3 districts into a single permit focused on water-oriented uses.

**Commented [Z34]:** The Proposal would update an existing permit to allow outdoor amusement parks above the current maximum size. The current applicability in C8 and M1 would be maintained, but would be extended to C7 districts. (the amusement area in the Special Coney Island District would not need this permit.)

- (b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (c) such #use# is adequately separated from surrounding residential areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-184**

**Non-commercial clubs**

[RELOCATING TEXT FROM SECTION 73-123]

The Board of Standards and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming pools located less than 500 feet from any #lot line#, in R1 or R2 Districts, provided that the following findings are met:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that such #use# complies with the minimum required #open space ratio# and maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts);
- (d) that not more than half the #open space# provided is occupied by driveways, private streets, open #accessory# off-street parking spaces or active outdoor recreation facilities; and
- (e) that the amount of #open space# provided and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening or landscaping.

**73-185**

**Outdoor day camps**

[RELOCATING AND MODIFYING TEXT FROM SECTION 73-17]

**Commented [Z35]:** Relocating existing permit.

**Commented [Z36]:** Relocating existing permit and focusing on outdoor day camps (overnight camps are treated separately in Use Group 5).

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit outdoor day camps, whether commercial or philanthropic, for a term not to exceed 10 years, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

- (a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;
- (b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land;
- (c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a #Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; and
- (d) that for each 6,000 square feet of #lot area#, one #accessory# off-street parking space of 500 square feet is provided to accommodate buses used in the transportation of campers, in addition to the #accessory# off-street parking requirement established for such #uses# under the applicable provisions of Sections 25-31 or 36-21 (General Provisions).

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-186**

**Riding academies or stables**

[RELOCATING TEXT FROM SECTION 73-18]

In all #Residence Districts#, and in C1, C2, C4, C5, C6 or C7 Districts, the Board of Standards and Appeals may permit riding academies or stables operated as a recreation service, provided that the following findings are met:

- (a) that such #use# is so located as not to impair the essential character of the surrounding area;
- (b) that adequate horseback riding facilities are available on the same #zoning lot# or within 600 feet of such #zoning lot#;
- (c) that the location and operation of such #use# will not be such as to result in any serious traffic hazards or conflicts on nearby #streets#; and

Commented [Z37]: Relocating existing permit.

(d) that in #Residence Districts#, no stables or riding areas are located within 40 feet of any #side# or #rear lot line#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation, for screening, or for landscaping.

**73-19**  
**Schools**  
**Storage**

[RELOCATING TEXT TO SECTION 73-133]

~~In C8 or M1 Districts, the Board of Standards and Appeals may permit #schools# which have no #residential# accommodations except #accessory# accommodations for a caretaker, provided that the following findings are made:~~

- ~~(a) — that within the neighborhood to be served by the proposed #school# there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;~~
- ~~(b) — that such #school# is located not more than 400 feet from the boundary of a district wherein such #school# is permitted as of right;~~
- ~~(c) — that an adequate separation from noise, traffic and other adverse effects of the surrounding non #Residential Districts# is achieved through the use of sound attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#; and~~
- ~~(d) — that the movement of traffic through the #street# on which the #school# is located can be controlled so as to protect children going to and from the #school#. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.~~

~~The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

**73-191**  
**Micro-distribution facilities**

[NEW PERMIT]

**Commented [Z38]:** All permits for Use Group 9 would be located here.

**Commented [Z39]:** The Proposal would include a use called a micro-distribution facility that would be limited to maximum sizes in most Commercial Districts. The permit would allow the BSA to double these sizes, but any greater increase would require CPC approval.

In C1, C2, C4, C5, C6 and C7 Districts, for micro-distribution facilities, as set forth in Use Group 9 pursuant to Sections 32-19 (Use Group 9 – Storage), the Board of Standards and Appeals may permit modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group 9.

In order to grant such permit, the Board shall find that:

- (a) such #use# will not impair the character or the future use or development of the surrounding area;
- (b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (c) the modifications are necessary to support the operation of such #use#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-20**

#### **ADDITIONAL SPECIAL PERMIT USES**

### **73-201**

#### **Theaters in C1 Districts**

[ELIMINATING PERMIT— NO LONGER NECESSARY PER PROPOSAL]

~~In C1 Districts, the Board of Standards and Appeals may permit theaters with a capacity of not more than 500 persons in a new or existing #building#. In C1-5, C1-6, C1-7, C1-8 and C1-9 Districts, motion picture theaters shall have a minimum of four square feet of waiting area within the #zoning lot# for each seat. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. The Board shall not apply these requirements to any additional motion picture theater created by the subdivision of an existing motion picture theater.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of nearby residential areas.~~

### **73-202**

#### **Theaters in M1-5B Districts**

[ELIMINATING PERMIT. NO LONGER NECESSARY PER PROPOSAL]

In M1-5B Districts, the Board of Standards and Appeals may permit theaters for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed-use neighborhoods;
- (b) that such #use# will not cause undue congestion in local #streets#; and
- (c) that such #use# provides a waiting area of adequate size to prevent obstruction of #street# areas and other #uses# within the same or other #building#.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows; provision of sound lock vestibules; specification of acoustical insulation; maximum size of establishment; number, kinds of amplification of musical instruments or voices; shielding of flood lights; adequate screening; curb cuts, or parking.

**73-21**

**Automotive Service Stations  
Production Uses**

**Commented [Z40]:** All permits for Use Group 10 would be located here.

**73-211**

**Location in C2, C4, C6 or C7 Districts  
Production uses**

**Commented [Z41]:** The Proposal would create a new permit for production uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. This would provide limited flexibility for uses to make modifications to the underlying regulations.

[RELOCATING TEXT TO SECTION 73-164]

In any C2, C4, C6 or C7 District whose longer dimension is 375 feet or more (exclusive of land in #streets#), the Board of Standards and Appeals may permit #automotive service stations#, provided that the following findings are made:

- (a) that the site for such #use# has a minimum area of 7,500 square feet; and
- (b) that the site for any such #use# which is not located on an arterial highway or a major #street# has a maximum area of 15,000 square feet.

The Board shall prescribe the following conditions:

- (1) that any facilities for lubrication, minor repairs or washing are located within a #completely enclosed# #building#;

The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts.

The BSA would be limited to doubling the maximum size of a use. Beyond that, a similar new CPC permit would be required. This extends the typical framework where the BSA can permit uses only up to a certain point, after which CPC review is required.

- (2) ~~that the site is so designed as to provide reservoir space for five waiting automobiles within the #zoning lot# in addition to spaces available within an enclosed lubricatorium or at the pumps;~~
- (3) ~~that entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #automotive service station# will cause a minimum of obstruction on #streets# or sidewalks;~~
- (4) ~~that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is screened, as the Board may prescribe, by either of the following methods:~~
  - (i) ~~a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year round dense screen at least six feet high within three years; or~~
  - (ii) ~~a wall or barrier or uniformly painted fence of fire resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of its face is open; and~~
- (5) ~~that #signs#, other than #advertising signs#, shall be subject to the applicable district #sign# regulations, provided that:~~
  - (i) ~~in C2 Districts, the provisions of Sections 32-642 (Non illuminated signs) and 32-643 (Illuminated non flashing signs) shall be modified to permit non-#illuminated# or #illuminated# non #flashing signs# with a total #surface area# not exceeding 150 square feet on any #zoning lot#; and~~
  - (ii) ~~the provisions set forth in Section 32-652 (Permitted projection in all other Commercial Districts) may be modified in accordance with the provisions of Section 73-212 (Projection of accessory signs).~~

~~The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and to protect #residential zoning lots# which are adjoining or across the #street#.~~

[NEW PERMIT]

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying production #uses# set forth in Sections 32-20 and 42-20 (Use Group 10 – Production Uses), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For production #uses#, other than those #uses# for which another permit exists pursuant to Section 73-21, inclusive, the Board may permit:



- (1) modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group 10;
  - (2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or
  - (3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.
- (b) In order to grant such permit, the Board shall find that:
- (1) such #use# will not impair the character or the future use or development of the surrounding area;
  - (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
  - (3) the modifications are necessary to support the operation of such #use#.

**73-212**

**Projection of accessory signs**

[RELOCATING TEXT TO SECTION 73-164]

~~In C2, C4, C6 or C8 Districts, the Board of Standards and Appeals may permit not more than one #sign accessory# to an #automotive service station#, to project across a #street line# more than the amount permitted in Section 32-652 (Permitted projection in all other Commercial Districts), but in no case more than four feet, provided that the following findings are made:~~

- ~~(a) That projection in the amount permitted is required for adequate advance identification of such #automotive service station# to motorists on heavily traveled #streets# in the interests of traffic safety.~~
- ~~(b) That such #sign# conforms to all other applicable district #sign# regulations, and its total #surface area# is not more than 30 square feet.~~

**73-22**

**Commercial Beaches**

[CONSOLIDATING WITH 73-23 AND BROADENING THROUGH NEW PERMIT IN 73-182]

~~In C3 Districts, the Board of Standards and Appeals may permit #commercial# beaches for a~~

**Commented [Z42]:** The remainder of the permits in 73-20, inclusive, are relocated elsewhere in the chapter or eliminated pursuant to changes made by the Proposal.

term not to exceed five years, provided that the Department of Health has certified that the waters may be used for bathing purposes and do not violate safe and acceptable standards of water pollution, and provided further that the Board shall make the following findings:

- (a) — that such #use# is so located as to minimize interference with the movement and navigation of ships or boats;
- (b) — that no more than 20 percent of the shore line in any one mapped district is used for such #use#;
- (c) — that no #accessory# stands for the sale of food or drink shall be located within 100 feet of a #Residence District# boundary, and that the total #floor area# of all such stands shall not exceed 200 square feet; and
- (d) — that such #use# will not create such traffic congestion as to impair the residential character of the area. The Board shall refer the application to the Department of Traffic for a report as to whether the #use# will create such detrimental traffic congestion that it impairs such residential character.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, or requirements for the shielding of floodlights or adequate screening.

### **73-23**

#### **Commercial Swimming Pools**

[CONSOLIDATING WITH 73-23 AND BROADENING THROUGH NEW PERMIT IN 73-182]

In C3 Districts, the Board of Standards and Appeals may permit #commercial# swimming pools with a pool area of not more than 5,000 square feet for a term not to exceed five years, provided that the following findings are made:

- (a) — that such #use# is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and
- (b) — that such pool is not located within 200 feet of the shore line.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or adequate screening.

### **73-24**

#### **Eating or Drinking Places**

**73-241**

**In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5 or M1-5B Districts**

[ELIMINATE — NO LONGER NECESSARY PER PROPOSAL]

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5 or M1-5B Districts, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less, for a term not to exceed 10 years, provided that the following findings are made:

- (a) — that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood;
- (b) — that such #use# will not cause undue congestion in local #streets#;
- (c) — that in M1-5B Districts, eating and drinking places shall be limited to not more than 5,000 square feet of floor space;
- (d) — that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5 and M1-5B Districts, such #use# shall be subject to the enclosure provisions of Section 32-411; and
- (e) — that the application is made jointly by the owner of such #building# and the operators of such eating or drinking establishment.

The Board may modify the regulations relating to #signs# in C3 Districts to permit a maximum total #surface area# of 50 square feet of non #illuminated# or #illuminated# non #flashing signs#, provided that any #illuminated sign# shall not be less than 150 feet from the boundary of any #Residence District#.

For eating and drinking establishments for which special permits have previously been granted, the term may exceed 10 years at the discretion of the Board.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of floodlights, adequate screening, curb cuts or parking.

**73-242**

**In C3 Districts**

[ELIMINATE — NO LONGER NECESSARY PER PROPOSAL]

**Commented [Z43]:** The Proposal would modify the underlying C3 regulations pertaining to eating and drinking establishments to allow the same as-of-right allowances as other lower-intensity Commercial Districts (C1 / C2). This modification would obviate the need for this special permit.

Modifications to new underlying size thresholds or other provisions would necessitate a special permit.

In C3 Districts, the Board of Standards and Appeals may permit eating or drinking establishments (including those which provide outdoor table service or musical entertainment but not dancing, with a capacity of 200 persons or less, and including those which provide music for which there is no cover charge and no specified showtime) for a term not to exceed five years, provided that the following findings are made:

- (a) that such use is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and
- (b) that such use will generate a minimum of vehicular traffic to and through local streets in residential areas.

The Board may modify the regulations relating to signs in C3 Districts to permit a maximum total surface area of 50 square feet of non illuminated or illuminated non flashing signs, provided that any illuminated sign shall not be less than 150 feet from the boundary of any Residence District.

For eating and drinking establishments for which special permits have previously been granted, the term may exceed 10 years at the discretion of the Board.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or adequate screening.

### 73-243

#### In C1-1, C1-2 and C1-3 Districts

[RELOCATING TEXT TO SECTION 73-311 AND EXPANDING]

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board of Standards and Appeals may permit eating or drinking places (including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, and those which provide outdoor table service) with accessory drive through facilities for a term not to exceed five years, provided that the following findings are made:

- (a) the drive through facility contains reservoir space for not less than 10 automobiles;
- (b) the drive through facility will cause minimal interference with traffic flow in the immediate vicinity;
- (c) the eating or drinking place with accessory drive through facility fully complies with the accessory off street parking regulations for the indicated zoning district, including provision of the required number of accessory off street parking spaces for the indicated zoning district (for the purpose of this finding, the waiver provisions of Sections 36-231 and 36-232 shall be inapplicable);

- (d) ~~the character of the commercially zoned #street# frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing #commercial uses# contained within such area and to the subject eating or drinking place (excluding the #accessory# drive-through facility portion);~~
- (e) ~~the drive through facility shall not have an undue adverse impact on #residences# within the immediate vicinity of the subject premises; and~~
- (f) ~~there will be adequate buffering between the drive through facility and adjacent #residential uses#.~~

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-244**

**~~In C2, C3, C4\*, C6 4\*\*, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District~~**

[RELOCATING TEXT TO SECTION 73-162]

~~In C2, C3, C4\*, C6 4\*\*, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:~~

- (a) ~~that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;~~
- (b) ~~that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;~~
- (c) ~~that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;~~
- (d) ~~that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;~~
- (e) ~~that such #use# will not cause the sound level in any affected conforming #residential use#, #joint living work quarters for artists# or #loft dwelling# to exceed the limits set~~

forth in any applicable provision of the New York City Noise Control Code; and

- (f) ~~that the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.~~

~~The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.~~

~~Any violation of the terms of a special permit may be grounds for its revocation.~~

~~\* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary~~

~~\*\* In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue~~

### 73-25

#### Children's Amusement Parks

[ELIMINATING — LARGER AMUSEMENT PARKS WILL BE PERMITTED BY SECTION 73-183]

~~In C8 or M1 Districts, the Board of Standards and Appeals may permit children's amusement parks with an area of at least 10,000 square feet but not more than 75,000 square feet, for a term not to exceed five years, provided that the following findings are made:~~

- (a) ~~that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area;~~
- (b) ~~that the principal vehicular access for such #use# is not located on a local #street# or on an arterial highway;~~
- (c) ~~that such #use# is not located within 400 feet of a #Residence District#;~~
- (d) ~~that vehicular entrances and exits for such #use# are provided separately, and that no entrance is located less than 50 feet from any exit; and~~
- (e) ~~that such #use# will not cause traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such #use# is so located as to minimize vehicular traffic to and through local #streets# in residential areas.~~

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, or requirements for shielding of floodlights, adequate screening, or surfacing all access roads or driveways.

### **73-26**

#### **Funeral Establishments**

[ELIMINATING — NO LONGER NECESSARY PER PROPOSAL]

In C1 or C4 Districts, the Board of Standards and Appeals may permit funeral establishments provided that the following findings are made:

- (a) — that there are serious difficulties involved in locating within a district wherein such #use# is permitted as of right and from which it could serve the needs of its prospective clientele, which make it necessary to locate such #use# within a C1 or C4 District;
- (b) — that the site for such #use# is so located as to cause minimum interruption of the continuity of the frontage devoted to retail shopping #uses#. In determining whether the #use# will cause only minimum interruption of such retail frontage, the Board may make a favorable finding on the ground that there exists a substantial number of other incompatible #uses# interrupting such frontage within 200 feet on either side of the proposed site (not including land in #streets#); and
- (c) — that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-27**

#### **Newspaper Publishing**

[ELIMINATING — NO LONGER NECESSARY PER PROPOSAL]

In C6 Districts, the Board of Standards and Appeals may permit newspaper publishing establishments provided that the following findings are made:

- (a) — that such #use# will not cause undue traffic congestion in local #streets#;
- (b) — that such #use# is not located within 200 feet of a #Residence District#; and
- (c) — that such #use# shall conform to all performance standards applicable in M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on

the character of the surrounding area.

### 73-28

#### **Utilization of Explosives in Manufacturing Processes**

[ELIMINATING. ABILITY TO MODIFY PERFORMANCE STANDARDS  
IS CAPTURED BY NEW SPECIAL PERMIT IN SECTION 73-211]

In all ~~#Manufacturing Districts#~~, the Board of Standards and Appeals may permit the utilization of Class IV explosives, as defined in Section 42-272 (Classifications), in manufacturing processes or other production and storage ~~#accessory#~~ thereto, provided that the following findings are made:

- (a) ~~that such manufacture is carried on within #completely enclosed# #buildings or other structures# whose exterior walls are of incombustible materials;~~
- (b) ~~that such #buildings or other structures# are protected throughout by an automatic fire extinguishing system which meets all requirements set forth in the Administrative Code of the City of New York; and~~
- (c) ~~that such utilization and the storage #accessory# thereto complies with all additional applicable provisions of the Administrative Code and all rules and regulations of the Fire Department.~~

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### 73-30

#### **Radio or Television Towers**

#### **MODIFICATIONS TO OTHER USE REGULATIONS**

[RELOCATING TEXT TO SECTION 73-141]

In all districts, the Board of Standards and Appeals may permit non ~~#accessory#~~ radio or television towers, provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### 73-31

#### **Sand, Gravel or Clay Pits**

**Commented [Z44]:** The Proposal would create a new permit for drive-through facilities in C1 through C7 districts. Currently, drive-throughs are permitted as of right for some uses. The Proposal would only allow drive throughs by BSA permit in the above zoning districts. The findings would be based on a previous permit for drive-throughs and look to ensure the facility does not impact the surrounding area.



## Enclosure Regulations

[RELOCATING TEXT TO SECTION 73-112]

### 73-311

#### General provisions

#### Drive-through facilities

[RELOCATING TEXT TO SECTION 73-112]

~~In all districts, the Board of Standards and Appeals may permit, for a term not to exceed 10 years, the extraction of sand, gravel, or clay from a #zoning lot# which is limited in size to a maximum of 50 acres and which is located not less than 1,000 feet from the nearest boundary of any #zoning lot# 10 acres or more in area used for such extraction, provided that the Board finds that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area, and provided that the following conditions are met:~~

- ~~(a) — that the applicant submits a site plan showing the proposed extent and depth of the area to be excavated, together with the certification of the Department of Buildings that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby #streets#, sewers, #buildings or other structures#, or installations;~~
- ~~(b) — that the applicant submits a plan for the rehabilitation of the #zoning lot# to be undertaken after the completion of the excavation operations which is satisfactory to the Board, and posts a bond, in an amount to be determined by the Board, for the performance of such rehabilitation;~~
- ~~(c) — that the entire perimeter of the #zoning lot#, except for necessary truck roads, is fenced, including locked gates, so as to prevent children from gaining access to the excavated areas;~~
- ~~(d) — that one #accessory# off street parking space is provided for every 2,000 square feet of #lot area# or for every three employees, whichever shall require a lesser number of spaces; and~~
- ~~(e) — that the performance standards for M1 Districts shall apply to such operations in all districts other than M2 or M3 Districts, where the applicable performance standards shall govern.~~

[RELOCATED TEXT FROM SECTION 73-243; EXPANDING AND MODIFYING]

In C1 through C7 Districts, the Board of Standards and Appeals may permit modification to the applicable enclosure regulations to allow #accessory# drive-through facilities serving a #use# listed in Use Group 6, as set forth in Section 32-16 (Use Group 6 – Retail and Services), for a

term not to exceed 10 years, provided that the following findings are met:

- (a) the drive-through facility contains reservoir space for waiting automobiles, at maximum expected operation, within the #zoning lot#;
- (b) the drive-through facility will cause minimal interference with traffic flow in the immediate vicinity;
- (c) the character of the #Commercial District# #street# frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing #uses# contained within such area and to the subject #use#;
- (d) the drive-through facility shall not have an undue adverse impact on #residences# within the immediate vicinity of the subject premises; and
- (e) there will be adequate buffering between the drive-through facility and adjacent #residential uses#.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-312**

#### **Conditions on operation**

[RELOCATING TEXT TO SECTION 73-112]

The Board of Standards and Appeals shall impose the following conditions on the method of operation of such #uses#:

- (a) ~~that all drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.;~~
- (b) ~~that the emission of process dust either from the area of operations or from the excavated materials themselves shall be minimized by frequent watering or by such other means as the Board shall direct;~~
- (c) ~~that the warning notices respecting unlawful entry shall be posted on the fence, and that a watchman shall be stationed on the premises to police the entire area after normal working hours and on weekends and holidays; and~~
- (d) ~~that excavation operations shall be undertaken in such manner as to avoid the creation of undrained pockets and the formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed in accordance with the requirements of the Department of Health to~~

~~eliminate breeding places for mosquitoes or other insects.~~

~~The Board may prescribe additional appropriate conditions and safeguards to protect the public health, safety and general welfare during the period between the cessation of operations and the final rehabilitation of the site in accordance with approved plans.~~

**73-32**

**Manufacture of Gaseous or Liquid Oxygen**  
**Modification of Streetscape Regulations**

[ELIMINATING. ABILITY TO MODIFY PERFORMANCE STANDARDS  
IS CAPTURED BY NEW SPECIAL PERMIT IN SECTION 73-211]

~~In M3 Districts, the Board of Standards and Appeals may permit the manufacture of gaseous or liquid oxygen provided that such manufacture complies with all the applicable provisions of the Administrative Code of the City of New York and all rules and regulations of the Fire Department.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including adequate buffering.~~

~~In #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying streetscape regulations of Section 32-30, inclusive, including as such provisions are modified by a Special Purpose District or other special geography of this Resolution.~~

~~In order to grant such permit, the Board shall find that:~~

- ~~(a) such modification is the minimum extent necessary;~~
- ~~(b) such modification will not impair the character or the future use or development of the surrounding area; and~~
- ~~(c) the modifications are necessary to support the operation of such #use#.~~

~~The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

**73-33**

**Storage of Non-flammable Liquids**

[ELIMINATING. ABILITY TO MODIFY PERFORMANCE STANDARDS  
IS CAPTURED BY NEW SPECIAL PERMIT IN SECTION 73-211]

**Commented [Z45]:** The Proposal would allow modifications of its proposed streetscape regulations through this BSA permit. The findings are designed to ensure any changes are limited to the minimum extent necessary.

**Commented [Z46]:** The remainder of existing permits in 73-30 inclusive are either superseded or relocated.

In M1 Districts, the Board of Standards and Appeals may permit the storage of non-flammable liquids in tanks to be located no closer than 100 feet from a #Residence District# boundary.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including adequate buffering.

### **73-34**

#### **Fire Stations in Prefabricated Temporary Structures**

[ELIMINATING]

In all #Residence Districts# except R1, R2, R3 and R4 Districts, the Board of Standards and Appeals may permit, for a term of five years, fire stations in prefabricated temporary structures, provided that such #use# is located in a high fire incidence area as designated by the Fire Department.

For fire stations in prefabricated temporary structures, in all #Residence Districts# except R1, R2, R3 and R4 Districts and in all #Commercial# and #Manufacturing Districts#, the Board may permit modifications of the applicable regulations in Sections 23-40 to 23-55, inclusive, Sections 33-20 to 33-31, inclusive, and Sections 43-20 to 43-22, inclusive, relating to Yard Regulations.

### **73-35**

#### **Amusement Arcades**

[ELIMINATING. NO LONGER NECESSARY PER PROPOSAL]

In C4-1 Districts, or in M2 or M3 Districts which contain shopping centers on March 4, 1976, the Board of Standards and Appeals may permit amusement arcades to be located within shopping centers for a term of one year, provided the following findings are made:

- (a) that the application for the special permit is a joint application made by the management of such shopping center and the operator of the proposed amusement arcade;
- (b) that such amusement arcade will be beneficial to the other #uses# located within the shopping center; and
- (c) that the #use# is so located within the shopping center that no entrance and no #sign# fronts upon or faces a #street#.

The special permit may be renewed for subsequent one year terms provided the Board finds that the facts upon which the special permit was granted have not substantially changed.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on hours of operation or requirements

for security and supervision.

\* \* \*

**73-43  
Reduction of Parking Spaces**

\* \* \*

**73-432  
Reduction of parking spaces for places of assembly**

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category ~~D (Places of Assembly)~~ B1 whenever such #uses# are located on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds:

- (a) that the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the place of assembly during the entire period that such place of assembly remains in #use#; and
- (b) that, in accordance with submitted schedules of the times of operation for all #uses# on the #zoning lot#, there will be no conflict in the #use# of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

\* \* \*

**Commented [Z47]:** Updates to cross references and parking requirement categories (PRCS).

**73-44  
Reduction of Parking Spaces for ~~Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4~~ and Uses in Parking Requirement Category ~~B1-A3~~**

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for ~~ambulatory diagnostic or treatment facilities listed in Use Group 4~~ and #uses# in parking requirement category ~~B1-A3~~ B1-A3 in Use Group 6, 7, 8, 9, 10, 11, 14 or 16 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by ~~ambulatory diagnostic or treatment facilities listed in Use Group 4~~ or #uses# in parking category ~~B1-A3~~ is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking

**Commented [Z48]:** Updates to cross references and parking requirement categories (PRCS).

category ~~B~~ A2 unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

~~REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR AMBULATORY DIAGNOSTIC OR TREATMENT FACILITIES LISTED IN USE GROUP 4 AND COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY ~~B1~~ A3~~

| Parking Spaces Required per Number of Square Feet of #Floor Area# * | Districts   |
|---|---|
| 1 per 400   | C1-1 C2-1 C3 C4-1                                       |
| 1 per 600   | C1-2 C2-2 C4-2 C8-1<br>M1-1 M1-2 M1-3<br>M2-1 M2-2 M3-1 |
| 1 per 800   | C1-3 C2-3 C4-3 C7 C8-2                                  |

\* For ambulatory diagnostic or treatment facilities listed in ~~Use Group 4~~ Use Group 3B, parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space used for storage

\* \* \*

**73-47**

**Rental of Accessory Off-Street Parking Spaces to Non-Residents**  
**Exceptions to Maximum Size of Accessory Group Parking Facilities**

[ELIMINATING PER C1 / C2 DISTRICT, & C4 / C5 / C6 DISTRICT UNIFICATION]

~~In C1 or C5 Districts, for a term not to exceed five years, the Board of Standards and Appeals may permit off-street parking spaces #accessory# to #residences# or #non-profit hospital staff dwellings# to be rented for periods of less than one week, to persons who are not occupants of such #residences# or #non-profit hospital staff dwellings#, provided that such rental of spaces conforms to the provisions set forth in Section 36-46 (Restrictions on Use of Accessory Off-street Parking Spaces) and that the following special findings are made:~~

- ~~(a) that the number of spaces to be rented or the location of access, thereto, is such as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;~~
- ~~(b) that the total number of spaces to be rented to non-residents does not exceed 100; and~~
- ~~(c) that where the total number of spaces to be rented to non-residents exceeds 20, reservoir space is provided at the vehicular entrance to accommodate 10 automobiles or 20 percent~~

**Commented [Z49]:** Eliminating the permit because changes in the Proposal make it unnecessary.

An existing permit is relocated to this section.

~~of the spaces so rented, whichever amount is less.~~

~~The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights.~~

~~This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.~~

[RELOCATING FROM 73-48]

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

#### 73-471

#### For hospitals and related facilities in Residence Districts

[RELOCATING FROM 73-481]

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces for hospitals and related facilities in all #Residence Districts#, provided that the following findings are made:

- (a) that such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (b) that such facility has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 20 automobiles; and
- (c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for locations of entrances and exits or for shielding of floodlights.

**73-472**

**In Commercial or Manufacturing Districts**

[RELOCATING FROM 73-482]

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:

- (a) that such facility, if #accessory# to a non-#residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and
- (b) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.

**73-48**

**Exceptions to Maximum Size of Accessory Group Parking Facilities**

**Roof Parking**

[RELOCATING TO 73-47]

~~The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off street Parking Spaces in Public Parking Garages).~~

~~This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.~~

[RELOCATING FROM 73-49. EXPANDING APPLICABILITY]

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C7 outside the #expanded Transit Zone#, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the Board of Standards and Appeals may permit the parking or storage of motor vehicles on the



roof of a #public parking garage# with a total of 150 spaces or less and, in all districts, the Board may permit modifications of the applicable provisions of Sections 25-11, 36-11 or 44-11 (General Provisions) so as to permit #accessory# off-street parking spaces to be located on the roof of a #building#. As a condition of permitting such roof parking, the Board shall find that the roof parking is so located as not to impair the essential character or the future use or development of adjacent areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for setback of roof parking areas from #lot lines#, or for shielding of floodlights.

### **73-481**

#### **For hospitals and related facilities in Residence Districts**

[RELOCATING TO 73-471]

~~The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces for hospitals and related facilities in all #Residence Districts#, provided that the following findings are made:~~

- ~~(a) — that such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;~~
- ~~(b) — that such facility has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 20 automobiles; and~~
- ~~(c) — that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for locations of entrances and exits or for shielding of floodlights.~~

### **73-482**

#### **In Commercial or Manufacturing Districts**

[RELOCATING TO 73-472]

~~The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:~~

- (a) ~~that such facility, if #accessory# to a non #residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and~~
- (b) ~~that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.~~

### **73-49 Roof Parking**

[RELOCATING TO 73-48]

~~In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the Board of Standards and Appeals may permit the parking or storage of motor vehicles on the roof of a #public parking garage# with a total of 150 spaces or less and, in all districts, the Board may permit modifications of the applicable provisions of Sections 25-11, 36-11 or 44-11 (General Provisions) so as to permit #accessory# off-street parking spaces to be located on the roof of a #building#. As a condition of permitting such roof parking, the Board shall find that the roof parking is so located as not to impair the essential character or the future use or development of adjacent areas.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for setback of roof parking areas from #lot lines#, or for shielding of floodlights.~~

### **73-50 SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES**

In appropriate cases, for #zoning lots# with single frontage, the Board of Standards and Appeals may permit primary business entrances, #show windows#, or #signs# not otherwise permitted under the provisions of Section ~~32-51 or 42-44~~ 32-43 or 42-53 (Limitations on Business Entrances, Show Windows or Signs), provided that in no case shall any such primary business entrance, #show window# or #sign# be permitted within 10 feet of a #Residence District# boundary.

In addition, in appropriate cases, the Board may waive the requirements for #rear yards# or #side yards# set forth in Sections 33-29 or 43-30 (SPECIAL PROVISIONS APPLYING ALONG

DISTRICT BOUNDARIES) or the requirements for #front yards# as set forth in Section 34-233 (Special provisions applying along district boundaries).

It is further provided that, in appropriate cases, the Board may waive in whole or in part the #front yard# requirement set forth in Section 43-304 (Required front yards along district boundary located in a street) after finding that such waiver will not have an adverse effect on the surrounding area. The Board shall prescribe appropriate conditions and safeguards to preserve and enhance the character of the surrounding area, and to ensure the maintenance of resulting #front yards#.

\* \* \*

**73-53**

### **Enlargements or Extensions of Certain Manufacturing or Related Uses**

**Commented [Z50]:** Updating cross references.

- (a) In all districts, the Board of Standards and Appeals may modify #use# and #bulk# regulations to permit the #enlargement# or #extension# of #floor area# of a conforming or #non-conforming# #use# ~~listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES)~~ #referenced commercial and manufacturing uses#, provided that:
- (1) such #use# is not subject to termination pursuant to Section 52-70, et seq.;
  - (2) the #use# for which such special permit is being sought has been lawfully located on the #zoning lot# on which the expansion is to occur, or a portion thereof, for five years or more;
  - (3) the #building# in which such #use# is located has not previously been #enlarged#, pursuant to Sections 11-412, 43-121 or 72-21;
  - (4) ~~the #use# is not listed in Use Group 18~~ any #use# from Use Group 10 is permitted in C8 Districts; and
  - (5) in a #Residence District#, such #enlargement# or #extension# shall be permitted in existing #floor area# or on a vacant portion of a #zoning lot# only when no lawful #residential use# has occupied such #floor area# or vacant portion of a #zoning lot# at any time during the five years prior to the date of application for such special permit.

\* \* \*

The Board may prescribe appropriate conditions and safeguards including, if appropriate, limitations on hours of parking and delivery, requirements for off-street loading, and location of curb cuts to minimize adverse effects of the #enlargement#, #extension# or existing #uses# on the character of the surrounding area, and to protect #residential# or #commercial zoning lots#.

\* \* \*

**73-60**

## **MODIFICATIONS OF BULK REGULATIONS**

**Commented [Z51]:** The remainder of changes reflect relocations or minor cross reference changes. The descriptive text in brackets describes these changes.

**73-61**

### **General Provisions**

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-62 to 73-68 inclusive, the Board of Standards and Appeals shall have the power to permit modification of the #bulk# regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit modification of the #bulk# regulations are made inapplicable in accordance with the provisions of Section 81-061 (Applicability of Chapter 3 of Article VII).

\* \* \*

**73-64**

### **Modifications for Community Facility Uses**

On a #zoning lot# occupied by any of the #community facility# #uses# specified in this Section, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility# #uses# are:

College or school student dormitories or fraternity and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools

Community centers

Houses of worship, rectories, parish houses or seminaries

Libraries, museums or non-commercial art galleries

Monasteries, convents or novitiates

#Non-profit hospital staff dwellings#

Non-profit or voluntary hospitals and related facilities

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in ~~Use Group 4~~  
Use Group 3

~~#Schools#.~~

\* \* \*

**73-70**

**~~SPECIAL PERMITS IN THE FLOOD ZONE~~**  
**ADDITIONAL MODIFICATIONS OF BULK REGULATIONS**

[RELOCATING PROVISIONS TO SECTION 73-80]

The following Sections shall apply to ~~#zoning lots#~~ located wholly or partially within the ~~#flood zone#~~.

**73-71**

**~~Special Permit for Modification of Certain Zoning Regulations~~**  
**Bulk modifications for community facilities in lower density growth management areas**

[RELOCATING PROVISIONS TO SECTION 73-80]

In ~~#flood zones#~~, for all districts, the Board of Standards and Appeals may permit modification of the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), and any other applicable ground floor ~~#use#~~, supplementary ~~#use#~~, ~~#bulk#~~, and parking regulations of the Zoning Resolution, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) are met.

For the purposes of this Section, defined terms include those in Section 12-10 and those in Section 64-11.

~~(a) — Conditions~~

~~All applications shall be subject to the following conditions:~~

- ~~(1) — the #building# complies with #flood-resistant construction standards#;~~
- ~~(2) — any modification of height and setback regulations related to increasing the permitted overall height shall not exceed the maximum height permitted by the applicable underlying district regulations by 10 percent, or 10 feet, whichever is greater, as measured from the #reference plane#; and~~

(3) — any increase in the amount of permitted #floor area# shall be limited to no more than 20 percent of the #floor area# permitted on the #zoning lot#, and in no event more than 10,000 square feet of #floor area#. However, such restriction shall not apply to #non-complying# #buildings# with #non-complying# #floor area#, provided that the total #floor area# of the altered, #enlarged#, relocated, or reconstructed #building#, does not exceed the amount of existing #floor area# of such pre-existing #building#.

(b) — Findings

In order to grant the special permit, the Board shall find that:

- (1) — there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;
- (2) — any modification related to an increase in the amount of permitted #floor area# is the minimum necessary to address practical difficulties in retaining pre-existing habitable space;
- (3) — any modification related to parking regulations to permit a reduction in the number of #accessory# off-street parking spaces and the change in location of #accessory# off-street parking spaces, will:
  - (i) — facilitate an improved site plan;
  - (ii) — not cause traffic congestion; and
  - (iii) — not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#; and
- (4) — the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

[RELOCATING PROVISIONS FROM SECTION 73-126]

In addition, for #buildings# in R3, R4 and R5 Districts in #lower density growth management areas# subject to the provisions of paragraph (b) of Section 24-012 (Exceptions to the bulk

regulations of this Chapter) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts).

In order to grant such special permit, the Board shall find that:

- (a) the amount and type of open area and its distribution on the #zoning lot# is compatible with the character of the neighborhood;
- (b) the distribution of #bulk# on the #zoning lot# will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (c) the scale and placement of the #building# on the #zoning lot# relates harmoniously with surrounding #buildings#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-72**

**Special Permit for Ground Floor Uses in Residence Districts**

[RELOCATING TO SECTION 73-171]

In all #Residence Districts#, for #buildings# containing #residential uses#, the Board of Standards and Appeals may permit offices, as listed in Use Group 6B, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) of this Section are met:

**(a) Conditions**

All applications shall be subject to the following conditions:

- (1) the #building# complies with #flood-resistant construction standards#;
- (2) the office #use# is located on the lowest #story# above grade within the #building#;
- (3) access to such office #use# is from a separate entrance than that serving the #residential# portion of the #building#;
- (4) the #floor area# associated with such office #use# shall be considered as #community facility# #use# for the purposes of determining compliance with the applicable district #floor area ratio# regulations, and amount of #floor area# attributed to such office #use# shall not exceed 10,000 square feet;

- (5) ~~the office #use# complies with the #accessory# off street parking regulations for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), in accordance with Article II, Chapter 5 (Accessory Off Street Parking and Loading Regulations); and~~
- (6) ~~such office #use# complies with #accessory# #signs# regulations for #buildings# containing #residences#, as set forth in Section 22-32 (Permitted Non-Illuminated Accessory Signs).~~

(b) Findings

~~In order to grant the special permit, the Board shall find that:~~

- (a) ~~such office #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;~~
- (b) ~~such office #use# will not produce objectionable effects; and~~
- (c) ~~such office #use# will not alter the essential character of the neighborhood in which the #building# is located.~~

~~The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

**73-80**

**LAPSE OF PERMIT**

**SPECIAL PERMITS IN THE FLOOD ZONE**

[RELOCATING TO SECTION 73-90]

~~A special permit for a specified #use# or for a modification of the #use# or #bulk# regulations granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such permit was granted, has not been completed within four years from the date of granting such permit by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals.~~

[RELOCATING FROM SECTION 73-70]

~~The following Sections shall apply to #zoning lots# located wholly or partially within the #flood zone#.~~

**73-81**



## **Special Permit for Modification of Certain Zoning Regulations**

[RELOCATING FROM SECTION 73-71]

In #flood zones#, for all districts, the Board of Standards and Appeals may permit modification of the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), and any other applicable ground floor #use#, supplementary #use#, #bulk#, and parking regulations of the Zoning Resolution, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) are met.

For the purposes of this Section, defined terms include those in Section 12-10 and those in Section 64-11.

### **(a) Conditions**

All applications shall be subject to the following conditions:

- (1) the #building# complies with #flood-resistant construction standards#;
- (2) any modification of height and setback regulations related to increasing the permitted overall height shall not exceed the maximum height permitted by the applicable underlying district regulations by 10 percent, or 10 feet, whichever is greater, as measured from the #reference plane#; and
- (3) any increase in the amount of permitted #floor area# shall be limited to no more than 20 percent of the #floor area# permitted on the #zoning lot#, and in no event more than 10,000 square feet of #floor area#. However, such restriction shall not apply to #non-complying# #buildings# with #non-complying# #floor area#, provided that the total #floor area# of the altered, #enlarged#, relocated, or reconstructed #building#, does not exceed the amount of existing #floor area# of such pre-existing #building#.

### **(b) Findings**

In order to grant the special permit, the Board shall find that:

- (1) there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;
- (2) any modification related to an increase in the amount of permitted #floor area# is the minimum necessary to address practical difficulties in retaining pre-existing habitable space;
- (3) any modification related to parking regulations to permit a reduction in the

number of #accessory# off-street parking spaces and the change in location of #accessory# off-street parking spaces, will:

- (i) facilitate an improved site plan;
  - (ii) not cause traffic congestion; and
  - (iii) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#; and
- (4) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **73-90**

#### **LAPSE OF PERMIT**

[RELOCATING FROM SECTION 73-80]

A special permit for a specified #use# or for a modification of the #use# or #bulk# regulations granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such permit was granted, has not been completed within four years from the date of granting such permit by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals.

\* \* \*

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 VII ADMINISTRATION

### Chapter 4 Special Permits by the City Planning Commission

#### 74-00 POWERS OF THE CITY PLANNING COMMISSION

##### 74-01 General Provisions

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits in specific districts for the #uses# listed in this Chapter, whose location or control requires special consideration or major planning factors, or for specified modifications of the #use# or #bulk# regulations of this Resolution, provided that in each specific case the requirement for findings as set forth in this Chapter shall constitute a condition precedent to the grant of such special permit.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such special permit #use# or #building or other structure# permitted hereunder shall conform to and comply with all of the applicable regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory# #signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution except as otherwise specifically provided in this Chapter.

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances or Permits Previously Authorized.

In all Special Purpose Districts, the provisions of Section 23-934 (Special permit approval in Special Purpose Districts), with respect to special permits that modify #use# or #bulk#, shall apply. In the #Special Midtown District#, the powers of the Commission to permit special permit #uses# are modified by the provisions of Section 81-13 (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or grant bonus #floor area# for

**Commented [Z1]:** Article VII, Chapter 4 contains the special permits available from the City Planning Commission (CPC). The Proposal would make a number of updates to this chapter.

First, the Proposal would reorganize the existing use permits into the new 10 use categories that better reflect land use activities that occur in the city. While this change wouldn't, on its own, change any zoning regulations, it would make it easier to understand what rules apply since the current use permits are highly disorganized.

Second, the Proposal would make updates to a number of existing use permits to reflect changes elsewhere in the proposal. It would also create some new permits that would apply to some specific uses (like microdistribution) or to broad classes of uses (like retail and service uses). They are noted in the text.

The Proposal would also make minor updates to outdated terminology to make the ZR more consistent with itself.

certain amenities are made inapplicable or modified in accordance with the provisions of Section 81-062 (Applicability of Chapter 4 of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

Fire stations

Police stations

~~Public transit, railroad or electric utility substations~~ Electric utility substations or public transit or railroad electric substations, limited to sites of not less than 40,000 square feet and not more than 10 acres

Sewage disposal plants.

#### **74-02**

##### **Further Requirements**

It shall be a further requirement that the decision or determination of the City Planning Commission shall set forth each required finding in each specific grant of a special permit #use#, or modification of the #use# or #bulk# regulations, and in each denial thereof which of the required findings has not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Commission in reaching its final decision, including the personal knowledge of or inspection by the members of the Commission.

~~In no case shall a special permit for a proposed sewage treatment plant or pumping station under Section 74-73 of this Chapter be denied without a prior public hearing by the Commission. Such public hearing must be held by the Commission and decision given within six months of the date of filing of the request for such special permit with the Commission.~~

#### **74-03**

##### **Requirements for Applications**

[RELOCATING UNCHANGED FROM SECTION 74-20]

An application to the City Planning Commission for the grant of a special permit respecting any of the #uses# specified in this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the

**Commented [Z2]:** This is redundant - a "public hearing by the Commission" is required for all special permits pursuant to ULURP.

Commission.

**74-04**  
**Conditions and Safeguards**

[RELOCATING UNCHANGED FROM SECTION 74-21]

The City Planning Commission may prescribe such conditions and safeguards to the grant of special permits as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

**74-05**  
**General Provisions for Special Permit Uses**

[RELOCATING FROM SECTION 74-31. UPDATING X-REFS]

The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:

(a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#, and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#.

The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such #use# will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases, the Commission shall deny a special permit #use# whenever such #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit #use#.

(c) Where, under the applicable findings, the Commission is required to determine whether the special permit #use# is appropriately located in relation to the #street# system, the Commission shall make such determination on the basis of the Master Plan of Arterial

Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit #use# in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such #streets#.

- (d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.
- (e) The Commission may authorize any special permit #use# for such term of years as it deems appropriate.
- (f) The Commission may permit the #enlargement# or #extension# of any existing #use# which, if new, would be permitted by special permit in the specified districts under the provisions of Section 74-01 (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Commission shall make all of the required findings applicable to the special permit #use#, except that:
- (1) in the case of #public parking garages# or #public parking lots#, the Commission may waive all such applicable required findings set forth in Sections 74-193 or 74-194; and
  - (2) in the case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Sections 74-142 or 74-147, except that the requirements with respect to site size shall not be waived.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the degree of #non-compliance# with the applicable #bulk# regulations.

#### **74-06**

##### **Additional Considerations for Special Permit Use and Bulk Modifications**

[RELOCATING, UNCHANGED, FROM SECTION 74-32]

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph

(d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

**74-10**  
**SPECIAL PERMIT USES**

**74-11**  
**Agriculture and Other Open Uses**

[PLACEHOLDER FOR ANY FUTURE PERMITS]

**Commented [Z3]:** All permits for Use Group 1 would be located here. There are none currently.

**74-12**  
**Residences**

**Commented [Z4]:** All permits for Use Group 2 would be located here.

**74-121**  
**Residential use in C4-1 Districts in Staten Island**

[RELOCATING, UNCHANGED, FROM SECTION 74-49]

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

**74-122**  
**Accessory outdoor swimming pools for residences**

[RELOCATING, UNCHANGED, FROM SECTION 74-86]

The City Planning Commission may permit, as #accessory# to a #use# in Use Group 2 other than a #single-family# or #two-family residence#, an outdoor swimming pool to be located not less than 50 feet from any #lot line#, provided that such pool is so located as not to impair the essential character of the residential neighborhood.

The Commission may require that the pool be appropriately screened from other areas on the same or adjacent #zoning lots#. In special circumstances where the Commission finds that the design operates as a suitable buffer or the conditions of topography so warrant, the minimum distance of 50 feet may be reduced or waived.

The Commission shall in each case give due consideration to the effect of such location on the adjacent #residences# and the #street# and may impose appropriate conditions and safeguards.

**74-13**

### **Community Facilities**

**74-131**

### **Long-term care facilities**

[RELOCATING, UNCHANGED, FROM SECTION 74-901]

The City Planning Commission may permit #long-term care facilities# in locations where they are not permitted as-of-right, in accordance with paragraph (a) or (b) of this Section.

(a) In R1 and R2 Districts

The Commission may permit #long-term care facilities# in R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts#, provided that the following findings are made:

- (1) such #use# is compatible with the character of the surrounding area;
- (2) the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and
- (3) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

(b) In certain Community Districts

The Commission may permit the #development# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the

**Commented [Z5]:** All permits for Use Group 3 would be located here.



existing #floor area# by 15,000 square feet or more, in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, provided that the Commission finds that the #development# of additional nursing home beds will not unduly burden such community district. However, such special permit shall not apply to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes).

Where such #use# is permitted by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), or Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts), as applicable.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **74-132**

##### **Non-profit hospital staff dwelling**

[RELOCATING, UNCHANGED, FROM SECTION 74-70]

The City Planning Commission may permit #non-profit hospital staff dwellings# in accordance with the conditions of paragraph (a) of this Section, provided that the findings of paragraph (b) are met.

(a) The Commission may permit:

- (1) in all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or voluntary hospital and related facilities;  
or
- (2) in C4-2 Districts without a letter suffix, in Community District 11 in the Borough of the Bronx, #non-profit hospital staff dwellings# on #zoning lots# located not more than 1,500 feet from the non-profit or voluntary hospital and related facilities.

(b) To permit such #non-profit hospital staff dwellings#, the Commission shall find:

- (1) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use or development of the surrounding area; and
- (2) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects

on the character of the surrounding area.

**74-133**

**Other community facility uses in M1 Districts**

[RELOCATING FROM SECTION 74-921 (a). UPDATING USE APPLICABILITY]

In M1 Districts, the City Planning Commission may permit any remaining #community facility uses# without sleeping accommodations, as set forth in Use Group 3B, other than educational institutions, provided that such #community facility# is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

- (a) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;
- (b) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;
- (c) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (d) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (e) within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
- (f) such facility will not impair the essential character of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-14**

**Public Service Facilities and Infrastructure**

**74-141**

**Fire or police stations**

**Commented [Z6]:** Updating applicability based on the reorganization of the community facility use group.

**Commented [Z7]:** All permits for Use Group 4 would be located here.

[RELOCATING, UNCHANGED, FROM SECTION 74-67]

In all #Residence Districts#, the City Planning Commission may permit fire or police stations, provided that the following findings are made:

- (a) that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and
- (b) in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.

For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

**74-142**

**Electric utility substations**

[RELOCATING FROM 74-61. ISOLATING THIS INFRASTRUCTURE IN ITS OWN SECTION]

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus), limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

- (a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;
- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for

**Commented [Z8]:** For legibility, the Proposal would split a single permit into parts that better reflect the underlying uses.

landscaping or screening.

**74-143**

**Sewage pumping stations and sewage disposal plants**

The City Planning Commission may permit sewage pumping stations and sewage disposal plants pursuant to paragraphs (a), (b) or (c) of this Section, as applicable.

[RELOCATING FROM SECTION 74-732]

**(a) Private sewage pumping stations and sewage disposal plants**

In all #Residence Districts#, the Commission may permit private sanitary or storm water sewage pumping stations and sewage disposal plants, provided that:

- (1) such use will serve a #development# which contains more than 15 #dwelling units#;
- (2) there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area.
- (3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;
- (4) for sewage disposal plants:
  - (i) the related #development# is arranged in such a way as best to serve active and passive recreation needs; protect and preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of #buildings# to achieve these objectives; and
  - (ii) the proposed plant will be adequate for anticipated development in the area to be served; or
- (5) in all cases, the proposal promotes and protects the public health, safety and general welfare.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Resources for a report.

The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.

**Commented [Z9]:** For legibility, the Proposal would consolidate various sewage permits to better reflect the underlying uses.

[RELOCATING FROM SECTION 74-731]

(b) Private sewage disposal plants

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit private sewage disposal plants provided that:

- (1) such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located;
- (2) that in the case of a residential area, such area contains more than 50 #dwelling units#; and
- (3) that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area or commercial area.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Protection for a report.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

[RELOCATING FROM SECTION 74-733 & 74-734]

(c) Municipal sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit municipal sewage pumping stations, and in all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the Commission may permit municipal sewage disposal plants, provided that:

- (1) there are serious difficulties in locating it in a district where it is permitted as-of-right;
- (2) in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served;
- (3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities; and
- (4) in all cases, the proposal promotes and protects the public health, safety and general welfare.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.

**74-144**  
**Airports**

[RELOCATING FROM SECTION 74-65]

In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities, in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, provided that the following findings are made:

- (a) that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

**74-145**  
**Bus stations**

The City Planning Commission may permit bus stations with fewer than 10 berths pursuant to paragraph (a) of this Section, and may permit bus stations with 10 or more berths pursuant to paragraph (b).

[RELOCATING FROM SECTION 74-633]

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in this Section.

[RELOCATING FROM SECTION 74-632

(a) In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

- (1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the City;
- (2) that the principal access of such #use# is not located on a local #street#;
- (3) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and
- (4) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

[RELOCATING FROM SECTION 74-631

(b) In C4, C6 or #Manufacturing Districts#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

- (1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;
- (2) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

- (3) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby residential areas by topographical or physical conditions of the land;
- (4) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and
- (5) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

#### **74-146** **Heliports**

[RELOCATING FROM SECTION 74-66]

In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities where the applicant has submitted a site plan showing the location of landing areas, provided that the following findings are made:

- (a) that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes



established in the Resolution with respect to other major traffic-generating facilities.

**74-147**

**Public transit or railroad electric substations**

[RELOCATING FROM 74-61;  
ISOLATING THIS INFRASTRUCTURE IN ITS OWN SECTION]

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

- (a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;
- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

**74-148**

**Railroad passenger stations**

[RELOCATING, UNCHANGED, FROM SECTION 74-62]

- (a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:
  - (1) that the principal access for such #use# is not located on a local #street#;
  - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and

**Commented [Z10]:** For legibility, the Proposal would split a single permit into parts that better reflect the underlying uses.

- (3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

- (b) In Community Districts 4 and 5 in the Borough of Manhattan, the Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
  - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and

- (ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

[RELOCATING, UNCHANGED, FROM SECTION 74-69]

In all districts, the City Planning Commission may permit seaplane bases provided that the following findings are made:

- (a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

#### **74-15**

#### **Transient Accommodations**

#### **74-151**

#### **In R10H Districts**

[RELOCATING, UNCHANGED, FROM SECTION 74-801]

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel# #use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel# #use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

Commented [Z11]: All permits for Use Group 5 would be located here.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **74-152**

##### **In Commercial Districts**

[RELOCATING FROM SECTION 74-802. CROSS-REFERENCES UPDATED]

In C1, C2, C4, C5, C6, C7 and C8 Districts, M1 Districts paired with a #Residence District#, or M1-6D Districts, the City Planning Commission may permit #transient hotels#, #motels#, or #tourist cabins#, as listed in use Group 5 pursuant to Sections 32-15 and 42-15 (Use Group 5 – Transient Accommodations) that are not otherwise permitted pursuant to the provisions of Section 32-152 or 42-152 (Use Group 5 – uses subject to additional conditions). The Commission may also permit #transient hotels#, #motels#, or #tourist cabins# made permissible in Special Purpose Districts of this Resolution.

In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;
- (b) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (c) such #use# will not impair the future use or development of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **74-153**

##### **In M1 Districts**

[RELOCATING FROM SECTION 74-803. CROSS-REFERENCES UPDATED]

In M1 Districts, other than those subject to the provisions of Section 74-153, the City Planning Commission may permit #transient hotels#, #motels# or #tourist cabins#, as listed in Section 42-15 (Use Group 5 – Transient Accommodations), that are not otherwise permitted pursuant to Section 42-152 (Use Group 5 – uses subject to additional conditions).

In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that address any potential conflicts between the proposed

#use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;

- (b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;
- (c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (d) such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-16**

#### **Retail and Services**

**Commented [Z12]:** All permits for Use Group 6 would be located here.

**74-161**

#### **Retail and service uses**

[NEW SPECIAL PERMIT, PER PROPOSAL]

In all #Commercial Districts# and #Manufacturing Districts#, the City Planning Commission may permit modifications to the underlying retail and service #uses# set forth in Sections 32-16 and 42-16 (Use Group 6 – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For retail and service #uses#, other than those #uses# for which another permit exists pursuant to Section 74-16, inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an “S”, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-16, inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

- (b) In order to grant such permit, the Commission shall find that:

**Commented [Z13]:** The Proposal would create a new permit for retail / service uses that would allow the CPC to modify the size, enclosure, and other requirements for permitted uses. This would provide flexibility for uses to make modifications to the underlying regulations.

The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts.

This CPC permit would pair with the proposed BSA permit for the same range of uses. While the BSA could double the size of use that has a size limit in the underlying regulations, the CPC could increase the size further. This could include uses like eating or drinking establishments, which have a BSA permit.

- (1) such #use# will not impair the character or the future use or development of the surrounding area;
- (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (3) the modifications are necessary to support the operation of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-17**

**Offices and Laboratories**

**Commented [Z14]:** All permits for Use Group 7 would be located here.

**74-171**

**Laboratories**

[MOVING FROM SECTION 74-48. EXPANDING APPLICABILITY. MOVING BULK MODIFICATIONS TO SECTION 74-901]

**Commented [Z15]:** The Proposal would update the existing scientific research and development facility permit to reflect changes to the underlying laboratory use and to create more opportunities for the permit's usage.

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit laboratories not otherwise allowed by the underlying #use# regulations. In conjunction with such modifications the Commission may also permit modifications to the underlying #sign# regulations.

While the current permit is limited to C6 and C2-7 districts, the Proposal would update this to apply in all Commercial Districts, as well as community facility campuses. This would allow for commercial laboratory opportunities on a greater range of sites. The permit's requirements would be updated to reflect this broadened applicability.

In order to grant such #use# modifications, the Commission shall find that such facility meets the applicable conditions of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c).

Provisions in the current permit that allowed for bulk modifications would be relocated to the bulk portion of this chapter.

**(a) Conditions**

As a condition for the special permit, such facility shall:

- (1) conform to the performance standards applicable to M1 Districts;
- (2) occupy a #zoning lot# containing no #residential use#; and
- (3) in #Residence Districts#, occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet; and

**(b) Findings**

In order to grant such permit, the Commission shall find that the laboratory:

- (1) will not unduly affect the essential character or impair the future use and development of the surrounding area;
- (2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;
- (3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and
- (4) with regard to #sign# modifications:
  - (i) the modifications are consistent with the amount and location of signage for other laboratories and are appropriate on the #zoning lot#; and
  - (ii) #illuminated signs#, if provided, utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and do not alter the essential character of the adjacent area.

(c) Additional requirements

For the purposes of applying #bulk# regulations to such laboratory, the following shall apply:

- (1) in all districts, where such laboratory will occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet, the #floor area# associated with such laboratory shall be considered #community facility floor area#, and all other associated #community facility bulk# regulations shall apply; and
- (2) in all other instances, the #floor area# associated with such laboratory shall be considered #commercial floor area#, and all other associated #commercial bulk# regulations shall apply.

Modifications to the applicable #bulk# regulations may be made in conjunction with such laboratory, by special permit of the City Planning Commission, pursuant to Section 74-901.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.



**74-18**

**Recreation, Entertainment, and Assembly Spaces**

**Commented [Z16]:** All permits for Use Group 8 would be located here.

**74-181**

**Recreation, entertainment, and assembly space uses**

[NEW SPECIAL PERMIT, PER PROPOSAL]

**Commented [Z17]:** The Proposal would create a new permit for recreation, entertainment and assembly space uses that would allow the CPC to modify the size, enclosure, and other requirements for permitted uses. This would provide flexibility for uses to make modifications to the underlying regulations.

In all #Commercial Districts# and #Manufacturing Districts#, the City Planning Commission may permit modifications to the underlying recreation, entertainment and assembly space #uses# set forth in Sections 32-18 and 42-18 (Use Group 8 – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts.

(a) For recreation, entertainment and assembly space #uses#, other than those #uses# for which another permit exists pursuant to Section 74-18, inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an “S”, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-18, inclusive.

This CPC permit would pair with the proposed BSA permit for the same range of uses. While the BSA could double the size of use that has a size limit in the underlying regulations, the CPC could increase the size further.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Commission shall find that:

- (1) such #use# will not impair the character or the future use or development of the surrounding area;
- (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (3) the modifications are necessary to support the operation of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-182**

**Arenas, auditoriums, stadiums or trade expositions**

C4 C6 C7 C8 M1 M2 M3

[RELOCATING, UNCHANGED, FROM SECTION 74-41]

- (a) The City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:
- (1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
  - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
  - (3) that such #use# is not located within 200 feet of a #Residence District#;
  - (4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;
  - (5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
  - (6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.
- (b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that:
- (1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;
  - (2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;
  - (3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;
  - (4) where Sections 32-64 and 32-655 are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and
  - (5) where Section 36-62 is modified, a loading plan has been submitted that addresses the

operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms.

(c) In the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B of the #Special Hudson Yards District#, the Commission may permit arenas with seating in excess of 2,500 persons, provided that the following findings are made:

- (1) the provisions of paragraphs (a)(1) through (a)(6) of this Section are met; and
- (2) the proposed loading for the arena will not unduly: interfere with the use of public spaces; interfere with transit facilities; interrupt the flow of pedestrian traffic in the pedestrian circulation network; or interfere with the efficient functioning of adjacent #streets# including for the staging or queuing of vehicles for loading or for security checks. An application for this special permit shall include a loading operations plan that describes the number, location and arrangement of all loading berths on the #zoning lot# as well as the location and management of off-site storage and staging of vehicles associated with the arena #use#. The plan shall be referred to the Department of Transportation and affected transit agencies for a report or recommendations on the plan. The Commission shall, in its determination, give due consideration to these reports and recommendations.

The Commission may require that, within six months of approval of the special permit, the applicant submit to the Chairperson of the City Planning Commission a transportation management plan, developed in consultation with the Department of City Planning and the Department of Transportation, to detail the loading operations plan.

The Chairperson shall certify that the loading operations, as described in the transportation management plan, comply with the relevant conditions of the Commission's resolution.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein. In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such #plazas#.

**74-183**  
**Drive-in theaters**

[RELOCATING, UNCHANGED, FROM SECTION 74-42]

In C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit drive-in theaters, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:

- (a) that the principal vehicular access for such #use# is not located on a local #street# or an arterial highway but is located on a major or secondary #street# within one-quarter mile of an arterial highway;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# is not located within 200 feet of a #Residence District#;
- (d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and
- (e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

**74-184**  
**Racetracks**

[RELOCATING, UNCHANGED, FROM SECTION 74-43]

In C8 Districts or any #Manufacturing District#, the City Planning Commission may permit racetracks, provided that the following findings are made:

- (a) that the principal vehicular access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits for such #use# are provided separately and are located not

less than 100 feet apart; and

- (e) that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating #uses#.

#### **74-185**

#### **Swimming pool clubs or certain non-commercial clubs**

[RELOCATING, UNCHANGED, FROM SECTION 74-45]

In all #Residence Districts#, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line#, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that such #use# has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the #streets#;
- (d) that in R1, R2, R3 or R4 Districts, the pool or any #accessory# facilities affixed to the land are not located closer than 100 feet or, in the case of an #accessory# outdoor tennis court, such tennis court shall not be closer than 20 feet, to any #side# or #rear lot line# coincident with a #side# or #rear lot line# of an adjoining #zoning lot# in a #Residence District#, and not located closer than 50 feet to any #street line#, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any #street# or #lot line#, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and
- (e) that for every 200 square feet of #lot area# used for the pool and its #accessory# facilities, one #accessory# off-street parking space is provided.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.

## **74-19** **Storage**

### **74-191** **Micro-distribution facilities**

In C1, C2, C4, C5, C6 and C7 Districts, for micro-distribution facilities, as set forth in Use Group 9 pursuant to Sections 32-19 (Use Group 9 – Storage), the City Planning Commission may permit modifications to a size limitation, denoted in the Use Group table with an “S”, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-19.

In order to grant such permit, the Commission shall find that:

- (a) such #use# will not impair the character or the future use or development of the surrounding area;
- (b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (c) the modifications are necessary to support the operation of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **74-192** **Self storage facility in designated areas within Manufacturing Districts**

[RELOCATING FROM SECTION 74-932. UPDATING X-REFS.]

On #zoning lots# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the #development#, #enlargement# not permitted pursuant to the provisions of Section 42-193 (Use Group 9 – uses subject to additional conditions), or change of #use# of a #building# for #self-service storage facility# #use#.

To grant such permit, the Commission shall find that the #zoning lot# is appropriate for such #self-service storage facility# #use#, based on the land use characteristics of the proposed #zoning lot# and the surrounding area. In making this determination, the Commission may consider the

**Commented [Z18]:** The Proposal would create a new permit for micro-distribution facilities that would allow the CPC to modify the size for permitted uses. This would provide flexibility for uses to make modifications to the underlying regulations.

The permit would not have applicability if the use is not permitted in a specific zoning districts.

This CPC permit would pair with the proposed BSA permit for the same use. While the BSA could double the size of the use, the CPC could increase the size further.

**Commented [Z19]:** The Proposal would update the uses listed in this special permit to reflect the updated use groups.

following:

- (a) whether such #use# is consistent with the economic development objectives of the City for the designated area in which the #self-service storage facility# seeks to be located, and may, in making this determination, consult with the Department of Small Business Services;
- (b) whether recent trends for and levels of investment in “qualifying #uses#”, as defined below, demonstrate that there is minimal demand for space for such #uses# in the surrounding area;
- (c) whether the size and configuration of the #zoning lot# make it better suited for #self-service storage facility# #use# than for “qualifying #uses#”;
- (d) for changes of #use# to existing #buildings#, whether the design and layout of loading docks, interior column spacing, floor-to-ceiling height and other relevant physical characteristics of the existing #building# make the #building# better suited for #self-service storage facility# #use# than for “qualifying #uses#”;
- (e) whether the distance of the #zoning lot# from an arterial highway or a designated truck route, or lack of frontage on a #wide street#, makes the #zoning lot# better suited for #self-service storage facility use# than for “qualifying #uses#”;
- (f) whether the distance of the #zoning lot# from mass transit that serves employees makes the #zoning lot# better suited for #self-service storage facility# #use# than for “qualifying #uses#”;
- (g) whether the establishment of a #self-service storage facility# will cause environmental remediation work to be undertaken on the #zoning lot#; or
- (h) whether there is a concentration of existing #self-service storage facilities# in the surrounding area.

For the purposes of this Section, “qualifying #uses#” shall include industrial drycleaning and laundry services listed in Use Group 6B, as well as #uses# listed in Use Group 9 (other than a #self-service storage facility#), or Use Group 10.

The Commission may impose appropriate conditions and safeguards to minimize any adverse effects upon the existing #uses# in the surrounding area.

**74-193**

**Public parking garages or public parking lots outside high density areas**

[RELOCATING FROM SECTION 74-512]

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7 outside the #expanded Transit Zone#, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the

**Commented [Z20]:** The Proposal would update the permit to reflect alignment between permitted uses in C1 and C2 commercial districts and the updated C7 district.

City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before October 17, 2019, and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.



74-194

**Public parking garages or public parking lots in high density central areas**

[RELOCATING FROM SECTION 74-52]

In C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C5, C6, C7 inside the #expanded Transit Zone#, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

**Commented [Z21]:** The Proposal would update the permit to reflect alignment between permitted uses in C4/C5/C6/C7 districts.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

#### **74-195**

##### **Trucking terminals or motor freight stations**

[RELOCATING, UNCHANGED, FROM SECTION 74-64]

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations with sites in excess of 20,000 square feet, provided that the following findings are made:

- (a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;
- (b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;
- (c) that such #use# is not located within 200 feet of a #Residence District# boundary; and
- (d) that access to such #use# is located on a #street# not less than 60 feet in width.

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

#### **74-20**

##### **REQUIREMENTS FOR APPLICATIONS ADDITIONAL SPECIAL PERMIT USES**

[RELOCATING, UNCHANGED, TO SECTION 74-03]

An application to the City Planning Commission for the grant of a special permit respecting any of the #uses# specified in this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off street parking spaces, and such other information as may be required by the Commission.

74-21  
**Conditions and Safeguards**  
**Production Uses**

[RELOCATING, UNCHANGED, TO SECTION 74-04]

~~The City Planning Commission may prescribe such conditions and safeguards to the grant of special permits as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.~~

**74-211**  
**Production uses**

[NEW SPECIAL PERMIT, PER PROPOSAL]

In all #Commercial Districts# and #Manufacturing Districts#, the City Planning Commission may permit modifications to the underlying production #uses# set forth in Sections 32-20 and 42-20 (Use Group 10 – Production Uses), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For production #uses#, other than those #uses# for which another permit exists pursuant to Section 74-21 (Production Uses), inclusive, the Commission may permit modifications to a size limitation, denoted with an “S” in the Use Group table, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-21 (Production Uses), inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

- (b) In order to grant such permit, the Commission shall find that:
- (1) such #use# will not impair the character or the future use or development of the surrounding area;
  - (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
  - (3) the modifications are necessary to support the operation of such #use#.

**Commented [Z22]:** The Proposal would create a new permit for production uses that would allow the CPC to modify the size, enclosure, and other requirements for permitted uses. This would provide flexibility for uses to make modifications to the underlying regulations.

The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts.

This CPC permit would pair with the proposed BSA permit for the same range of uses. While the BSA could double the size of use that has a size limit in the underlying regulations, the CPC could increase the size further.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

~~74-30~~

~~SPECIAL PERMIT USES~~

[RELOCATING TO SECTION 74-05]

~~74-31~~

~~General Provisions for Special Permit Uses~~

[RELOCATING, UNCHANGED, TO SECTION 74-05]

~~The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:~~

~~(a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#, and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#.~~

~~The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such #use# will be minimized by appropriate conditions governing location of the site, design and method of operation.~~

~~(b) In all cases, the Commission shall deny a special permit #use# whenever such #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights of way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit #use#.~~

~~(c) Where, under the applicable findings, the Commission is required to determine whether the special permit #use# is appropriately located in relation to the #street# system, the Commission shall make such determination on the basis of the Master Plan of Arterial Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit #use# in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such #streets#.~~

~~(d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the~~

~~anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.~~

- ~~(e) — The Commission may authorize any special permit #use# for such term of years as it deems appropriate.~~
- ~~(f) — The Commission may permit the #enlargement# or #extension# of any existing #use# which, if new, would be permitted by special permit in the specified districts under the provisions of Section 74-01 (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Commission shall make all of the required findings applicable to the special permit #use#, except that:
  - ~~(1) — in the case of #public parking garages# or #public parking lots#, the Commission may waive all such applicable required findings set forth in Section 74-51 or 74-52, except that the capacity of any such garage or lot in a C1-District shall not exceed 100 spaces; and~~
  - ~~(2) — in the case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Section 74-61, except that the requirements with respect to site size shall not be waived.~~~~

~~No such #enlargement# or #extension# shall create a new #non-compliance# or increase the degree of #non-compliance# with the applicable #bulk# regulations.~~

#### **74-32**

#### **Additional Considerations for Special Permit Use and Bulk Modifications**

[RELOCATING TO SECTION 74-05]

~~Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of~~

such paragraph (d).

#### 74-40

#### USE PERMITS

#### 74-41

#### Arenas, Auditoriums, Stadiums or Trade Expositions

~~C4 C6 C7 C8 M1 M2 M3~~

[RELOCATING, UNCHANGED, TO SECTION 74-182]

- (a) ~~The City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:~~
- ~~(1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;~~
  - ~~(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;~~
  - ~~(3) that such #use# is not located within 200 feet of a #Residence District#;~~
  - ~~(4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;~~
  - ~~(5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and~~
  - ~~(6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.~~
- (b) ~~In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that:~~
- ~~(1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;~~
  - ~~(2) open space surrounding such arena will be located and arranged to provide adequate~~

pedestrian gathering areas to minimize disruption to the surrounding areas;

- (3) ~~the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;~~
- (4) ~~where Sections 32-64 and 32-655 are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and~~
- (5) ~~where Section 36-62 is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein. In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such #plazas#.~~

#### **74-42**

#### **Drive-in Theaters**

[RELOCATING TO SECTION 74-183]

~~In C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit drive-in theaters, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:~~

- (a) ~~that the principal vehicular access for such #use# is not located on a local #street# or an arterial highway but is located on a major or secondary #street# within one-quarter mile of an arterial highway;~~
- (b) ~~that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;~~

- ~~(c) — that such #use# is not located within 200 feet of a #Residence District#;~~
- ~~(d) — that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and~~
- ~~(e) — that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.~~

**74-43  
Racetracks**

[RELOCATING, UNCHANGED, TO SECTION 74-184]

~~In C8 Districts or any #Manufacturing District#, the City Planning Commission may permit racetracks, provided that the following findings are made:~~

- ~~(a) — that the principal vehicular access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;~~
- ~~(b) — that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;~~
- ~~(c) — that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;~~
- ~~(d) — that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and~~
- ~~(e) — that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.~~

~~In addition, the Commission shall require the provision of adequate #accessory# off street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating #uses#.~~



74-44

**Children's Amusement Parks**

[ELIMINATING SPECIAL PERMIT, PER PROPOSAL]

In C8 or M1 Districts, the City Planning Commission may permit children's amusement parks with an area of at least 75,000 square feet, but not more than 10 acres, provided that the following findings are made:

- (a) — that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area;
- (b) — that the principal vehicular access for such #use# is not located on a local #street# or on an arterial highway, but is located on a major or secondary #street# within one-quarter mile of an arterial highway or a major #street#;
- (c) — that such #use# will not produce traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (d) — that such #use# is not located within 400 feet of a #Residence District#; and
- (e) — that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

74-45

**Swimming Pool Clubs or Certain Non-commercial Clubs**

[RELOCATING, UNCHANGED, TO SECTION 74-185]

In all #Residence Districts#, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line#, provided that the following findings are made:

- (a) — that such #use# is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;
- (b) — that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;

- (c) ~~that such #use# has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the #streets#;~~
- (d) ~~that in R1, R2, R3 or R4 Districts, the pool or any #accessory# facilities affixed to the land are not located closer than 100 feet or, in the case of an #accessory# outdoor tennis court, such tennis court shall not be closer than 20 feet, to any #side# or #rear lot line# coincident with a #side# or #rear lot line# of an adjoining #zoning lot# in a #Residence District#, and not located closer than 50 feet to any #street line#, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any #street# or #lot line#, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and~~
- (e) ~~that for every 200 square feet of #lot area# used for the pool and its #accessory# facilities, one #accessory# off street parking space is provided.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.~~

**74-46**

**Indoor Interactive Entertainment Facilities**

[ELIMINATING SPECIAL PERMIT, PER PROPOSAL]

~~In C4, C6, C7, C8 Districts and M1 Districts, except in M1-1, M1-5B Districts and M1 Districts with a suffix "D," the City Planning Commission may permit, for a term not to exceed five years, indoor interactive entertainment facilities with eating and drinking, consisting of mechanical, electronic or computer-supported games subject to the following conditions:~~

- (a) ~~there shall be a minimum of 1,000 square feet of #floor area# per game. This requirement shall not apply within the Theater Subdistrict of the #Special Midtown District#;~~
- (b) ~~the entrance to such #use# shall be a minimum of 200 feet from the nearest #Residence District# boundary;~~
- (c) ~~in C4 and C6 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms;~~
- (d) ~~parking shall be provided in accordance with the parking regulations for Use Group 12A (Parking Category D); and~~

**Commented [Z23]:** The Proposal would remove this permit as the use would be contained within the amusement or recreation facility use.

(e) ~~the application is made jointly by the owner of the #building# and the operators of such indoor interactive entertainment facility.~~

~~In addition to the above conditions, the Commission shall find that:~~

(1) ~~such #use# will not impair the character or the future use or development of the surrounding area;~~

(2) ~~there is a reasonable plan to prevent the gathering of crowds and the formation of lines on the #street#;~~

(3) ~~such #use# will not cause undue vehicular or pedestrian congestion in local #streets#; and~~

(4) ~~such #use# will not cause the sound level in any affected conforming #residential use# or #joint living work quarters for artists# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.~~

~~The Commission shall prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including, but not limited to: location of entrances and operable windows, provision of sound lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of mechanical amplification, shielding of flood lights, adequate screening, curb cuts or parking.~~

~~74-47~~

#### ~~Amusement Arcades~~

[ELIMINATING SPECIAL PERMIT, PER PROPOSAL]

~~In C6 Districts only, the City Planning Commission may permit amusement arcades to be located within department stores of a minimum 150,000 square feet of #floor area#, railroad terminal #buildings# other than Grand Central Station, bus terminal #buildings# or office #buildings# of a minimum 500,000 square feet of #floor area#. Such amusement arcades shall not occupy more than one location in one #building# and shall not occupy more than 4,000 square feet of area and the arcade shall be located at least 500 feet from any #Residence District# or any C1 or C2 District, or for #zoning lots# located wholly or partially within the Fulton Mall Subdistrict of the #Special Downtown Brooklyn District#, such amusement arcade may be separated from any #Residence District# or any C1 or C2 District by a #street# that has a width greater than 110 feet and such amusement arcade shall be located below #street# level. An application for an amusement arcade pursuant to this Section shall contain plans of the location and arrangement of the proposed #use# and duplicate copies of the application filed with the Department of Consumer Affairs for an arcade license. Such amusement arcades may be permitted for renewable terms, subject to annual certification as to compliance with the conditions of this permit, provided the Commission finds that:~~

(a) ~~the application for such special permit is a joint application made by the owner of the #building# and the operator of the proposed amusement arcade;~~

**Commented [Z24]:** The Proposal would remove this permit as the use would be contained within the amusement or recreation facility use.

~~(b) such amusement arcade will not have a deleterious effect on the other #uses# located within the #building# and the surrounding area; and~~

~~(c) the #use# is so located within the #building# that no entrance nor any #sign# of the amusement arcade fronts upon or faces a #street#.~~

~~No special permit shall be issued pursuant to this Section unless the Commission has received a report from the Department of Consumer Affairs concerning the applicant, including any prior experience with the said Department and recommendations as to the operation of the arcade so as to protect the consumer.~~

~~This permit shall become effective upon the issuance of an appropriate license from the Department of Consumer Affairs, whose requirements concerning the location, number and arrangement of machines, hours of operation and requirements for supervision or security shall be incorporated within the special permit and govern those aspects of the special permit.~~

~~The Commission may renew the special permit for subsequent terms provided the Commission finds that the facts upon which the permit was granted have not substantially changed. With respect to any special permit or subsequent renewals under this Section, the provisions of paragraph (d) of Section 74-31 (General Provisions) shall not apply.~~

~~The Commission shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized. The Commission and the Department of Consumer Affairs shall notify each other of any permit or license revocation hereunder.~~

~~Revocation of a special permit or a Department of Consumer Affairs license shall cause a revocation of the related license or special permit respectively. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

#### ~~74-48~~

#### ~~Scientific Research and Development Facility~~

[RELOCATING TO SECTION 74-171]

~~In C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts, the City Planning Commission may permit a scientific research and development facility as a #commercial use#, where such facility contains laboratories for medical, biotechnological, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research and, in conjunction with such facility, may allow the modifications set forth in paragraph (a) of this Section. For a special permit to be granted, applications shall comply with conditions in paragraph (b) and the findings of paragraph (c) of this Section. Additional requirements are set forth in paragraph (d).~~

(a) — ~~Additional modifications~~

~~For such scientific research and development facility, the Commission may modify the following:~~

- ~~(1) — height and setback regulations; and~~
- ~~(2) — where such facility is located within C2-7 Districts:
  - ~~(i) — #sign# regulations;~~
  - ~~(ii) — #floor area ratio# regulations, up to the maximum #floor area ratio# permitted for #community facility uses# for the District; and~~
  - ~~(iii) — #yard# regulations.~~~~

(b) — ~~Conditions~~

~~As a condition for granting a special permit, such facility shall:~~

- ~~(1) — conform to the performance standards applicable to M1 Districts;~~
- ~~(2) — occupy a #zoning lot# that either contains a minimum #lot area# of 40,000 square feet or comprises an entire #block#; and~~
- ~~(3) — occupy a #zoning lot# containing no #residential use#.~~

(c) — ~~Findings~~

~~As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:~~

- ~~(1) — will not unduly affect the essential character or impair the future use and development of the surrounding area;~~
- ~~(2) — will be located so as to draw a minimum of vehicular traffic to and through local #streets#;~~
- ~~(3) — provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and~~
- ~~(4) — that the modification of such height and setback to any applicable #bulk# regulations will not unduly obstruct the access of light and air to adjoining properties or public #streets#.~~
- ~~(5) — with regard to #sign# modifications:~~

- (i) ~~a signage plan has been submitted showing the location, size, height, and illumination of all #signs# on the #zoning lot#;~~
- (ii) ~~the modifications are consistent with the amount and location of commercial life sciences laboratories that the Commission finds appropriate on the #zoning lot#; and~~
- (iii) ~~#illuminated signs#, if provided:~~
  - (a) ~~utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and~~
  - (b) ~~do not alter the essential character of the adjacent area.~~

~~(d) Additional requirements~~

- (1) ~~To minimize traffic congestion in the area, the Commission shall require the provision of off street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off street Loading Berths) for #commercial uses#.~~
- (2) ~~The Commission may also require the provision of #accessory# off street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#. The size and location of such parking, bicycle parking, and loading facilities shall comply with the applicable provisions of Section 36-00, inclusive.~~
- (3) ~~All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.~~

~~In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.)~~

~~74-49~~

~~Residential Use in C4-1 Districts in Staten Island~~

[RELOCATING, UNCHANGED, TO SECTION 74-121]

~~In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.~~

~~In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.~~

~~The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.~~

#### 74-50 OFF-STREET PARKING ESTABLISHMENTS

#### 74-51 **Public Parking Garages or Public Parking Lots Outside High Density Central Areas** **Off-street Parking Requirement for Youth-oriented or Senior Citizen-oriented Community Centers and Non-profit Neighborhood Settlement Houses**

[RELOCATING, UNCHANGED, FROM SECTION 74-55]

In C1-2 and C2-2 Districts, for youth-oriented or senior citizen-oriented community centers and non-profit neighborhood settlement houses, the City Planning Commission may permit modifications of the parking requirement of Section 36-21, provided the following findings are made:

- (a) that, because of site limitations, such a reduction is necessary for the proper design and operation of such community centers and non-profit neighborhood settlement houses; and
- (b) that available off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by such #community facility#.

#### ~~74-511~~ ~~In C1 Districts~~

[ELIMINATING SPECIAL PERMIT, PER PROPOSAL]

~~In C1-1, C1-2, C1-3 or C1-4 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street),~~

**Commented [Z25]:** The Proposal would remove this permit as other parking special permits (e.g. 74-193) would be available in these districts.

36-55 (Surfacing) and 36-56 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less;
- (c) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (d) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights or for setback of any roof parking area from #lot lines#.

#### **74-512**

##### **In other Districts**

[RELOCATING TO SECTION 74-193]

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local



~~#streets# in nearby residential areas;~~

- ~~(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;~~
- ~~(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;~~
- ~~(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and~~
- ~~(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.~~

~~This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).~~

~~For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before October 17, 2019, and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (e) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.~~

**74-513**  
**In C7 Districts**

[ELIMINATING SPECIAL PERMIT, PER PROPOSAL]

~~In C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# of any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the~~

**Commented [Z26]:** The Proposal would remove this permit as other parking special permits (e.g. 74-193 or 74-194) would be available in these districts.

following findings:

- (a) ~~that the principal vehicular access for such #use# is located on an arterial highway, or major #street#, or a secondary #street# within one quarter mile of an arterial highway or major #street#;~~
- (b) ~~that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;~~
- (c) ~~that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;~~
- (d) ~~that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;~~
- (e) ~~that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and~~
- (f) ~~that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.~~

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

74-52

**Parking Garages or Public Parking Lots in High Density Central Areas**  
**Reduction of Parking Spaces to Facilitate Affordable Housing**

[RELOCATING, UNCHANGED, TO SECTION 74-194]

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

[RELOCATING, UNCHANGED, FROM 74-533]

In all districts in the #Transit Zone#, the City Planning Commission may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided the

Commission finds that such waiver or reduction:

- (a) will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

The Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

74-53

**Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments**

\* \* \*

74-533

**Reduction of parking spaces to facilitate affordable housing**

[RELOCATING, UNCHANGED, TO 74-52]

~~In all districts in the #Transit Zone#, the City Planning Commission may permit a waiver of, or a reduction in, the number of required #accessory# off street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided the Commission finds that such waiver or reduction:~~

- ~~(a) will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;~~
- ~~(b) will not cause traffic congestion; and~~
- ~~(c) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.~~

~~The Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

\* \* \*

74-55

**Off street Parking Requirement for Youth oriented or Senior Citizen oriented Community**

## **Centers and Non-profit Neighborhood Settlement Houses**

[RELOCATING, UNCHANGED, TO SECTION 74-51]

~~In C1-2 and C2-2 Districts, for youth-oriented or senior citizen-oriented community centers and non-profit neighborhood settlement houses, the City Planning Commission may permit modifications of the parking requirement of Section 36-21, provided the following findings are made:~~

- ~~(a) that, because of site limitations, such a reduction is necessary for the proper design and operation of such community centers and non-profit neighborhood settlement houses; and~~
- ~~(b) that available off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by such #community facility#.~~

~~74-56~~

## **Open Automobile Rental Establishments**

[ELIMINATING. MADE REDUNDANT BY NEW SPECIAL PERMITS IN 73-16 / 74-16]

~~In C2 Districts within a one-half mile radius of the main entrance of La Guardia Airport, located at the intersection of Grand Central Parkway and the 94th Street Bridge, the City Planning Commission may permit open automobile rental establishments on #zoning lots# having a frontage of at least 200 feet on Ditmars Boulevard, provided that the following findings are made:~~

- ~~(a) that such open #use# will not be incompatible with, or adversely affect the growth and development of, appropriate #uses# in the general area within which such open #use# is to be located;~~
- ~~(b) that such open #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;~~
- ~~(c) that such open #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;~~
- ~~(d) that such open #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the open #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;~~
- ~~(e) that the #streets# providing access to such open #use# will be adequate to handle the traffic generated thereby;~~
- ~~(f) that acoustic barriers be installed around the parking areas to minimize noise impacts on surrounding properties;~~

**Commented [Z27]:** The Proposal would remove this permit as other special permits would be available to accomplish the same thing (ie. allow an unenclosed service use in UG 6).

~~(g) — that visual barriers be installed and properly maintained to screen the parking area from surrounding properties; and~~

~~(h) — that ~~#accessory#~~ automotive repairs, maintenance and car washing are within an enclosed ~~#building#~~.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on ~~#signs#~~, requirements for shielding of floodlights and for locations of entrances and exits.~~

74-60

**PUBLIC SERVICE OR TRANSPORTATION FACILITIES  
DEVELOPMENT WITHIN OR OVER A RIGHT-OF-WAY OR YARDS**

[RELOCATING TITLE FROM 74-68]

74-61

**Public Transit, Railroad or Electric Utility Substations  
Development Within or Over a Railroad or Transit Right-of-Way or Yard**

[RELOCATING TO SECTION 74-142 (ELECTRIC UTILITY SUBSTATIONS) AND  
74-147 (PUBLIC TRANSIT OR RAILROAD ELECTRIC SUBSTATIONS)]

~~In all ~~#Residence#~~ and ~~#Commercial Districts#~~, and in M1 Districts in the ~~#Special Downtown Jamaica District#~~, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:~~

~~(a) — that there are serious difficulties in locating such ~~#use#~~ in a nearby district where it is permitted as of right;~~

~~(b) — that the site for such ~~#use#~~ is so located as to minimize the adverse effects on the integrity of existing and future development;~~

~~(c) — that the architectural and landscaping treatment of such ~~#use#~~ will blend harmoniously with the rest of the area; and~~

~~(d) — that such ~~#use#~~ will conform to the performance standards applicable to M1 Districts.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for~~

~~landscaping or screening.~~

[RELOCATING, UNCHANGED, FROM SECTION 74-681]

- (a) In all districts, when a #development# or #enlargement#, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:
- (1) that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or #enlargement#;
  - (2) any portion of the right-of-way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;
  - (3) notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:
    - (i) any #use# #accessory# to a primary #use# located on the #zoning lot#;
    - (ii) a #public parking garage# or #public parking lot# provided the findings set forth in Section 74-194 and hereby made applicable, are met for such garage or lot;
    - (iii) a railroad passenger station (pursuant to Section 74-149) or a railroad including right-of-way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;
    - (iv) a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on #lot area# per establishment).
- (b) As a condition for granting a special permit, the Commission shall find that:
- (1) the #streets# providing access to all #uses# pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;
  - (2) the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right-of-way or yard;
  - (3) all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;

- (4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.
- (c) For any #development# or #enlargement# located within or over railroad or transit right-of-way or yard:
- (1) the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:
- (i) the total #lot area# of that portion of a railroad or transit right-of-way or yard to be covered by a platform; and/or
- (ii) the total #lot area# of such right-of-way or yard that has been permanently discontinued or terminated;
- (2) ownership of rights to #develop# in #railroad or transit air space# or within a railroad or transit right-of-way or yard where such #use# has been permanently discontinued or terminated, shall meet the requirements of the #zoning lot# definition in Section 12-10 (DEFINITIONS);
- (3) where the railroad or transit right-of-way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;
- (4) the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#;
- (5) the Commission may permit #buildings# to be connected by a bridge or tunnel, within a portion of a #street#, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as #lot area# or generate any #floor area#; and in the case of a bridge, the Commission shall find that such bridge will:
- (i) provide adequate vertical clearance at all points measured from #curb level# to the soffit;
- (ii) not rest upon columns or other supports that intrude upon the #street#;
- (iii) provide illumination of at least five foot candles at the #curb level# for the



#street# area beneath the bridge;

- (iv) not unduly obstruct any significant scenic view; and
- (v) provide adequate light and air to the #street# or surrounding public spaces or #streets#.

In the case of a tunnel, the Commission may permit #buildings# to be connected by a tunnel under a #street#, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets#.

- (d) The Commission shall require the provision of adequate #accessory# off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any #use# permitted on the #zoning lot#, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been permanently discontinued or terminated.

74-62

**Railroad Passenger Stations  
Developments Over Streets**

[RELOCATING, UNCHANGED, TO SECTION 74-148]

- (a) ~~Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:~~
  - (1) ~~that the principal access for such #use# is not located on a local #street#;~~

- ~~(2) — that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and~~
- ~~(3) — that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.~~

~~In addition, the Commission shall require the provision of adequate #accessory# off street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.~~

- ~~(b) — In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right of way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:~~

- ~~(1) — that the principal access for such railroad passenger station is not located on a local #street#;~~
- ~~(2) — that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;~~
- ~~(3) — that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;~~
- ~~(4) — that the locations of at grade entrances to such railroad passenger station are well situated in relation to existing at grade pedestrian circulation patterns;~~
- ~~(5) — that any below grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below grade pedestrian circulation networks providing connections to and from other transportation facilities; and~~
- ~~(6) — for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right of way that provides access to a railroad passenger station, that:~~

- (i) ~~any #bulk# modifications are the minimum necessary for the proper operation of the facility; and~~
- (ii) ~~the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.~~

~~Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.~~

~~The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.~~

[RELOCATING FROM SECTION 74-682]

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit, the Commission shall find:

- (a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on-site and in the area; and
- (b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning# #lot lines#, provided that such loading berths shall be:
  - (1) adequate to serve the requirements of the institution;
  - (2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and
  - (3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

**74-63**

**Bus Stations**

**74-631**

**New bus stations with 10 or more berths**

[RELOCATING TO SECTION 74-145]

In C4, C6 or #Manufacturing Districts#, the City Planning Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

- (a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;
- (b) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one quarter mile of an arterial highway or major #street#;
- (c) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby residential areas by topographical or physical conditions of the land;
- (d) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and
- (e) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In addition, the Commission shall require the provision of adequate #accessory# off street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

**74-632**

**New bus stations with fewer than 10 berths**

[RELOCATING TO SECTION 74-145]

~~In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the City Planning Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:~~

- ~~(a) — that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the City;~~
- ~~(b) — that the principal access of such #use# is not located on a local #street#;~~
- ~~(c) — that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and~~
- ~~(d) — that access to such #use# is located on a #street# not less than 60 feet in width.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

~~In addition, the Commission shall require the provision of adequate #accessory# off street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.~~

#### ~~74-633~~

##### ~~Existing bus stations~~

[RELOCATING TO SECTION 74-145]

~~All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in Sections 74-631 or 74-632.~~

#### ~~74-64~~

##### ~~Trucking Terminals or Motor Freight Stations~~

[RELOCATING TO SECTION 74-195]

~~In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations with sites in excess of 20,000 square feet, provided that the following findings are made:~~

- ~~(a) — that the principal access for such #use# is not on a local #street# but is located within one~~

quarter-mile of a secondary or major #street#;

- (b) ~~that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;~~
- (c) ~~that such #use# is not located within 200 feet of a #Residence District# boundary; and~~
- (d) ~~that access to such #use# is located on a #street# not less than 60 feet in width.~~

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

#### **74-65 Airports**

[RELOCATING TO SECTION 74-144]

~~In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities, in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:~~

- (a) ~~that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and~~
- (b) ~~that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.~~

~~The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.~~

~~The Commission shall require the provision of adequate #accessory# off street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles~~

~~generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.~~

#### ~~74-66~~

#### ~~Heliports~~

[RELOCATING TO SECTION 74-146]

~~In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities where the applicant has submitted a site plan showing the location of landing areas, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:~~

- ~~(a) — that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and~~
- ~~(b) — that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.~~

~~The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.~~

~~The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

~~The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.~~

#### ~~74-67~~

#### ~~Fire or Police Stations~~

[RELOCATING TO SECTION 74-141]

~~In all #Residence Districts#, the City Planning Commission may permit fire or police stations, provided that the following findings are made:~~

- ~~(a) — that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and~~



(b) ~~in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.~~

~~For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.~~

~~The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.~~

#### **74-68**

#### **Development Within or Over a Right of Way or Yards**

#### **74-681**

#### **Development within or over a railroad or transit right of way or yard**

[RELOCATING, UNCHANGED, TO SECTION 74-61]

(a) ~~In all districts, when a #development# or #enlargement#, including large scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right of way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:~~

(1) ~~that portion of the railroad or transit right of way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or #enlargement#;~~

(2) ~~any portion of the right of way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;~~

(3) ~~notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:~~

(i) ~~any #use# #accessory# to a primary #use# located on the #zoning lot#;~~

(ii) ~~a #public parking garage# or #public parking lot# provided the findings set forth in Section 74-52 and hereby made applicable, are met for such garage or lot;~~

(iii) ~~a railroad passenger station (pursuant to Section 74-62) or a railroad including right of way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;~~

(iv) ~~a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on #lot area# per establishment).~~

(b) ~~As a condition for granting a special permit, the Commission shall find that:~~

- (1) ~~the #streets# providing access to all #uses# pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;~~
- (2) ~~the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right of way or yard;~~
- (3) ~~all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;~~
- (4) ~~if such railroad or transit right of way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right of way for such transportation #use#.~~

(c) ~~For any #development# or #enlargement# located within or over railroad or transit right of way or yard:~~

- (1) ~~the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:~~
  - (i) ~~the total #lot area# of that portion of a railroad or transit right of way or yard to be covered by a platform; and/or~~
  - (ii) ~~the total #lot area# of such right of way or yard that has been permanently discontinued or terminated;~~
- (2) ~~ownership of rights to #develop# in #railroad or transit air space# or within a railroad or transit right of way or yard where such #use# has been permanently discontinued or terminated, shall meet the requirements of the #zoning lot# definition in Section 12-10 (DEFINITIONS);~~
- (3) ~~where the railroad or transit right of way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;~~
- (4) ~~the Commission may establish an appropriate level or levels instead of #curb level#~~

as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#;

(5) — the Commission may permit #buildings# to be connected by a bridge or tunnel, within a portion of a #street#, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as #lot area# or generate any #floor area#; and in the case of a bridge, the Commission shall find that such bridge will:

(i) — provide adequate vertical clearance at all points measured from #curb level# to the soffit;

(ii) — not rest upon columns or other supports that intrude upon the #street#;

(iii) — provide illumination of at least five foot candles at the #curb level# for the #street# area beneath the bridge;

(iv) — not unduly obstruct any significant scenic view; and

(v) — provide adequate light and air to the #street# or surrounding public spaces or #streets#.

In the case of a tunnel, the Commission may permit #buildings# to be connected by a tunnel under a #street#, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets#.

(d) — The Commission shall require the provision of adequate #accessory# off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any #use# permitted on the #zoning lot#, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New

York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right of way or yard where the railroad or transit #use# has been permanently discontinued or terminated.

## 74-682

### Developments over streets

[RELOCATING, UNCHANGED, TO SECTION 74-62]

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit, the Commission shall find:

- (a) — for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on site and in the area; and
- (b) — for modification of off street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning# #lot lines#, provided that such loading berths shall be:
  - (1) — adequate to serve the requirements of the institution;
  - (2) — accessible to all the #uses# in such institution without the need to cross any #street# at grade; and
  - (3) — located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may

establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

#### **74-69**

##### **Seaplane Bases**

[RELOCATING, UNCHANGED, TO SECTION 74-149]

In all districts, the City Planning Commission may permit seaplane bases provided that the following findings are made:

- (a) — that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and
- (b) — that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The Commission shall require the provision of adequate #accessory# off street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

#### **74-70**

##### **NON-PROFIT HOSPITAL STAFF DWELLINGS ADDITIONAL PERMITS**

The City Planning Commission may permit #non-profit hospital staff dwellings# in accordance with the conditions of paragraph (a) of this Section, provided that the findings of paragraph (b) are met.

- (a) — The Commission may permit:

(1) ~~in all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or voluntary hospital and related facilities;~~  
or

(2) ~~in C4-2 Districts without a letter suffix, in Community District 11 in the Borough of the Bronx, #non-profit hospital staff dwellings# on #zoning lots# located not more than 1,500 feet from the non-profit or voluntary hospital and related facilities.~~

(b) ~~To permit such #non-profit hospital staff dwellings#, the Commission shall find:~~

(1) ~~that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use or development of the surrounding area; and~~

(2) ~~that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

#### 74-71 Landmark Preservation

\* \* \*

#### 74-712 Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

(a) In M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential# #development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section ~~32-15 (Use Group 6)~~ 32-16 (Use Group 6 – Retail and Services), provided:

(1) the #use# modifications shall meet the following conditions, that:

(i) #residential# #development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;

- (ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
  - (iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
  - (iv) all #signs# for #residential# or #commercial# #uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
  - (v) eating and drinking establishments of any size, as set forth in ~~Use Groups 6A and 12A~~ Use Group 6B, are not permitted; and
- (2) the Commission shall find that such #use# modifications:
- (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
  - (ii) are compatible with the character of the surrounding area; and
  - (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.
- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:
- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
  - (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

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.

**74-72  
Bulk Modification**

74-721

**Height and setback and yard regulations**

\* \* \*

[PROVISION NO LONGER NECESSARY, PER PROPOSAL]

~~(b)~~ In a C6-4 District, the Commission may modify the supplementary ~~#use#~~ regulations of Section 23-422 (Location of floors occupied by commercial uses) for ~~#developments#~~ or ~~#enlargements#~~ on ~~#zoning lots#~~ occupying an entire ~~#block#~~ with a base ~~#commercial#~~ ~~#floor area ratio#~~ of 10.0, provided the following conditions are met:

- ~~(1)~~ that the non ~~#residential uses#~~ are located in a portion of a ~~#mixed building#~~ that has separate access to the ~~#street#~~ with no openings of any kind to the ~~#residential#~~ portion of the ~~#building#~~ at any ~~#story#~~; and
- ~~(2)~~ that the non ~~#residential uses#~~ are not located above the lowest ~~#story#~~ containing ~~#dwelling units#~~ unless the ~~#residential#~~ and non ~~#residential#~~ portions are separated in accordance with the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Requirements).

\* \* \*

~~(e)(b)~~ In C5-3, C6-6 and C6-7 Districts, the Commission may modify height and setback and ~~#yard#~~ regulations, including tower coverage controls for ~~#developments#~~ or ~~#enlargements#~~ located on a ~~#zoning lot#~~ having an area less than 40,000 square feet, that occupies an entire ~~#block#~~ front on a ~~#wide street#~~, subject to the following conditions:

\* \* \*

~~(d)(c)~~ Notwithstanding any other provisions of the Zoning Resolution, where a ~~#development#~~ shares a ~~#lot line#~~ with a landmark ~~#building#~~ site for an aggregate distance of at least 90 feet, or contains a historically significant ~~#street#~~ that has been demapped and an archeologically significant site, both of which have been identified by the Landmarks Preservation Commission, the Commission may permit modification of the height and setback and ~~#yard#~~ regulations regardless of the lot size, provided that the following findings are made:

\* \* \*

~~(e)(d)~~ The City Planning Commission may also permit modification of all ~~#bulk#~~ regulations as set forth in paragraph (a) of this Section on ~~#zoning lots#~~ with a minimum ~~#lot area#~~ of 30,000 square feet, where such ~~#zoning lot#~~ is located in a C6-4 District in Manhattan Community District 3, has frontage on a ~~#wide street#~~ and existed on August 8, 2018.



~~74-73~~

**Sewage Disposal Plants and Pumping Stations**

~~74-731~~

**Private sewage disposal plants**

[RELOCATING TO SECTION 74-143]

~~In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit sewage disposal plants provided that such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located; that in the case of a residential area, such area contains more than 50 #dwelling units#; and that there are serious difficulties in locating it in a district where it is permitted as of right from which it could serve the residential area or commercial area. In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Protection for a report.~~

~~The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.~~

~~74-732~~

**Private sewage pumping stations and sewage disposal plants**

[RELOCATING TO SECTION 74-143]

~~In all #Residence Districts#, the City Planning Commission may permit sanitary or storm water sewage pumping stations and sewage disposal plants, provided that such use will serve a #development# which contains more than 15 #dwelling units#, and that there are serious difficulties in locating it in a district where it is permitted as of right from which it could serve the residential area. In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Resources for a report. The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.~~

~~As a condition of granting a special permit for a sewage pumping station or a sewage disposal plant, the Commission shall find:~~

- ~~(a) — in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;~~
- ~~(b) — in the case of sewage disposal plants serving a residential area, the related #development# is arranged in such a way as best to serve active and passive recreation needs; protect and~~

~~preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of #buildings# to achieve these objectives; and~~

- ~~(c) — in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served; or~~
- ~~(d) — in all cases, the proposal promotes and protects the public health, safety and general welfare.~~

#### **74-733**

##### **Municipal sewage disposal plants**

[RELOCATING TO SECTION 74-143]

~~In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit municipal sewage disposal plants, provided that there are serious difficulties in locating it in a district where it is permitted as of right. The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.~~

~~As a condition of granting a special permit for a municipal sewage disposal plant, the Commission shall find:~~

- ~~(a) — the proposed plant will be adequate for anticipated development in the area to be served; and~~
- ~~(b) — that the proposal promotes and protects the public health, safety and general welfare.~~

#### **74-734**

##### **Municipal sewage pumping stations**

[RELOCATING TO SECTION 74-143]

~~In all #Residence Districts#, the City Planning Commission may permit municipal sewage pumping stations provided that there are serious difficulties in locating it in a district where it is permitted as of right. The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.~~

~~As a condition of granting a special permit for a municipal sewage pumping station, the Commission shall find:~~

- ~~(a) — that the proposal promotes and protects the public health, safety and general welfare; and~~
- ~~(b) — the sewers and treatment plants to which the flow is to be pumped will be adequate to~~

accommodate anticipated future development in the area to be served by these facilities.

[INTENTIONALLY SKIPPING 74-73 TO KEEP LSGD IN SAME SECTION]

74-74

Large-scale General Development

\* \* \*

74-744

Modification of use regulations

(a) Use modifications

[REMOVING AS IS REDUNDANT PER PROPOSAL]

~~(1) Waterfront and related commercial uses~~

~~In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related uses listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:~~

~~(i) the uses are appropriate for the location and blend harmoniously with the rest of the large-scale general development; and~~

~~(ii) the streets providing access to such uses will be adequate to handle the traffic generated thereby.~~

~~(2) Automotive sales and service uses~~

For large-scale general developments, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7, Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

(i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a cellar level and below grade or established curb level, and the ground floor level of such establishment is used only for showrooms and sales;

(ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and

(iii) such use will not create or contribute to serious traffic congestion and will

Commented [Z28]: Eliminating provisions made redundant by the Proposal and updating Use Group references.

not unduly inhibit surface traffic or adversely affect pedestrian movement.

~~(3)~~(2) Retail establishments

[UPDATING USE GROUPS]

For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission may modify applicable district regulations to allow ~~Use Groups 10, 11A and 12A~~ #uses# listed in Use Groups 6, 8 or 10 that would be permitted in a C6 District, except for arenas or auditoriums, ~~skating rinks, public auction rooms,~~ trade expositions and stadiums, provided the Commission finds that:

- (i) such #uses# will not impair the character of future #uses# or development of the surrounding area; and
- (ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

[ELIMINATING. MADE REDUNDANT BY PROPOSAL]

~~(b)~~ Location of #commercial# #uses#

~~For any #large-scale general development#, the Commission may permit #residential# and non #residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings), provided the Commission shall find that:~~

- ~~(1) the #commercial# #uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;~~
- ~~(2) the #commercial# #uses# are not located directly over any #story# containing #dwelling units#; and~~
- ~~(3) the modifications shall not have any adverse effect on the #uses# located within the #building#.~~

~~(e)~~(b) Modifications of #sign# regulations

- (1) In all #Commercial# or #Manufacturing Districts#, the Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted

Projection or Height of Signs), 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.

- (2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such #large-scale general development# within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow #signs# #accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial# #uses# that the Commission finds appropriate within such #large-scale general development#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the development.

#### 74-745

#### Modifications of parking and loading regulations

For a #large-scale general development# the City Planning Commission may permit:

\* \* \*

- (b) Waiver or reduction of loading berth requirements

For #zoning lots# in a #large-scale general development#, located either within a #Special Mixed Use District# in Community District 2 in the Borough of The Bronx, or within a waterfront area pursuant to paragraph (b) of Section 62-132, in Community District 1 in the Borough of Brooklyn, where such #zoning lots# in the waterfront area contain one or more retail or service #uses# listed in Use Group 6 ~~6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A~~, and where no single such establishment in the waterfront area exceeds 8,500 square feet in #floor area#, or for #zoning lots# located in #large-scale general developments# within #Special Mixed Use District# 24 in Community District 1 in the Borough of Queens, the Commission may waive or reduce the number of required loading berths, provided that:

\* \* \*

#### 74-75

#### Educational Construction Fund Projects

\* \* \*

74-78

### Conversions of Non-residential Floor Area

Commented [Z29]: Updates to cross references.

74-781

### Modifications by special permit of the City Planning Commission of uses in M1-5B Districts

In M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of ~~Section 42-14, paragraphs D.(1)(c), D.(1)(d), D.(2)(a) or D.(2)(b)~~ paragraphs (a)(3), (a)(4) and (b) of Section 42-325, provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet, prior to the date of the application for a special permit.

74-782

### Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of paragraph (d) of Sections Section 15-021, paragraph (e), or Section 15-21, and in M1-5B Districts, the Commission may permit modification of the requirements of ~~Section 42-14, paragraph D.(1)(b)~~ paragraph (a)(2) of Section 42-325, provided that the Commission finds that:

\* \* \*

74-80

### TRANSIENT HOTELS ADDITIONAL PERMITS

Commented [Z30]: These are relocated earlier in the chapter.

74-801

### In R10H Districts

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel# #use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient

~~hotel# #use# to occur without further Commission approval, subject to the conditions of the special permit.~~

~~As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

#### **74-802**

##### **Transient hotels within Commercial Districts**

~~In C1 Districts, except C1-1, C1-2, C1-3 and C1-4 Districts; in C2 Districts, except C2-1, C2-2, C2-3 and C2-4 Districts where #transient hotels# are not permitted pursuant to Section 32-14 (Use Group 5); in C4, C5, C6 and C8 Districts; in M1 Districts paired with a #Residence District#; and in M1-6D Districts, #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:~~

- ~~(a) — the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;~~
- ~~(b) — such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and~~
- ~~(c) — such #use# will not impair the future use or development of the surrounding area.~~

~~The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

#### **74-803**

##### **Transient hotels within M1 Districts**

~~In M1 Districts, pursuant to Section 42-111 (Special provisions for hotels in M1 Districts), #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:~~

- ~~(a) — the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;~~

- (b) ~~the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;~~
- (c) ~~such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and~~
- (d) ~~such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.~~

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

**74-83  
Public Service Establishments**

\* \* \*

**74-86  
~~Accessory Outdoor Swimming Pools for Residences  
Certain Large Retail Establishments~~**

[RELOCATING TO SECTION 74-122]

The City Planning Commission may permit, as #accessory# to a #use# in Use Group 2 other than a #single family# or #two family residence#, an outdoor swimming pool to be located not less than 50 feet from any #lot line#, provided that such pool is so located as not to impair the essential character of the residential neighborhood.

The Commission may require that the pool be appropriately screened from other areas on the same or adjacent #zoning lots#. In special circumstances where the Commission finds that the design operates as a suitable buffer or the conditions of topography so warrant, the minimum distance of 50 feet may be reduced or waived.

The Commission shall in each case give due consideration to the effect of such location on the adjacent #residences# and the #street# and may impose appropriate conditions and safeguards.

[RELOCATING FROM SECTION 74-922]

In M1-5 or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.



In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

- (a) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and
- (b) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:
  - (1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;
  - (2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;
  - (3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;
  - (4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and
  - (5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

**74-90  
USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES  
ADDITIONAL PERMITS**

**74-901**

**Commented [Z31]:** The Proposal would maintain the current allowances for bulk modifications for laboratories by special permit. Like today, this would be available in conjunction with a use permit for laboratories.

~~Long-term care facilities  
Bulk modifications for laboratories~~

[RELOCATING, UNCHANGED, TO SECTION 74-131]

~~The City Planning Commission may permit #long term care facilities# in locations where they are not permitted as of right, in accordance with paragraph (a) or (b) of this Section.~~

~~(a) — In R1 and R2 Districts~~

~~The Commission may permit #long term care facilities# in R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts#, provided that the following findings are made:~~

- ~~(1) — such #use# is compatible with the character of the surrounding area;~~
- ~~(2) — the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and~~
- ~~(3) — the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.~~

~~(b) — In certain Community Districts~~

~~The Commission may permit the #development# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, provided that the Commission finds that the #development# of additional nursing home beds will not unduly burden such community district. However, such special permit shall not apply to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes).~~

~~Where such #use# is permitted by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), or Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts), as applicable.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

[RELOCATING FROM SECTION 74-48. SPLITTING FROM USE PERMIT, WHICH HAS BROADER APPLICABILITY PER PROPOSAL. SYNCING NEW APPLICABILITY]

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit, in

conjunction with a laboratory permitted pursuant to Section 74-171 (Scientific research and development facility), modifications to #bulk# regulations, other than #floor area ratio#, provided that the following findings are met.

In order to grant the special permit, the Commission shall find that the proposed #bulk# modifications:

- (1) will not unduly affect the essential character or impair the future use and development of the surrounding area; and
- (2) will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

#### **74-902**

#### **Certain community facility uses in R1 and R2 Districts and certain Commercial Districts**

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# listed in Use Group 3 permitted as-of-right pursuant to the provisions of Sections 22-13 (Use Group 3) or 22-14 (Use Group 4), or #long-term care facilities# for which a special permit has been granted pursuant to Section ~~74-901~~ 74-131, the City Planning Commission may permit the allowable #community facility# #floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

\* \* \*

#### **74-91**

#### **Modification of Public Plazas**

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

#### **74-92**

**Commented [Z32]:** Updates to cross references and to reflect the reorganized use groups.

**Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts**  
**Bulk Modifications for Museums in M1-5 Districts**

[RELOCATING FROM SECTION 74-921(b)]

For a #building# containing a museum #use# listed in Use Group 3B, in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

- (a) provide a better distribution of #bulk# on the #zoning lot#;
- (b) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding properties;
- (c) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and
- (d) result in a #building# containing a museum #use# that facilitates the public's use and enjoyment of the High Line.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-921**

**Use Groups 3A and 4A community facilities**

[RELOCATING TO SECTION 74-133]

- (a) ~~#Use# modifications for Use Groups 3A and 4A in M1 Districts~~

~~In M1 Districts, except for houses of worship and ambulatory diagnostic or treatment health care facilities, the City Planning Commission may permit #uses# listed in Use Group 4A—Community Facilities and, in M1-5 Districts, except in M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such #community facility# is located not more than 400 feet from the boundary of a district where such facility is permitted as of right and the Commission finds that:~~

- ~~(1) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;~~

- (2) — ~~such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;~~
- (3) — ~~where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;~~
- (4) — ~~in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;~~
- (5) — ~~for a Use Group 4A #use#, within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as of right because appropriate sites in such districts are occupied by substantial improvements; and~~
- (6) — ~~such facility will not impair the essential character of the surrounding area.~~

[RELOCATING TO SECTION 74-92]

(b) — ~~#Bulk# modifications for museums in M1-5 Districts~~

~~For a #building# containing a museum #use# listed in Use Group 3A, in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:~~

- (1) — ~~provide a better distribution of #bulk# on the #zoning lot#;~~
- (2) — ~~result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding properties;~~
- (3) — ~~provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and~~
- (4) — ~~result in a #building# containing a museum #use# that facilitates the public's use and enjoyment of the High Line.~~

~~The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

**74-922**

**Certain large retail establishments**

[REMOVING USE MODIFICATIONS AS MADE REDUNDANT BY NEW SPECIAL PERMIT

PROPOSAL. RELOCATING BULK MODIFICATIONS TO SECTION 74-86]

~~In M1 Districts, the City Planning Commission may permit department stores, carpet, rug, linoleum or other floor covering stores, clothing or clothing accessory stores, dry goods or fabric stores, food stores, furniture stores, television, radio, phonograph or household appliance stores, or variety stores, with no limitation on #floor area# per establishment.~~

~~In M1-5 or M1-6 Districts, the Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.~~

~~In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.~~

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

- (a) ~~that the principal vehicular access for such #use# is not located on a local #narrow street#;~~
- (b) ~~that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;~~
- (c) ~~that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;~~
- (d) ~~that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;~~
- (e) ~~that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;~~
- (f) ~~that such #use# is so located as not to impair the essential character or the future use of or development of the surrounding area;~~
- (g) ~~that such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;~~
- (h) ~~that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and~~
- (i) ~~that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:~~
  - (1) ~~that an adequate alternate loading facility in the same ownership (single fee~~

~~ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;~~

- ~~(2) — that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;~~
- ~~(3) — that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;~~
- ~~(4) — that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and~~
- ~~(5) — that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.~~

~~The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

74-93

**Special Commercial and Manufacturing Developments  
Special Commercial or Mixed Use Developments in Commercial Districts**

~~74-931~~

~~**Special commercial or mixed use developments in Commercial Districts**~~

[SHIFTING TEXT, UNCHANGED, FROM SECTION INTO SECTION 74-93]

Within the boundaries of Community District 6, Borough of Queens, for #commercial# or #mixed use# #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

- (a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #uses# proposed;
- (b) any closed and demapped air space above a #street# to be considered as a part of the

#development# or #enlargement# and to be used for automobile ways, or for pedestrian ways, provided the Commission finds that:

- (1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;
  - (2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;
  - (3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;
  - (4) all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and
  - (5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet and is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;
- (c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations;
- (d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning# #lot lines# and permitting the location of #buildings# without regard for the applicable height and setback regulations, provided the Commission finds that:
- (1) such distribution of #floor area# and location of #buildings# will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and
  - (2) such distribution of #floor area# and location of #buildings# will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.



The Commission may impose additional conditions and safeguards to improve the quality of the #development# or #enlargement# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial# #uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

**74-932**

**~~Self-service storage facility in designated areas within Manufacturing Districts~~**

[RELOCATING TO SECTION 74-192]

~~On #zoning lots# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the #development#, #enlargement# not permitted pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), or change of #use# of a #building# for #self-service storage facility# #use#.~~

~~To grant such permit, the Commission shall find that the #zoning lot# is appropriate for such #self-service storage facility# #use#, based on the land use characteristics of the proposed #zoning lot# and the surrounding area. In making this determination, the Commission may consider the following:~~

- ~~(a) — whether such #use# is consistent with the economic development objectives of the City for the designated area in which the #self service storage facility# seeks to be located, and may, in making this determination, consult with the Department of Small Business Services;~~
- ~~(b) — whether recent trends for and levels of investment by #uses# listed in Use Groups 16D (other than a #self service storage facility#), 17 or 18 demonstrate that there is minimal demand for space for such #uses# in the surrounding area;~~
- ~~(c) — whether the size and configuration of the #zoning lot# make it better suited for #self service storage facility# #use# than for other #uses# listed in Use Groups 16D, 17 or 18;~~
- ~~(d) — for changes of #use# to existing #buildings#, whether the design and layout of loading docks, interior column spacing, floor to ceiling height and other relevant physical characteristics of the existing #building# make the #building# better suited for #self service storage facility# #use# than for other #uses# listed in Use Groups 16D, 17 or 18;~~
- ~~(e) — whether the distance of the #zoning lot# from an arterial highway or a designated truck route, or lack of frontage on a #wide street#, makes the #zoning lot# better suited for #self service storage facility use# than for other #uses# listed in Use Groups 16D, 17 or 18;~~
- ~~(f) — whether the distance of the #zoning lot# from mass transit that serves employees makes the #zoning lot# better suited for #self service storage facility# #use# than for other #uses# listed in Use Groups 16D, 17 or 18;~~

~~(g) whether the establishment of a #self service storage facility# will cause environmental remediation work to be undertaken on the #zoning lot#; or~~

~~(h) whether there is a concentration of existing #self service storage facilities# in the surrounding area.~~

~~The Commission may impose appropriate conditions and safeguards to minimize any adverse effects upon the existing #uses# in the surrounding area.~~

\* \* \*

## 74-96 Industrial Business Incentive Areas

\* \* \*

### **74-961** Definitions

For the purposes of Section 74-96 (Industrial Business Incentive Areas), inclusive, a “required industrial use” and an “incentive use” shall be defined as follows:

#### Incentive Use

An “incentive use” is a #use# permitted by the applicable zoning district, that is allowed to occupy the additional #floor area# generated by a #required industrial use# with the exception of the following #uses#:

~~#transient hotels# in Use Group 5, as specified in Section 32-14;~~

~~#uses# in Use Groups 6A or 6C, as specified in Section 32-15;~~

~~#uses# in Use Group 7A, as specified in Section 32-16;~~

~~#uses# in Use Group 8C, as specified in Section 32-17;~~

~~#uses# in Use Group 10A, and any retail spaces #accessory# to wholesale offices or showrooms, with storage restricted to samples; in Use Group 10B as specified in Section 32-19;~~

~~#uses# in Use Group 12, as specified in Section 32-21;~~

~~#uses# in Use Group 13, as specified in Section 32-22; and~~

~~moving or storage offices, with no limitation as to storage or #floor area# per establishment, as well as packing or crating establishments, and warehouses, as specified in Section 32-25~~

**Commented [Z33]:** The Proposal would translate the current list of incentive uses (uses that can occupy floor area generated through the IBIA special permit) into the reorganized use group framework.

The Proposal would also update the list of required industrial uses to better align it with lists in similar provisions, such as the Article I, Chapter 5 preservation provisions.

~~(Use Group 16).~~

From Use Group 5

all #uses#

From Use Group 6

All #uses#, except other than repair and maintenance #uses#, or industrial drycleaning and laundry services listed in Use Group 6B;

From Use Group 8

All #uses#, other than art gallery and studio #uses#;

From Use Group 9

general storage or vehicle storage #uses#.

Required Industrial Use

[REPLACING LIST WITH A NEW TERM IN 12-10 “REFERENCED COMMERCIAL AND MANUFACTURING USES”]

A “required industrial use” is a #use# #referenced commercial and manufacturing use# that helps achieve a desirable mix of #commercial# and #manufacturing uses# in an Industrial Business Incentive Area, and that generates additional #floor area# pursuant to provisions set forth in Section 74-962. ~~and is listed in:~~

~~Use Group 11A, as specified in Section 32-20;~~

~~Use Group 16A, as specified in Section 32-25, excluding animal hospitals and kennels; animal pounds or crematoriums; automobile, motorcycle, trailer, or boat sales; crematoriums, human; motorcycle or motor scooter rental establishments; poultry or rabbit killing establishments; riding academies; stables for horses; and trade schools for adults;~~

~~Use Group 16B, as specified in Section 32-25;~~

~~Use Group 17B, as specified in Section 42-14;~~

~~Use Group 17C, as specified in Section 42-14; and~~

~~Use Group 18A, as specified in Section 42-15, limited to beverages, alcoholic or breweries; where permitted by the provisions of the applicable zoning district and provided the applicable performance standards pursuant to Section 42-20 are met.~~

~~Any diagnostic medical laboratories that receive patients shall not be considered a #required industrial use#.~~

\* \* \*

**74-965  
Conditions**

In Industrial Business Incentive Areas, applications for #floor area# increases pursuant to Section 74-963 (Permitted floor area increase) and modifications pursuant to Section 74-964 (Modifications in conjunction with a floor area increase), are subject to the following conditions:

\* \* \*

(e) Ground floor design

In all Industrial Business Incentive Areas, the ground floor level #street walls#, and ground floor level walls fronting on a publicly accessible open space of a #development# or horizontal #enlargement# provided pursuant to paragraph (f) of this Section, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements). ~~The ground floor transparency requirements of this paragraph (e) shall not apply to #uses# listed in Use Groups 11, 16, 17 and 18, provided that any portion of the ground floor level #street wall# without transparency shall be subject to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds), and any #street wall# exceeding the particular thresholds set forth in such Section shall provide visual mitigation elements in accordance with the provisions of paragraphs (a) or (b)(1) of Section 37-362 (Mitigation elements).~~

\* \* \*

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 VII ADMINISTRATION

### Chapter 5 Authorizations by the City Planning Commission

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

### 75-10 USE AUTHORIZATIONS

#### 75-11 Corner Stores or Offices in Residence Districts

In #Residence Districts# the City Planning Commission may authorize modifications to the underlying #use# regulations to permit #uses# listed in Use Group 6 that would be permitted in a C2 District, as well as offices, as listed in Use Group 7, on the #ground floor level# of a #building#. The Commission may also authorize the #sign# regulations applicable to a C2 District to be applied to such #use#. In order to grant such authorization, the Commission shall find that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

As a condition for the authorization, the applicant shall demonstrate that the proposed #use#:

- (1) is located on a #corner lot#, and entirely within 100 feet of two intersecting #street lines#; and
- (2) does not exceed a size of 2,500 square feet.

(b) Findings

In order to grant the authorization, the Commission shall find that:

**Commented [Z1]:** Article VII, Chapter 5 would be a new chapter that would include a series of City Planning Commission Authorizations created by the Proposal.

Two of these authorizations would permit small-scale commercial uses in Residence Districts under limited circumstances. The third would allow modification of the bulk envelope in most C and M districts to permit a loft-like building form.

**Commented [Z2]:** The Proposal would allow the City Planning Commission to approve small-scale commercial spaces in Residence Districts on corner lots. The use would be subject to size and locational restrictions.

- (1) such #use# will serve the surrounding residential area;
- (2) such #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;
- (3) such #use# will not produce objectionable effects; and
- (4) such #use#, including any permitted #signs#, will not alter the essential character of the neighborhood in which the #building# is located.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **75-12**

#### **Stores or Offices on Large-scale Sites in Residence Districts**

In #Residence Districts# the City Planning Commission may authorize modifications to the underlying #use# regulations to permit #uses# that would be permitted in a C2 District on the #ground floor level# of a #building#. The Commission may also authorize the #sign# regulations applicable to a C2 District to be applied to such #use#. In order to grant such authorization, the Commission shall find that the conditions of paragraph (a) and the findings of paragraph (b) are met.

#### **(a) Conditions**

As a condition for the authorization, the applicant shall demonstrate that the proposed #use#:

- (1) is located on a #large-scale development#, or is located on either a single #zoning lot# that has an area of at least 1.5 acres, or two or more contiguous #zoning lots#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, that has an area of at least 1.5 acres; and
- (2) does not exceed a size of 15,000 square feet.

#### **(b) Findings**

In order to grant the authorization, the Commission shall find that:

- (1) such #use# will serve the surrounding residential area;
- (2) such #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;
- (3) such #use# will not produce objectionable effects; and

**Commented [Z3]:** The Proposal would allow the City Planning Commission to approve larger-scale commercial spaces in Residence Districts on campus sites. The use would be subject to size and locational restrictions.

- (4) such #use#, including any permitted #signs#, will not alter the essential character of the neighborhood in which the #building# is located.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **75-20** **BULK AUTHORIZATIONS**

### **75-21** **Bulk Modifications in Certain Commercial and Manufacturing Districts**

For #developments# or #enlargement# of #buildings# in C4, C5, C6, C8, M1, M2, or M3 Districts, as well as M1 Districts paired with #Residence Districts#, the City Planning Commission may authorize modifications to the applicable #bulk# regulations, other than #floor area ratio#, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

#### **(a) Conditions**

As a condition for the authorization, the proposed #development# or #enlargement# shall:

- (1) be allocated exclusively to non-#residential uses#; and
- (2) comply with the applicable #bulk# regulations of a C7 District. For the purposes of applying such provisions, the particular C7 District with the same maximum permitted #floor area ratio# as that of greatest #floor area ratio# permitted for any of the #uses# on the #zoning lot# of the proposed #development# or #enlargement#. Where there is no C7 District with the same maximum permitted #floor area ratio#, the C7 District with the closest #floor area ratio# above that of the applicable district shall be selected.

#### **(b) Findings**

In order to grant the authorization, the Commission shall find that such #bulk# modifications:

- (1) will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area; and
- (2) will not unduly obstruct access of light and air to surrounding #streets# and properties.

**Commented [Z4]:** The Proposal would allow the City Planning Commission to approve changes to the building envelope controls to permit a loft-like building form. The authorization would be available in Manufacturing Districts and most Commercial Districts. The envelope would be limited to what is proposed for the new C7 Commercial District at the applicable density.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

