

City of Yes for Economic Opportunity

Zoning Text Amendment Project Description

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I. INTRODUCTION

The New York City Department of City Planning (DCP) proposes a citywide zoning text amendment (the “Proposed Action”) to the New York City Zoning Resolution (ZR) to support economic growth and resiliency in New York City. The Proposed Action, known as City of Yes for Economic Opportunity (COYEO), is a comprehensive overhaul of zoning regulations that would: (1) make it easier for businesses to find space and grow by lifting barriers to enable businesses to locate closer to their customers; (2) support growing industries by reducing impediments for emerging business types; (3) foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable corridors; and (4) create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion. COYEO would support economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City (NYC).

The proposed zoning text amendment would primarily update use definitions and use allowances within existing Commercial and Manufacturing zoning districts. These changes would clarify what commercial and industrial uses are allowed and define the circumstances under which they are allowed by amending zoning use definitions. The proposed zoning text amendment would also add or modify discretionary actions that could be pursued in the future, including Special Permits of the Board of Standards and Appeals (BSA), Authorizations and Special Permits of the City Planning Commission (CPC). Lastly, the proposed zoning text would add new Commercial and Manufacturing zoning districts to the Zoning Resolution that could be applied to specific geographies in the future via a separate rezoning action. No new districts would be mapped by the proposed zoning text amendment. Any proposal that seeks discretionary actions created by this proposed zoning text amendment would require environmental review at the time of application. The proposed zoning text amendment would apply to all 59 of the City’s Community Districts.

II. BACKGROUND

New York City’s commercial zoning regulations date to the adoption of the 1961 Zoning Resolution, which created eight distinct commercial districts with varying bulk, parking and loading, and use standards, drawing from a Use Group list that sought to categorize activities into related functional categories. These regulations combine to dictate and constrain where a business can open, what kinds of business activities they can conduct in their space, how big they can be, and myriad other parameters. Most of these regulations remain in place today despite the significant changes to the city’s economy since these regulations were originally written in the late 1950s. As a result, today’s regulations often seem outdated, irrelevant, and complex, defining uses as varied as telegraph offices, typewriter repair, or “shoddy” (wool) manufacturing, but failing to acknowledge common business activities such as cell phone stores, 3-D printing, or laser tag. As a result, many businesses today either cannot locate in commercial areas or face ambiguity

associated with their siting ability – resulting in additional regulatory costs, precarious legality, or curtailed business planning.

A commercial zoning framework that has failed to keep pace with the evolution of the NYC economy has real consequences for small businesses and for the city. For individual businesses, the cost may be reflected in the time and money spent navigating regulations, or in finding a suitable site in the city or beyond. For the city, increasing the cost and difficulty of siting businesses may result in fewer business and job opportunities and an increased vacancy or inability to tenant spaces. Furthermore, increased cost and complexity of regulation favors larger businesses with greater resources to absorb higher regulatory costs, while smaller businesses have less ability to risk time and money on complex regulatory hurdles.

The COVID-19 pandemic resulted in a compressed period of business closures, re-openings, and adaptations that underscored the importance of zoning rules that adapt to modern business needs.

RECENT ECONOMIC TRENDS

The Growth and Adaptation of NYC’s Economy over the 20th and early 21st century

By early 2020, NYC’s economy was comprised of 4.7 million jobs¹ in 280,000 establishments² as it experienced peak employment levels following decades of dramatic transformation from a predominantly manufacturing and port city into a global office and services center. Employment across the city grew more than 40% since the late 1960s, with jobs nearly doubling in the boroughs outside Manhattan during this period³. From 1969 to 2000, the composition of NYC’s employment changed considerably, with a 70% decline in manufacturing-based jobs and an 80% increase in services jobs⁴, a trend that continued into the 21st century.

During the decade leading up to the COVID-19 pandemic, NYC’s economy and population grew even more rapidly. Between 2008 and 2019, the city gained more than 790,000 private sector jobs⁵ and saw investment and employment gains in all five boroughs, with growth across a diverse range of industry sectors⁶. This period of economic expansion supported the lowest unemployment rate in decades as well as rising wages for New Yorkers⁷. The growth also brought higher tax revenue, which the City used to reinvest in services and infrastructure.

¹ New York State Department of Labor (NYS DOL) Current Employment Statistics, Total Nonfarm Employment, Seasonally Adjusted (February 2020)

² NYS DOL Quarterly Census of Employment and Wages (QCEW), 2023 Q1 (preliminary).

³ DCP analysis of U.S. Bureau of Economic Analysis (BEA) County Total full-time and part-time employment by SIC industry (CAEMP25S) and County Total full-time and part-time employment by NAICS industry (CAEMP25N).

⁴ DCP analysis of U.S. BEA County Total full-time and part-time employment by SIC industry (CAEMP25S).

⁵ NYS DOL QCEW, 2008 and 2019 annual average

⁶ DCP, “The Geography of Jobs: Second Edition”, October 2019. <https://www.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/nyc-geography-jobs2-1019.pdf>

⁷ New New York Panel, “Making New York Work for Everyone”, December 2022. https://edc.nyc/sites/default/files/2023-02/New-NY-Action-Plan_Making_New_York_Work_for_Everyone.pdf

Economic success also came with challenges. The combination of job growth in the Manhattan Central Business Districts (CBDs) and residential growth in the other boroughs constrained CBD-bound transit capacity. The greatest concentration of jobs accessible to workers of all skill levels and educational backgrounds were in the Manhattan core, so workers living in other boroughs and elsewhere in the region often experienced long and sometimes unreliable commutes. At the same time, competition for commercial space created challenges for small businesses seeking to locate and grow in the city. Older and historically more affordable office space—often referred to as Class B and C offices—had become increasingly popular with tech and other industries, and rents for Class B and Class C offices approached or sometimes exceeded rent for newer Class A office space. This further reduced the supply of lower cost space for nonprofits, start-ups, and other companies that could not afford to pay Class A rents.

As the availability of traditional office space became increasingly constrained, a wider range of industries considered operating out of historically industrial areas. For example, life sciences companies that outgrew university labs or incubator space struggled to find lab space in NYC where they could take advantage of the rich labor pool of the city and region and began seeking out the large and often unencumbered floor plates common in industrial loft-style buildings. Emerging job clusters in industrial areas created new economic opportunities, but also increased demand for a largely static supply of space, increasing rents for industrial or other existing businesses, especially in areas with low-density regulations that date to a different era of the NYC economy.

Continual technological advancements and economic evolution were increasingly at odds with land use regulations that were developed in the middle of the 20th century, exacerbating the problem of matching demand for space to supply, leaving buildings underutilized and stifling opportunities for innovation and job growth. For example, modern businesses combining industrial and non-industrial functions struggled to navigate rules that seek to separate uses, requiring small-scale brewpubs or coffee roasters to locate in far flung Manufacturing Districts, rather than in the neighborhoods they aimed to serve.

The COVID-19 Pandemic Highlights the Need for Flexible and Resilient Zoning

The COVID-19 pandemic unleashed enormous disruption and underscored the necessity of zoning that is sufficiently flexible, allowing businesses to adapt to an ever-changing economy. The pandemic required many business owners to change operations practically overnight, such as restaurants adding grocery options, expanding delivery, and repurposing outdoor space. In some instances, use regulations had to be modified or suspended under emergency authority to allow for businesses to adapt. Other businesses sought to modify operations by introducing production or wholesale components, offering more experiential or service-based offerings to draw customers back in, offering less retail and more delivery-based options, or subdividing space to share operations or infrastructure across multiple businesses.

Nevertheless, despite desperate attempts to adapt to extraordinary times, in the first three months of the COVID-19 pandemic, NYC lost 900,000 of its 4.7 million jobs—an unprecedented economic

shock⁸. By the second quarter (Q2) of 2020, nearly 12,000 NYC businesses had permanently closed—more than twice the number of permanent closures in Q2 2019, and 20,500 businesses had temporarily closed—nearly six times higher than the number of temporary closures in Q2 2019⁹.

Though the total number of jobs in NYC has recovered¹⁰, recovery has been unevenly distributed across the city, and the economic landscape overall looks quite different. Manhattan, particularly Midtown and lower Manhattan, and the Bronx have been slower to recover job losses, with those boroughs at 96% and 98% of pre-COVID employment, respectively, as of Q1 2023¹¹. Storefront vacancy sits at approximately 11.6% across the city, up from 10.5% in February 2020¹². Similarly, while the number of registered businesses in NYC has fully recovered from pandemic losses, there are approximately 3,800 fewer services businesses – like dry cleaners and salons, and 700 fewer hospitality businesses, like restaurants and hotels.¹³

In some cases, once the Emergency Order allowing for some of the operational flexibility expired, businesses, having shifted resources over to a system that was no longer permitted under zoning, no longer had a viable model for operating post-pandemic. Examples of the barber who was serving clients in the backyard of their home, or the florist utilizing the opportunity to serve customers outdoors, found themselves again having to pivot. The City has worked to update regulations to retain the flexibility that worked during the pandemic: NYC now has a permanent outdoor dining program, and components of the City of Yes for Economic Opportunity seek to modify pre-pandemic zoning regulations in a way that better reflect the evolving economy and support small and large businesses.

Changing consumer trends and an evolving economy present challenges and opportunities for neighborhood commercial corridors

Even before the COVID-19 pandemic, the rise of e-commerce delivery drove declines among dry goods retail businesses that historically populated the city’s neighborhood commercial corridors. By 2021, NYC had 750 fewer clothing stores than it did in 2008, representing a 20% decline in those businesses. Meanwhile, non-store retailers (i.e., e-commerce) selling a wide range of goods without a brick-and-mortar storefront location, but registered to NYC, grew by 130% in the same period, from 787 businesses to 1,800¹⁴. DCP has conducted extensive research on storefront vacancy and the health of neighborhood retail corridors, publishing two recent reports: *Assessing Storefront Vacancy in NYC: 24 Neighborhood Case Studies* (2019) and *Retail Activity in NYC: COVID Recovery Across 24 Neighborhoods* (2020)¹⁵. The reports analyzed 10,000 storefronts

⁸ DCP analysis of NYC Office of Management and Budget (OMB) NYC Labor Force Data, Seasonally Adjusted, released October 2023

⁹ NYC Economic Development Corporation (EDC), Business Formation and Closure in New York City, February 2023

¹⁰ DCP analysis of NYC OMB NYC Labor Force Data, Seasonally Adjusted, released October 2023

¹¹ DCP analysis of NYS DOL QCEW Q1 2023 (preliminary) and Q1 2020

¹² DCP analysis of data provided by Live XYZ, retrieved on October 17, 2023

¹³ NYS DOL QCEW Q1 2023 (preliminary) and Q1 2020 NAICS 72 and 81

¹⁴ NYS DOL QCEW, 2008 and 2021 annual averages. NAICS 4481 and 454

¹⁵ DCP, *Assessing Storefront Vacancy in NYC: 24 Neighborhood Case Studies* (2019),

<https://www1.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/assessing-storefront-vacancy-nyc.pdf?r=1> .

DCP, *Retail Activity in NYC: COVID Recovery Across 24 Neighborhoods* (2020),

<https://www1.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/retail-activity-nyc-covid-recovery.pdf>

across 24 locally- and regionally-serving retail corridors throughout the city to develop a data-driven understanding of retail and storefront uses and how they may be changing. The 2019 report found no geographic or rental cost patterns that could explain vacancy rates but suggested that corridors with zoning regulations that were highly prescriptive or out of step with the economy had greater difficulty leasing spaces, contributing to vacancy rates.

Recent analysis conducted by DCP underscores that the pandemic has exacerbated pre-existing trends in the city's commercial corridors, with notable declines in dry-goods retail businesses. 4,400 fashion, home, and hobby retail businesses opened in NYC storefronts since March 2020, but about 5,900 have also closed¹⁶. Shifts in consumer spending patterns also led to an accelerated rise in the number of eating and drinking establishments, as well as other types of local services businesses, like pharmacies and personal care stores. Since March 2020, around 12,500 food and beverage and essentials retail businesses – which includes businesses like grocery stores and pharmacies – have opened in storefronts across the city, representing a net increase of 1,800 storefronts since the start of the pandemic¹⁷. That shift towards food and beverage also represents a longer-term trend. Since 2000, the city's food and beverage jobs increased by 138,500 and food and beverage businesses increased by 10,000, representing a 90% and 80% increase, respectively, over the last two decades, despite the impact of the pandemic¹⁸.

Despite macroeconomic and local shifts away from dry goods retail toward more service-orientated and experiential businesses along neighborhood commercial corridors, City zoning regulations place restrictions on non-retail businesses in many commercial districts. This forces categories of businesses with growing demand further away from customers and increases competition for space in the zoning districts where those businesses are permitted.

Remote work requires reinvention in Central Business Districts and a recognition of the new role of business in and near homes

NYC has long benefitted from the success of its central business districts (CBDs). Together, Midtown, Midtown South, and Lower Manhattan represent 38% of NYC jobs¹⁹ and 80% of total NYC office space, which as a sector generated 25% of the City's property tax revenues and two-thirds of total Gross Domestic Product²⁰. Furthermore, these areas underpin our retail and services economy, housing 40% of the city's local services jobs, including retail, hospitality, and other services²¹. Moreover, our CBDs are designed as regional and global hubs that support a massive influx of workers and visitors, with a combined 28 subway service lines, 25 commuter rail lines, 11 ferry routes, a dense local and regional bus network, and a robust Citi Bike system with over 1,500 stations. These systems connect millions of workers, visitors, and tourists to the activities available in the city's densest areas. For decades, a virtuous cycle of investment,

¹⁶ Data provided by Live XYZ, current as of August 31, 2023

¹⁷ Ibid.

¹⁸ NYS DOL QCEW, 2000 Q1 and 2023 Q1 (preliminary), NAICS 722

¹⁹ DCP analysis of NYS DOL QCEW, 2023 Q1 (preliminary)

²⁰ "Making New York Work for Everyone"

²¹ DCP analysis of NYS DOL QCEW, 2023 Q1 (preliminary)

economic activity, and job generation has been underpinned by the demand for high-value office jobs to centrally locate in NYC's CBDs.

The pandemic and ensuing wide-scale adoption of remote work has disrupted NYC office demand and, with it, the economic ecosystem of the city's CBDs. The share of NYC residents who reported primarily working from home rose from 6% of the resident labor force in 2019 to 16% of the resident labor force by 2022²². That increase was true throughout the city, with especially high gains in Manhattan and North Brooklyn where as many as 30% of residents reported working primarily from home in 2022²³. New York City, like cities across the country²⁴, remains only partially "back to the office" – with average office building use at 50% to 75% of pre-COVID visitation levels²⁵. As a result, millions of square feet of commercial real estate are underutilized, with space continuing to hit the market and looking for a new purpose.

Consumer spending remains below pre-COVID rates in the city's CBDs²⁶, and NYC storefront vacancy is among the highest in areas with considerable office footprints²⁷. While consumer spending in core CBDs in Manhattan, Downtown Brooklyn, and Long Island City has declined, consumer spending has risen in emerging economic hubs, such as Fordham Plaza, Forest Hills, and St. George / Stapleton across the city²⁸. Credit card spending is also up in residential neighborhoods outside of Manhattan, reflecting new patterns of consumer demand as workers spend larger periods of their day in home neighborhoods²⁹.

At the same time, DCP's 2020 study of locally- and regionally-serving retail corridors across the city reveals that the hits to the CBD's economic ecosystem did not bare out similarly in more locally-serving corridors. *Retail Activity in NYC: COVID Recovery Across 24 Neighborhoods (2020)*³⁰, conducted during the height of the pandemic, found that locally-serving retail corridors such as Kingsbridge, Jackson Heights, and Hamilton Heights had a higher proportion of open and operating businesses, compared with regional destinations and areas impacted by reduced commuting and tourism, such as Flatiron/Union Square, SoHo/NoHo, and Canal Street, which were found to have the lowest proportion of open businesses. While lacking the scale and scope of business to offset losses to the CBD's economy resulting from the COVID-19 pandemic, the impact of the city's labor force spending more time and money in their home neighborhoods appeared to have substantial implications for local commercial vacancy rates.

²² DCP analysis of U.S. Census Bureau Public Use Microdata American Community Survey (ACS) 1-Year Estimates 2019 and 2022

²³ Ibid.

²⁴ Kastle Systems. "Back to Work Barometer." October 2023. <https://www.kastle.com/safety-wellness/getting-america-back-to-work/#workplace-barometer>

²⁵ As of Q2 2023. Kastle Systems "Back to Work Barometer" for low estimate; REBNY's Manhattan Office Building Visitation Data for high estimate, <https://www.rebny.com/reports/q2-2023-manhattan-office-building-visitation-report/>

²⁶ NYC Economic Development Corporation (EDC) analysis of Replica Consumer Spend data, September 2023. Represents January to June 2023 consumer spending relative to 2019 consumer spend

²⁷ Data provided by Live XYZ, current as of August 31, 2023

²⁸ NYC EDC analysis of Replica Consumer Spend data, September 2023

²⁹ DCP analysis of Mastercard data. Change in expenditure represents calculated difference in indexed spending from April 2019 to April 2023

³⁰ DCP, Assessing Storefront Vacancy in NYC: 24 Neighborhood Case Studies (2019),

<https://www1.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/assessing-storefront-vacancy-nyc.pdf?r=1> .

DCP, Retail Activity in NYC: COVID Recovery Across 24 Neighborhoods (2020),

<https://www1.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/retail-activity-nyc-covid-recovery.pdf>

Most evidence suggests that remote work will likely remain in the future³¹, with today's levels of activity reflecting a reasonable "new normal". This trend underpins strong desires from property owners and stakeholders in commercial areas to consider all possible strategies to reposition vacant spaces for new kinds of uses and tenant mixes, and the need to make accommodations for workers choosing to work more in and near their residences.

Emerging industries can help accelerate the city's economic growth and create good jobs

As property owners, businesses and the City seek new opportunity to ensure that commercial corridors and office buildings can be re-populated with new and expanding businesses and support the growth of new sectors. NYC is home to several emerging industries that have the potential to support its economic recovery from the pandemic, but sometimes face restrictive or ambiguous zoning regulations that inhibit business location or expansion. In many instances, the city's zoning has not kept up with the needs of emerging industries.

Life Sciences: With nine major research centers, over 50 hospitals, and a highly talented and diverse workforce, NYC has all the resources to be a global leader in the life sciences industry. A 2021 DCP report, "Life Sciences in the NYC Metro," found that the NYC metropolitan region has more than 5,000 life sciences businesses and nearly 150,000 life sciences jobs, and the city has been a growing focal point of the industry³². The life sciences industry was critical during the pandemic, when local companies were able to deliver vaccines, therapeutic treatments, diagnostic and testing systems, personal protective equipment, and innovative medical devices such as emergency ventilators. The life sciences industry was critical during the pandemic, when local companies were able to deliver vaccines, therapeutic treatments, diagnostic and testing systems, personal protective equipment, and innovative medical devices such as emergency ventilators. represented by over 5 million square feet of life sciences laboratories currently under construction in the city³³. While life science labs have certain specific needs, such as for building ventilation systems, they often have otherwise similar space requirements to those of traditional offices. Yet language written into the zoning long ago—when life science laboratories operated differently than they do today—limits many of these uses to manufacturing districts and makes it challenging for them to co-locate with other commercial or institutional activities.

Small-scale clean production: Manufacturers of niche products—such as small-batch food, apparel, and furniture—tend to serve local consumers and want to co-locate with retail or service components of their business. In recent years, NYC has seen the growth of maker-based businesses, for instance, experiencing 510% growth in the number of breweries, 140% growth in the number of coffee roasters, and 42% growth in specialty food, fruit and vegetable manufacturing over the last decade³⁴. There are also seven times as many distilleries in the city today versus a decade ago, growing from three to 23³⁵. As business models change with

³¹ Bloom, Nicholas, Jose Maria Barrero, Steven Davis, Brent Meyer, and Emil Mihaylov. "Survey: Remote Work Isn't Going Away – and Executives Know It." Harvard Business Journal, August 28, 2023

³² DCP and NYC EDC, "Life Sciences in the NYC Metro." June 2022.

<https://www.nyc.gov/assets/planning/download/pdf/planning-level/region//nyc-metro-life-sciences.pdf>

³³ Ibid.

³⁴ NYS DOL QCEW, 2010Q1 and 2023Q1 (preliminary). NAICS 3114, 31192, 31212, 31214 (earliest available-2011Q3)

³⁵ Ibid.

technology, the spectrum between office-based and manufacturing businesses is blurring. For example, a business that uses three-dimensional printing or manufactures custom circuit boards may have operational and space needs resembling those of both office and manufacturing businesses. Small, niche manufacturers, such as artisanal, advanced, and food and beverage manufacturing, are better able to operate in industrial mixed-use buildings and generally (but not always) produce fewer fumes, noise, and truck traffic, which can be a nuisance to other tenants. They also generally do not require as many special mechanical systems and have limited off-street parking and loading needs.

Despite changes in consumer trends and advances in clean production methods, modern businesses combining retail with wholesale or light industrial activities have struggled to locate in commercial areas due to zoning restrictions, often requiring businesses like breweries and coffee roasters, wholesale bakeries, 3-D printers, and distilleries to locate in industrial areas, often far away from their customers.

Film and television production: NYC has long played a vital role in the global film and television industry, and an expansive range of businesses comprise the city's film and television ecosystem, making it one of the largest and most multifaceted in the world. In 2019, the film and television industry in NYC supported approximately 185,000 total jobs, \$18.1 billion in total wages, and \$81.6 billion in total economic output³⁶. Businesses range from motion picture and video production, talent, subscription programming, television broadcasting, advertising and media buying, postproduction and other services, and distribution and consumption. These sectors are mutually reinforcing, and each plays a crucial role in the industry's value chain, from the production of film and television content through to its consumption by viewers and enthusiasts. Over the last 15 years, the industry has added roughly 35,000 direct jobs, growing at an annual rate of 3% and outpacing the citywide job growth over this period³⁷.

NYC is home to about 60 qualified production facilities—as defined by the Film Production Tax Credit Program—located in all five boroughs and concentrated in Manhattan, Brooklyn, and Queens. These facilities constitute almost two million square feet of production space, and this figure is expected to nearly double in the next few years as existing expansion projects are completed and new facilities open³⁸. These facilities also vary in type and size: a handful are very large, multi-stage facilities widely regarded as world-class film and television production hubs; most others are smaller, single- or several-stage facilities. Soundstages are often repurposed industrial buildings, such as warehouses and hangars; as a result, soundstage space is concentrated in formerly industrial areas. The growing presence of production facilities in these neighborhoods has helped revitalize local economies. Between 2001 and 2019, jobs in the motion picture and video production sector grew at an annual rate of 9% in Brooklyn and 8% in Queens (compared to 3% citywide), reflecting in part the expansion of soundstages and production facilities in these two boroughs³⁹. This pipeline of projects has revealed significant challenges in zoning rules that make siting new production facilities quite challenging, due to constraints of traditional Manufacturing District zoning with regard to bulk, loading, and parking. Several projects

³⁶ NYC Mayor's Office of Media and Entertainment (MOME), 2021 Film Industry Economic Impact Study. https://www.nyc.gov/assets/mome/pdf/FilmTV_report_091521.pdf

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

have come before the City Planning Commission for rezonings and other actions in recent years to facilitate new soundstages⁴⁰.

Amusements and experiential retail: Consumer demand for experiential businesses and those in the amusement and recreation industry—such as trampoline parks, virtual skydiving, escape rooms, and virtual reality arcades—are expanding the diversity of business types that desire to locate in commercial areas. The number of amusement and recreation businesses in NYC has increased from 960 in 2010 to 1,400 in 2023⁴¹ – primarily in Coney Island or in manufacturing-zoned areas of the city, as current zoning rules largely prohibit them in commercial areas. Multiple real estate brokerages have written regarding the shift in retail to more experienced based offerings, which are thriving especially in areas like SoHo, where existing mixed-use zoning has been more permissive of these creative offerings.

Nightlife: Live entertainment and nightlife venues, including comedy clubs and dance halls, showcase the vitality and creativity of New Yorkers. A 2019 report from the NYC Mayor’s Office of Media and Entertainment (MOME) found that New York City’s nightlife industry supports nearly 300,000 jobs and generates \$35 billion in economic output⁴². Despite the importance of this industry to the city’s recovery and continued economic growth, the city’s zoning has not kept up. The zoning includes outdated restrictions holding back certain businesses from locating in many commercial districts of the city, especially in high density and centrally located areas like Midtown Manhattan.

Urban Agriculture: Nineteen million pounds of food are supplied annually to NYC via a complex local and global supply chain. As part of a multi-pronged effort to increase food security, equity, and economic opportunity, the City adopted a goal of increasing urban farming, including the establishment of the first Mayor’s Office of Urban Agriculture (MOUA). Today, the city is home to numerous community growers, as well as new commercial growing operations taking advantage of rooftop allowances created by the Zone Green citywide text amendment of 2012⁴³. Advances in hydroponic and aquaponic agricultural cultivation present opportunities for vertical indoor urban farms, but zoning regulations prohibit these kinds of businesses from locating in empty office or storefront spaces in Commercial Districts.

EXISTING USE AND COMMERCIAL ZONING REGULATIONS

The Zoning Resolution’s land use regulations were developed based on NYC’s economy of the 1950s and have not kept pace with its evolving economy. The 1961 Zoning Resolution (ZR), itself an update from 1916, reflects how NYC’s economy transformed from World War I to an auto-focused, post-World War II era. The ZR largely separates residential, commercial, and industrial

⁴⁰ Wildflower Studios, [C 210459 ZSQ](#) and [N 210457 ZAQ](#); Kaufman Studios [C 000021 PPQ](#) & [C 000020 PQQ](#); York Studios [N 230142 ZAX](#), [C 230070 MMX](#), [C 230145 ZSX](#), Brooklyn Navy Yard [C 210462 ZMK](#), Silvercup West, [C 060326 ZSQ](#)

⁴¹ NYS DOL QCEW, 2010 Q1 and 2023 Q1 (preliminary), NAICS 713

⁴² NYC MOME. “NYC’s Nightlight Economy: Impact, Assets, and Opportunities.” https://www.nyc.gov/assets/mome/pdf/NYC_Nightlife_Economic_Impact_Report_2019_digital.pdf

⁴³ Zone Green citywide text amendment. City Planning Commission report [N 120132 ZRY](#) (2012)

uses, requires substantial off-street loading and parking, and significantly limits densities in many commercial and industrial areas.

Use

The 1961 ZR regulates land use according to the activities, or “uses,” contained within delineated zoning districts. The ZR defines use as “any purpose for which a building or other structure or an open tract of land may be designed, arranged, intended, maintained or occupied;” or “any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on an open tract of land” (ZR 12-10).

Uses in the 1961 ZR were based, in part, on the Standard Industrial Code (SIC) classification system that the federal government used in the 1950s to classify businesses. The SIC classification system has since been replaced by the North American Industry Classification System (NAICS), but the ZR has not been updated to reflect the federal government’s adoption of NAICS nearly 30 years ago.

Use Groups

The ZR divides individual uses into 18 “Use Groups” (UGs) based on uses deemed suitable to be contained in similar zoning districts over 60 years ago. Use Groups 1 and 2 are “residential,” while Use Groups 3 and 4 are “community facilities,” like schools, libraries and hospitals. Use Groups 5 through 9 are “local retail and service uses,” 10 through 12 are “regional shopping and large entertainment facilities”, 13 through 15 are “recreation” uses, 16 is “automotive service and semi-industrial”, and 17 and 18 are for “manufacturing and other heavy industrial” uses. This Use Group framework has been largely unchanged since 1961.

The Uses within Use Groups themselves may reflect a collection of uses the drafters of the 1961 Zoning Resolution thought made sense together, but do not in practice represent a coherent category of businesses based on building typology or industry sector. For instance, this lack of alignment between Uses and Use Groups results in certain production and entertainment uses appearing in a Use Group alongside retail and services uses. For example, Use Group 6 contains bakeries, dressmaking shops, and eating and drinking establishments with live entertainment. Similar uses are also often listed in multiple Use Groups, such as “Candy or ice cream stores” being listed in Use Group 6, 12, and 14, further confusing business owners, City agencies, and the public. The current Use Group system makes it challenging for users to understand where businesses can and cannot locate, effectively requiring users to read all of the Use Groups to understand the regulations. While many aspects of the 1961 ZR became common in zoning of other cities, the Use Group concept saw little uptake and is quite old-fashioned compared to the zoning rules in other cities. In the last few decades, many other cities, including San Antonio, TX, St. Petersburg, FL, and Tacoma, WA have adopted NAICS for maintaining use classifications of businesses that stay up to date with how business practices and technological changes continue to shape local economies.

Changes in Use Regulations Since 1961

While the original ZR drafters assumed the use regulations would be kept fresh through continual changes to the rules, the difficulties in undertaking citywide zoning changes have greatly limited changes over time. Since 1961, most of the changes to use regulations in the ZR have been applied to select uses or geographies, creating a patchwork update to the existing framework rather than a comprehensive reform.

On a citywide basis, updates to use regulations since 1961 have included minor additions of defined uses such as veterinary medicine (1971), indoor golf centers (1964), and outdoor skateboard parks (1978). Other changes include the addition of clothing rental as a permitted use within Use Group 6 (in C1 zoning districts) in 1970, the reclassification of auto body repair from Use Group 17 to Use Group 16 in 1965 to allow those establishments in C8 zoning districts and allowing shoe repair to occur on the ground floor within 50 feet of the street in C5 zoning districts in 1993. The specificity and limited scope of such citywide use changes are indicative of a use regulation framework that is ill-suited for adaptation and unable to anticipate changes in economic activity.

In other instances, DCP has advanced citywide text amendments to modify use regulations, including those for physical culture establishments (PCEs), live entertainment, and a Special Permit for scientific research and testing laboratories. These text amendments have modernized use regulations for select business types and fit into the existing use framework, rather than provide an overarching framework through which future changes could be applied.

Since 1961, the ZR has also seen the addition of numerous special districts, many of which further specify lists of uses permitted and excluded within a defined geography.

Where zoning has been unable to keep pace with a changing economy, the NYC Department of Buildings (DOB), the Board of Standards and Appeals (BSA), the City Planning Commission (CPC), and the judicial process have served to clarify where certain new or not explicitly defined uses are permitted. Small business owners often need to hire professional expeditors, land use attorneys, engineering firms, or consultants to interpret the ZR and the decades-old use restrictions, a process that can cost small businesses months of lost revenue and rent on a storefront not open for business.

For the first decade after 1961, the drafters' view of uses reflecting current industry classifications mostly held as new uses were added to regulate emerging business types. But, as the process of adopting citywide zoning text amendments became more complex, fewer changes occurred in the following decades, and changes that did occur tended to focus on limiting uses, whether new or existing. In fact, no comprehensive update to the current use terms has occurred since their original adoption in 1961—and rarely have new uses been added—to reflect the many changes and additions to businesses in the more than six decades since the ZR's original adoption. Effectively, the work of keeping the overall use framework in line with the city's economy has been put off for multiple decades, resulting in citywide use regulations that are obsolete, inconsistent, or confusing.

Commercial Districts

The ZR contains eight broad categories of commercial “C” zoning districts and allocates Use Groups across these districts. Each category is described below.

C1 and C2 Commercial Districts

The ZR contains two types of similar zoning districts designed for neighborhood commercial corridors: C1 and C2 districts. These districts can be found either as mapped standalone districts in high-density locations in Manhattan or as overlay districts in combination with Residence Districts in residential contexts ranging from R1 to R10.

The ZR classifies C1 districts as “Local Retail Districts” consisting of a “wide range of retail stores and personal service establishments” that can meet “frequently recurring needs”. As they were conceived, C1 districts were meant to “promote convenient shopping” and “continuous retail frontage” (ZR 31-11).

In contrast, C2 districts were created in the 1961 ZR as “Local Service Districts” consisting of “a wide range of essential local services not involving regular local shopping.” Because of a perception that local services businesses “are less frequently visited by customers” and “tend to break the continuity of retail frontage,” the 1961 ZR excluded many local services uses from C1 districts that were found in C2 districts, such as repair and rentals, large gyms, funeral homes, trade schools, medical labs, pawn shops, and dance/theater studios (UG 7B, 8B, and 9A). Also, excluded from C1 districts were small amusements and places of assembly, such as theaters, bowling alleys, billiard halls, and banquet halls (UG 8A); small wholesale establishments (UG 7C and 9B); and auto service, including light installation, rentals, and parking facilities (UG 7D and 8C). Even though the range of uses permitted in C2 districts was far more expansive than those permitted in C1 districts, the uses permitted in C2 districts were ones that “create relatively few objectionable influences for nearby residential areas” and therefore were considered appropriate within a residential neighborhood context.

In practice, however, there are few meaningful distinctions between the types of businesses that exist in C1 and C2 districts. A 1990s DCP examination of businesses across the city found there to be more businesses in UG 7, 8, and 9 in C1 districts than in C2 districts—despite businesses in those use groups not being allowed as-of-right in C1 districts. A DCP examination of existing businesses in 2022 corroborated these earlier findings and found that there are 1,500 businesses in C1 districts in Use Groups 7, 8, and 9, suggesting a wide range of non-conforming uses⁴⁴.

Because of the unnecessary and outdated limitations on use within C1 districts, over the last few decades, DCP-led zoning map amendments have changed many C1 districts to C2 districts to facilitate economic development and greater business diversity with the wider range of uses allowed by C2 districts. From 1994 to 2022, the share of C1 districts citywide has decreased from 63% to 51%, resulting in an additional 585 acres of land zoned as C2.

⁴⁴ DCP analysis of NYS DOL QCEW, 2022 Q4 (preliminary)

C3 Commercial Districts

C3 districts generally permit waterfront recreational activities, primarily boating and fishing, in areas along the waterfront that are usually adjacent to Residence Districts. In addition to facilities for docking, renting, servicing and storing fishing and pleasure boats, permitted activities include aquatic sports equipment sales and rentals, bicycle shops, ice cream stores and public and private beaches. These waterfront uses are listed in Use Group 14. C3 districts also permit residences and community facilities (Use Groups 1–4). Notably, in C3 Districts Eating or Drinking Establishments require a BSA Special Permit in order to operate, providing an additional hurdle for small business owners seeking to operate in low-margin industries.

C4, C5, and C6 Commercial Districts

The ZR also contains three varieties of commercial districts designed for higher density or more centrally located areas: C4, C5, and C6 districts.

C4 districts, or “General Commercial Districts,” were designed in the 1961 ZR for intensive commercial activity drawing on a relatively large service area, such as department stores and other large-scale retail businesses. Some service uses were permitted, but those that can locate elsewhere were not permitted (or were not permitted to locate on the ground floor) to prevent perceived interruption of retail continuity. Consequently, C4 districts placed restrictions on uses like bike repair, exterminators, small contractors, auto tire shops, and custom manufacturing.

C5 districts, or “Restricted Central Commercial Districts,” were designated for central office, retail, and wholesale activities of citywide, regional, and national significance. Notably, the C5 district also permitted “custom manufacturing establishments which are generally associated with the predominant retail activities” (ZR 31-15), including apparel design and manufacturing.

To make conditions favorable to the principal activities of C4 and C5 districts (e.g., shopping and offices shopping), zoning excluded a range of service businesses from the ground floor within 50 feet of the street. In general, these are: entertainment uses (billiards and bowling); instructional facilities; production spaces; studios; laboratories; places of assembly (banquet halls/meeting halls); and other local service uses (pawn shops, loan office, clothing rental, catering) and various non-automotive repair uses.

C6 districts, or “General Central Commercial Districts,” were designed to provide for the varied and specialized commercial activities requiring a central location. Retail shopping was considered important but was not intended to be a major function of C6 districts. C6 districts included areas with intensive employment on upper floors and ground-floor uses that provide services for those businesses and their employees. On this basis, planners at the time did not place the ground-floor restrictions and use limitations that exist in C4 and C5 districts on C6 districts.

Over time, zoning text changes have allowed additional service uses along the ground floor in C4 and C5 districts, demonstrating subsequent land use rationale for removing the constraints of these provisions. For example, the regulations were changed to allow additional uses on the ground floor, including shoe repair (1993), public auction rooms (1997), television studios in the

Fifth Avenue Subdistrict of the Midtown Special District (1999), and theaters in the Fulton Mall special district (2001). Most notably, changes to the Lower Manhattan Special District in 1998 allowed all C5 uses on the ground floor except on a handful of retail continuity streets, allowed theaters and a few other places of assembly (e.g., billiards, funeral homes), and craft production and repair uses (e.g., appliance repair, construction contractors) that are otherwise prohibited in C5 districts. These changes preceded the transformation of lower Manhattan into a mixed-use area, but facilitated the location of businesses, such as theaters, that were previously restricted as additional residents populated the area.

Since the 1960s, the C5 districts have seen little expansion from their original cores in East Midtown and lower Manhattan. Meanwhile, the C6 district, originally centered in western Midtown, has been used as the main tool for higher density commercial business growth, since it permits a wider range of uses than C5. Over the last couple of decades, the C6 district has been used in Hudson Yards, Downtown Brooklyn, and Downtown Jamaica.

C7 Commercial Districts

The C7 district, designated in the ZR as a “commercial amusement” district, was “designed to encourage open commercial amusement parks,” such as Coney Island, and had broad allowances for use. In 1961, C7 districts permitted housing, community facilities, and all commercial uses except UG 11 (custom manufacturing) and UG 16 (automotive and semi-industrial). In the 1970s, permitted uses were restricted to UG 12 through 15 to preserve the unique amusement uses in Coney Island (CP21829).

Currently, C7 districts are mapped only in three locations, and only one currently has amusement uses (Coney Island). The other two locations mapped with a C7 district have uses that do not conform with the district’s use regulations. The Coney Island Special Purpose District effectively overrides the use regulations for the area, providing the possibility of repurposing the C7 designation without materially affecting use allowances in Coney Island.

C8 Commercial Districts

C8 districts, bridging commercial and manufacturing uses, provide for motor vehicle repair and maintenance shops and other heavy commercial services that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts. Housing is not permitted and performance standards are imposed for certain semi-industrial uses (Use Group 11A and 16).

C8 districts are mapped mainly along major traffic arteries, such as Boston Road in the Bronx and Coney Island Avenue in Brooklyn, where concentrations of automotive uses have developed.

Manufacturing Districts

In addition to commercial zoning districts, there are three types of Manufacturing Districts that are distinguishable from each other primarily by the intensity of industrial uses permitted within them, and the range of permitted non-industrial activities allowed. Intensity of industrial activity permitted is partially based on what uses are allowed and partly based on Performance Standards that limit the amount and type of industrial nuisances permitted for a variety of potentially noxious elements including noise, vibration, smoke, odor and fire hazard. Each district type is further subdivided into individual districts characterized by different floor area ratios (FARs) and parking requirements, with increasing intensity of industrial use and density generally indicated by the accompanying increasing numeric suffix. The three Manufacturing Districts categories are:

- **M1 – Light Manufacturing Districts.** M1 Districts allow a range of industrial, commercial, and community facility uses and, in some cases, act as transition zones between residential areas and areas with heavier industrial activity (such as M3 areas). M1 Districts allow Use Groups 4, 6-14 (generally retail and commercial uses) and 16-17 as-of-right and Use Group 5 (hotels) with a Special Permit. It does not permit Use Group 18 uses which are the most intensive industrial uses (such as cement factories). Manufacturing Districts generally do not permit residential but, in some rare instances, allow residential under very specific circumstances (e.g., M1-6D). Unlike M2 and M3 districts, M1 districts can also be paired with other zoning districts, such as residential districts, to create what is sometimes referred to as “MX” districts.
- **M2 – Medium Manufacturing Districts.** M2 Districts have lower performance standards than M1 districts. Although not widely mapped, M2 Districts are usually found in or near waterfront areas. M2 Districts allow Use Groups 6-14 (generally retail and commercial uses) and 16-17 (generally industrial uses) as-of-right. Community facilities and hotels are not allowed in M2 or M3 districts. Certain categories of retail and service uses in Use Groups 6A, 6C, 9A, 10A and 12B are limited in size or not permitted at all. The most intense Use Group 18 industrial activity is not permitted in M2.
- **M3 – Heavy Manufacturing Districts.** Originally designed to accommodate essential heavy manufacturing uses and facilities, such as power plants and foundries, which generate high amounts of noise, truck traffic, or pollutants, M3 Districts today are home to many businesses, including open industrial uses such as recycling facilities and cement production. M3 Districts allow Use Groups 6-14 (generally retail and commercial uses) and 16-18 (generally industrial) as-of-right. Certain categories of retail and service uses in Use Groups 6A, 6C, 9A, 10A and 12B are limited in size or not permitted at all.

Prior to 1961, industrial businesses were relegated to “industrial”, “business” or “unrestricted” areas of the city which allowed a wide range of business uses but ensured their segregation from residential areas. At the time of the adoption of the 1961 zoning regulations, the manufacturing sector was the predominate use in industrial areas, so these industrial districts were renamed “Manufacturing Districts” despite housing and allowing for a wide range of other industrial, commercial, and retail uses.

Before the 1961 ZR, many flexible industrial building typologies were built, commonly in a loft-like style, which resulted in the construction of highly adaptable space that could accommodate a range of tenants. In these loft-style structures, co-location of production, wholesale, office, and

retail uses often occurred in the same building or even on the same floor—resulting in a supply of multipurpose space that could accommodate and respond to the needs of growing businesses. Many loft buildings were not purpose-built developments and generally were built without a specific type of business in mind. The characteristics of these buildings—including high ceiling heights, wide column spacing, and large floorplates—has meant that many of these historic loft buildings have been able to adapt, and they remain occupied through economic cycles and changes in tenant demand even more than a century following their original construction.

By the late 1950s, globalization and technological advances in production had started to catalyze NYC’s transition away from a manufacturing-based economy. The 1961 ZR reflected planners’ thinking of the time that future job intensity would be focused primarily in dense office districts in Midtown or in far-flung low-scale production in more suburban settings. As a result, the 1961 ZR subjected new construction buildings in M districts to single-story or low-density Floor Area Ratio (FAR), infeasible sky exposure plane requirements, high yard requirements, and high parking requirements that assumed predominate car commuting. In many instances, the 1961 ZR prohibited new construction versions of the flexible loft-like buildings that populated the city historically.

These outdated M districts remain largely unchanged. Approximately 70% of buildings in the city’s M districts were built before 1961⁴⁵, and M districts are home to many tenanted buildings that are larger than what would be allowed under the 1961 ZR. M Districts are also overwhelmingly low density. Approximately 96% of the city’s M Districts are zoned for a maximum of 2.0 FAR of commercial, which significantly limits physical vertical business expansion without a costly and time-intensive rezoning process⁴⁶. Additionally, approximately one in five buildings in M districts are above their allowable FAR, preventing many kinds of renovations that businesses may need to continue or expand their operations⁴⁷.

New York City needs new M district zoning tools to enable modern loft-like buildings to support and grow businesses in the city’s industrial areas. Buildings that can be adaptable and meet the needs of a range of business types and sizes—as the city’s loft buildings have historically—will ensure economic resilience for the city in the face of future disruptions and changing economic trends.

Commercial Activity in Residence Districts

The 1961 ZR was created at a time when commercial uses were often separated from residences on the basis that, over time, more New Yorkers would use personal vehicles to drive to corridors or auto-oriented shopping centers in C districts for local goods and services. Indeed, today’s zoning still reflects a vision of commercial activity “designed to meet the needs of the automobile shopper,” as the 1961 City Planning Commission Rezoning New York City handbook states.

⁴⁵ DCP analysis of PLUTO v23.1 dataset 2023. Only includes pure M-Districts (e.g., M1-5) and does not include M-Districts that are paired with another zoning district (e.g., M1-5/R10).

⁴⁶ Ibid.

⁴⁷ Ibid.

While the drafters of the 1961 ZR mapped Commercial Districts over most of the city's retail corridors, they often placed more-dispersed commercial businesses in Residence Districts. This subjected businesses in R Districts to non-conformance regulations that made it more difficult to maintain their business and precluded reoccupation if the business closed for more than two years. Recognizing the issues this caused in many parts of the City, in the 1970s DCP modified the zoning to allow stores in R5-R7 medium density residence districts to be reoccupied regardless of how long the business was closed. These discontinuance regulations, found in ZR 52-61, have allowed many stores to reopen and fulfill a vital service role in their neighborhood.

Home occupation provisions have been included in the ZR since 1961 and have allowed many small businesses to begin. These rules allow a wide range of business types to operate from a dwelling unit, except they limit some uses such as barbers and nail salons in a very class-based way. In recent special districts, home occupations regulations have been adjusted to allow for these uses, expand the allowable percentage of a dwelling unit associated with a home-based business, and increase the allowable number of employees associated with a home-based business.

Today, outside of Commercial Districts and Commercial Overlays, approximately 630,000 New Yorkers are working at 77,000 private sector businesses located in residentially zoned areas of the city⁴⁸. Those businesses reflect a mix of home-based businesses, community facility-type businesses generally allowed to locate in Residence Districts, such as doctor's offices and daycares, and businesses in historic non-conforming storefronts or loft buildings not typically allowed in areas zoned for residential use. However, the city's zoning has not kept pace with, and often inhibits, business activity and job creation in places not explicitly allowed to allow for such activities. In the City's Historic Districts, discontinuance regulations with a two-year limit on commercial activation contribute to more than 850 vacant storefronts in Historic Districts, 250 of which are in Residence Districts⁴⁹. Since COVID-19, the share of NYC residents working from home rose from around 5% in 2019 to 16% of resident workers in 2022⁵⁰. There are also more than 110,000 New Yorkers who reported that they were self-employed and working from home, underscoring the contribution of home-based businesses to neighborhood and overall city economic vibrancy⁵¹.

Over the last 60 years, much has changed—many New Yorkers travel to shops by walking or taking transit, and hybrid work has further revealed the benefits of having retail options close to home. Many business uses may not only be appropriate in residential neighborhoods but may facilitate beneficial connections between residents and businesses within hyper-local economies, creating jobs and activating existing commercial corridors.

⁴⁸ DCP analysis of NYS DOL QCEW, 2023 Q1 (preliminary).

⁴⁹ DCP analysis of Live XYZ data current as of September 6, 2023. Boundaries sourced from the NYC Landmarks Preservation Commission and DCP.

⁵⁰ <https://s-media.nyc.gov/agencies/dcp/assets/files/pdf/data-tools/census/acs/dcp-nyc-highlights-from-the-2021-acs.pdf> DCP analysis of U.S. Census Bureau Public Use Microdata ACS 1-Year Estimates 2019 and 2022.

⁵¹ DCP analysis of U.S. Census Bureau Public Use Microdata ACS 1-Year Estimates 2021

Streetscape rules

The 1961 Zoning Resolution had few regulations focused on the interaction between the sidewalk and ground floors of buildings. Since then, planners have increasingly recognized the importance of this relationship and the ZR has seen the addition of many types of “streetscape” regulations. These rules, unlike use and bulk regulations, do not apply citywide. Instead, different sets of streetscape regulations have been applied in different areas over time (typically through the mapping of special purpose districts). While these regulations differ, they tend to include regulations for design elements like ground floor uses, transparency, and lobby dimensions. DCP has looked to bring more coherence to the various streetscape regulations over time to make them easier to administer and comply with – for example, in 2016, standards were established for measuring transparency and ground floor use depth. While there remain many different sets of streetscape regulations in the ZR today, they apply in a limited portion of the city’s commercial corridors, since most of the city is not covered by special purpose districts. This leaves most commercial corridors without any streetscape standards to protect against negative elements like blank walls or at-grade parking lots which can harm the walkable commercial character of a street.

III. PURPOSE AND NEED

New York City’s economy has evolved significantly since the zoning rules which govern uses were written. Many of the limitations that the 1961 zoning regulations placed on businesses are not only no longer serving the needs of neighborhoods but are creating significant limitations for businesses trying to find space in the city, constricting economic growth and contributing to vacancy.

The proposed COYEO citywide zoning initiative would make it easier to locate or grow a business in NYC while reducing the number of the city’s current storefront and office vacancies by modernizing and clarifying the city’s zoning, allowing a wider variety of activities and uses that would create vibrancy on commercial streets, and lowering the cost and time of starting or opening a new business. This initiative falls broadly into four key categories:

A. Make it easier for businesses to find space and grow by giving business owners more certainty on where they can locate and what they can do in their space. This zoning text amendment represents the first comprehensive update of use regulations since 1961, and updating and simplifying use regulations citywide would remove confusion and ambiguity that exists in the current zoning, enabling small business owners, property owners, City and State officials, and other community stakeholders to more easily understand where businesses can locate and what they can do in their space. Doing so would also allow for vacant spaces to be more easily activated, alleviating storefront vacancy while creating more vibrancy along the city’s commercial corridors. Allowing existing spaces to be repurposed will support economic recovery and resiliency, enabling the city to be more responsive to changing economic conditions. This clarity should also lower the time and cost of establishing or growing a business in New York City.

B. Support growing industries by reducing zoning impediments for emerging business types. Certain industries face unique restrictions or ambiguity in how they are currently regulated in

zoning. The Proposal would address these situations to enable the growth of these industries to thrive across the city, catalyzing the city's economic recovery.

C. Foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable streets. The proposal would establish clear and consistent streetscape regulations citywide. In doing so, zoning would prioritize the public realm of commercial streets with spaces designed to be attractive and activate city sidewalks, fostering economic vibrancy and activity along the city's commercial corridors.

D. Create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion. In many situations, current zoning regulations can inhibit the development of new commercial and industrial spaces, holding back opportunities for creating jobs that are close to where people live and serve the city's communities. The proposal would ease pathways to create spaces that can support job growth across the city, especially in transit-accessible locations in all five boroughs.

DESCRIPTION OF PROPOSED LAND USE ACTION

DCP is proposing a zoning text amendment to multiple sections of the ZR amending the underlying regulations applicable in all zoning districts throughout the City. These include amendments of the ZR's use regulations, loading regulations, urban design requirements, the creation of several new discretionary actions, and the creation of new zoning districts for future mapping. The Proposed Action would not increase the allowable floor area ratio (FAR) in any existing zoning district, nor would it modify (increase or decrease) the loading requirements applicable within any zoning district for the construction of new buildings.

COYEO includes a compendium of zoning reforms that are intended to address the following goals. These are described in further detail below.

A. Make it easier for businesses to find space and grow

COYEO proposes to update existing use regulations in the ZR to allow for a wider range of appropriate activities to occur in many commercial areas.

- 1. Lift time limits to reactivating vacant storefronts**
- 2. Simplify rules for business types allowed on commercial streets**
- 3. Expand opportunities for small-scale clean production**
- 4. Modernize loading dock rules so buildings can adapt over time**
- 5. Enable commercial activity on upper floors**
- 6. Simplify and modernize how businesses are classified in zoning**

1. Lift time limits to reactivating vacant storefronts

This proposal would allow nonconforming vacant storefronts in residence and historic districts to legally re-tenant their space in locations where it is not already allowed.

Today, many residential areas of the city have non-conforming stores, such as corner grocery stores or bodegas, whose commercial use pre-dates current zoning that would not allow for commercial use. These stores can remain active in perpetuity, but there is limited protection for continued operation of these storefronts as retail in the event of prolonged vacancy, as occurred in the recent pandemic. Current regulations for non-conforming commercial uses in Residence Districts allow for the reoccupation of a vacant commercial storefront via Section 52-61 of the ZR, provided that the commercial use does not close for more than two years. However, provisions applicable in R5-R7 districts (except Historic Districts) allow vacant commercial spaces to be reopened regardless of the amount of time vacant. Non-conforming stores can serve vital roles in areas with limited retail availability, and the provisions of 52-61 unduly restrict the continued use of these neighborhood assets in certain areas, and adding additional uncertainty about if businesses can operate long-term can make it harder for businesses to obtain loans.

COYEO would ease regulations on the reactivation of vacant retail spaces by expanding the applicability of Section 52-61 to all Residence Districts as well as Historic Districts. This change to the ZR will support the economic stability of neighborhoods, while promoting walkability and access to local goods and services.

2. Simplify rules for business types allowed on commercial streets

This proposal would simplify zoning regulations to permit the same range of commercial businesses on similar commercial street types – consolidating use differences between the two kinds of zoning districts for neighborhood commercial corridors and local streets (C1 and C2 districts) and consolidating the use differences among the four kinds of zoning districts meant for centrally located areas and Central Business Districts (C4, C5, C6, and C7 districts).

Today, zoning restricts many kinds of local services uses that are allowed in C2 Commercial Districts from locating in C1 Commercial Districts, despite C1 and C2 districts or overlays being mapped in similar contexts and—in many instances—being mapped along the same street or across the street from each other. Similarly, today’s zoning restricts many kinds of commercial uses that are allowed in C6 Commercial Districts from locating in C4 Commercial Districts and C5 Commercial Districts, despite similar contexts and mapping locations for all three districts. Furthermore, today zoning places limitations within C4 and C5 districts on certain uses, including instructional facilities, dance studios, and clothing rental establishments, from locating within 50 feet of the street wall if located on the ground floor of a building. Uses subject to this prohibition were perceived to be detrimental to commercial corridor by virtue of having less foot traffic (e.g., an art studio) or for classist perceptions of occupants (e.g., billiard parlors). The current rules effectively bar these uses, which are allowed in the district, from ground floor tenancy and can exacerbate vacancy while also unnecessarily restricting small businesses from locating in spaces that could be suitable but for the zoning restriction.

COYEO would simplify the arbitrary distinctions between these zoning districts to allow the same range of uses in C1 and C2 districts, effectively enabling some additional uses within C1 districts. These uses include business services, bike rental and repair, and theaters (i.e., some uses found in current Use Groups 7, 8, 9 and 14). COYEO would also broaden the range of uses allowed in C4 and C5 districts to match those currently allowed in C6 districts—uses including small-scale service and repair, wholesale, and custom manufacturing businesses, as well as amusements like movie theaters and places of assembly (i.e., some uses found in current Use Groups 7, 8, 11, and 12). In C4, C5, and Special Purpose Districts with existing limitations on use from locating within 50 feet of the street wall if located on the ground floor of a building, COYEO would remove this distance from streetwall restrictions.

3. Expand opportunities for small-scale clean production

This proposal would provide additional location options for small-scale, clean production space and other light industrial activities.

The ZR currently limits many production activities to M districts, however notable exceptions exist based on retail-production hybrid businesses common at the time of its adoption in 1961. For example, bakeries, dressmaking, tailoring, and hat-making are all permitted uses in any commercial district (UG 6), printing shops are permitted in C2, C4-C6 (UG 9), and custom manufacturing of books, ceramics, clothing, hair products, jewelry, medical or dental instruments, musical instruments, orthopedic or medical appliances, printed products, and watchmaking are permitted in C5 or C6 districts (UG 11).

However, the existing commercial district allowances for production activities are limited by their specificity and preclude many kinds of production activities that are broadly seen as appropriate and desirable uses to occur in certain commercial districts, including 3D printing, woodworking shops, and small-scale food and beverage manufacturing such as microbreweries and coffee roasters. Additionally, the current zoning restricts some production uses to a small amount of on-site production space for retail activities (e.g., a small baking area in a bakery).

COYEO proposes to allow certain additional production activities to occur in commercial districts. These production uses align with light industrial uses currently permitted in special mixed use (MX) districts and include but are not limited to ice cream shops, bakeries, brewpubs, pottery stores, woodworking shops, 3-D printers, and apparel makers. These production uses are defined according to industries within the North American Industry Classification System (NAICS).

The proposal would allow these small-scale production uses up to 5,000 square feet (SF) on the ground floor in C1 and C2 districts, allowing activities compatible in size with other retail and service storefronts commonly found in these zoning districts. In C4, C5, C6, and C7 districts, clean production activities would be allowed up to 10,000 SF on the ground floor—with no size restrictions above the ground floor.

In all instances, to be able to operate in Commercial Districts, clean production uses would be subject to environmental requirements already required in Special Mixed Use Districts that stipulate the business must certify that a production or manufacturing activity will not have emissions that exceed the “ABC” standard found in NYC Administrative Code 24-153, or would

generate a “right to know” filing with the City for storing or using potentially hazardous substances. Failure to follow environmental standards could result in DOB zoning violations, DEP enforcement, and potential closure.

Additionally, to avoid potential air quality effects for residences, uses must design any required emission stacks to vent at the highest tier of the building or above the height of the immediately adjacent buildings, whichever is higher.

4. Modernize loading dock rules so buildings can adapt over time

The proposal would remove the possible requirement of providing additional loading berths for a change of use in an existing building.

Loading berths or docks are used to efficiently transfer goods between a vehicle and a building. Sections 36-60 and 44-50 of the ZR specify the minimum number of loading berths a building should have based on the use that is occupying the building. Loading requirements are distinct from how zoning treats parking requirements, in that the loading requirements apply to new developments, enlargements, and changes of use, whereas additional parking is not required for a change of use. As a result, when an existing building changes from one use to another, loading rules would require building owners to add loading berths to reflect the new use – a costly physical retrofit the building user may not want or need. In effect, these regulations discourage the tenanting of space to certain businesses, make full occupancy harder for larger industrial buildings, and make it harder for the city’s building stock to evolve and stay occupied over time.

Recognizing the constraints of the current loading regulations, Special Districts such as the Gowanus Special District and the Flushing Waterfront Special District provide businesses with additional flexibility for tenanting by not requiring additional loading berths for a change of use in an existing building.

COYEO would allow buildings to more easily evolve over time by not requiring additional loading berths for a change of use in an existing building. While new buildings will continue to be required to provide loading berths according to the uses intended to occupy the space, this proposal will allow existing buildings to evolve their tenant mix over time without adjusting the number of loading berths.

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 onto the sidewalk. To better ensure loading does not impact the streetscape, these would be made consistent citywide.

5. Enable commercial activity on upper floors

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, in high density C1 and C2 districts and in the floodplain, commercial uses can occupy the second story of buildings containing residences. In addition, several Special Purpose Districts, including Bay Street Corridor, Clinton, Downtown Brooklyn, Downtown Far Rockaway, Inwood and Jerome Special Districts, as well as transit easements, allow for commercial uses to occupy the lowest two floors of a mixed use building. However, these provisions are not consistent across all C1, C2, and C3 districts, limiting options for new construction as well as changes in use from Community Facilities to commercial uses.

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.

For example, in C1 and C2 commercial overlays mapped within low-density Residence Districts, such as R3-2, R4, and R5, commercial uses are allowed up to 1.0 FAR, but Community Facility uses are allowed up to between 1.6 and 2.0 FAR depending on the exact district. This means that doctors' offices and other kinds of medical uses (classified as Community Facility) are allowed above the ground floor, but these same spaces cannot be utilized by other kinds of neighborhood-serving offices or other appropriate neighborhood commercial uses. Current zoning also makes many buildings built before 1961 with commercial uses on the second-floor non-complying, making it harder for building owners to renovate or find new tenants.

COYEO would enable the adaptive reuse of commercial spaces in low-density commercial overlay districts by allowing the same FAR for Community Facility and Commercial uses in these districts. The Proposal would also allow commercial uses in C1, C2, and C3 districts to be on the second story of all mixed buildings and on the same story as with residences as long as there is no access between them. In these districts, commercial uses would not be able to locate over residences.

In low-density Commercial Overlay Districts, the Proposal would allow commercial uses on the second story of all mixed buildings.

Today, businesses seeking to fill an empty doctor's office on the second story of a mixed-use building might not be allowed to do so because of outdated zoning rules that differentiate Community Facility and Commercial FAR in certain low-density Commercial overlay districts.

For example, in C1 and C2 commercial overlays mapped within low-density Residence Districts, such as R3-2, R4, and R5, commercial uses are allowed up to 1.0 FAR, but Community Facility uses are allowed up to between 1.6 and 2.0 FAR depending on the exact district. This means that doctors' offices and other kinds of medical uses (classified as Community Facility) are allowed above the ground floor, but these same spaces cannot be utilized by other kinds of neighborhood-serving offices or other appropriate neighborhood commercial uses. Current zoning also makes many buildings built before 1961 with commercial uses on the second-floor non-complying, making it harder for building owners to renovate or find new tenants.

COYEO would enable the adaptive reuse of commercial spaces in low-density commercial overlay districts by allowing the same FAR for Community Facility and Commercial uses in these districts. The Proposal would also allow commercial uses in these districts to be on the second story of all mixed buildings and on the same story as with residences as long as there is no access between them. In these districts, commercial uses would not be able to locate over residences.

In C4, C5, and C6 districts, the Proposal would allow commercial uses occupy separate parts of the same story or to locate above 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. For instance, many Special Purpose Districts, such as East Harlem, Gowanus, Inwood, Long Island City, Lincoln Square, Battery Park City, Forest Hills, Harlem River, Willets Point, Southern Hunters Point, Flushing West, St. George, and Coney Island have implemented regulations for new construction that allow for residences and commercial uses to occupy the same level of a building, provided that: (a) no access exists between such uses at any level containing dwelling units, and (b) no commercial uses are "directly located" over any dwelling units. This inconsistent application of when residences and commercial uses, such as offices, are allowed to occupy the same floor, limits options for building conversions to other uses and limits options for new buildings that contain both residences and non-residential uses.

The 1961 ZR did not anticipate changes in work culture, workplace amenities, or remote work that would necessitate live/work/play Central Business Districts. As a result, zoning creates unnecessary prohibitions on commercial uses above the ground floor in residential buildings, restricting business activity that workers, residents, and visitors can enjoy. The East Midtown Special District allows for a handful of arts, entertainment, and recreational uses at or above stories with residences, provided that no access exists between the residential use and non-residential use. This East Midtown allowance permits upper story restaurants, and observation decks, where they would not otherwise be permitted. Outside of East Midtown, Coney Island, Southern Roosevelt, MX, Southern Roosevelt, Article 1 Chapter V allow non-residential uses to locate above residential uses. Outside of these allowances, current zoning rules prohibit commercial uses above residences in any building as-of-right, though a few Special Districts include a discretionary path by CPC authorization.

Consistent with recommendations in *New New York: Making New York Work for Everyone* (2022) action plan, COYEO will allow for more flexibility that can support the City's goals to reimagine New York's business districts as vibrant 24/7 destinations. COYEO would allow commercial uses and residential uses on the same floor citywide, including the requirements for separate direct access points or entrances for commercial and residential uses. These reforms would make it easier to allow for new construction buildings that contain both residences and commercial uses. This change would also enable easier adaptive reuse of buildings, particularly in Manhattan's Central Business Districts.

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. COYEO would allow commercial uses to be located over dwelling units provided that sufficient separation of residential uses from commercial uses exists within the

building. This proposal would not result in new permitted floor area but would create additional flexibility in where commercial uses can locate in mixed-use buildings.

When locating above the ground floor, production uses (see Proposal #3) or commercial uses that have a rated capacity (e.g. Eating or Drinking Establishments, Theaters, etc.) that are permitted on the same story as a residential use, or on a story higher than that occupied by residential uses, when adjacent to residential must either separate from residences or attenuate high noise-generating uses:

- **Separate:** Provide separation of the noise-generating portion of uses from residential units by a 15-foot vertical or horizontal buffer use distance which must include at least one partition wall. Buffer uses are uses other than residential living unit or noise-generating portion of a use. Buffer may include portions of a noise-generating use such as lobbies, offices, storage, or any other non-noise generating portions of that use.
- **Attenuate:** Provide floor, ceiling, or partition wall attenuation certified by a licensed architect or engineer to the Department of Buildings such that no activity shall create a sound level in excess of ambient sound levels when measured inside a receiving residential unit.

6. Simplify and modernize the way businesses are classified in zoning

The proposal would re-organize Use Groups and update use terms to better reflect modern commercial and industrial activities.

The Proposal would reorganize Use Groups to better reflect land use categories in New York City

Today's Use Groups consist of 18 somewhat unrelated uses that were believed in 1961 to be appropriate in individual commercial districts. The current Use Groups lead to unnecessary confusion or ambiguity for individuals seeking to understand how a particular use is regulated.

COYEO 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 (e.g., 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. Outlined below is an overview of the proposed Use Groups:

- UG 1: Agriculture and Open Uses
- UG 2: Residential Uses
- UG 3: Community Facilities
 - 3A: Community Facility with Sleeping Accommodations
 - 3B: Community Facility without Sleeping Accommodations
- UG 4: Public Service Facilities and Infrastructure
 - 4A: Public Service Buildings
 - 4B: Utility Infrastructure

- 4C: Renewable Energy and Green Infrastructure
- UG 5: Transient Accommodations
- UG 6: Retail and Services
- UG 7: Offices and Laboratories
- UG 8: Recreation, Entertainment, and Assembly Spaces
- UG 9: Storage
 - 9A: General Storage
 - 9B: Specialized Storage
 - 9C: Vehicle Storage
- UG 10: Production

The proposal would update use terms to make it easier to understand what uses are permitted in which zoning districts.

Most uses defined in the ZR today are copied from a 1950s classification of businesses that understandably did not anticipate changing technologies and resulting changes in business activity. Consequently, the ZR contains antiquated uses while not including many uses commonplace in today's economy. Many industries and job-generating economic activities found in New York City today were not in widespread existence when the ZR was adopted in 1961. Over the last six decades, advances in technology and changing business trends have meant the creation of new types of businesses, many of which are not mentioned in current zoning. This lack of clarity can make it difficult for business owners to know where they can locate and what they can do in their space. For example, the ZR clearly defines telegraph offices, but does not have a clear designation for cell phone repair stores. Furthermore, the ZR is inconsistent in the level of detail with which it defines uses across different sectors. For example, the ZR provides great specificity for manufacturing uses while excluding entire categories of personal care services like nail salons and tattoo parlors.

COYEO 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.

COYEO would rationalize existing retail, service, and manufacturing uses by creating a new framework for use in the ZR based on the nationally recognized North American Industry Classification System (NAICS), which is maintained and updated by the federal government every five years. The NAICS system provides increasing granularity in describing individual sectors, ranging from 2-digit codes which categorize broad sectors for example Code 54 "professional, scientific and technical services to 6-digit codes which categorizes small sub-industries for example Code 541213 "Tax Preparation Services". This proposal would target the 3- or 4- digit level of sector specificity. Doing so would strike a balance of allowing enough specificity to differentiate between types of retailers and manufacturers (and thereby toggle on and off size,

open use, environmental, and other restrictions), while being broad enough to consolidate some closely related uses together.

This proposed use framework would update the retail/service and manufacturing definitions to better reflect the range of uses that exist in the city today, while also providing flexibility to respond to the city's continuously changing economy with a framework can easily accommodate new uses in the future. This rationalized use classification would also enable business owners the ability to more easily understand where they can locate throughout the city. While not all the NAICS sectors will be assigned to a Use Group structure, doing so for retail, services, and manufacturing will help to organize the Zoning Resolution's most specific categories.

The Proposal would update inconsistent rules for certain uses

In addition to the changes described above, several uses require unique treatment to reflect both the overall goals of the proposal and particular land use characteristics of these uses. COYEO would modify zoning to update these uses should be regulated as part of the overall use reforms.

- **Prisons:** Currently, Prisons (Use Group 8D) are allowed in C2, C4, C6, C8, or M1, M2, or M3 districts. COYEO would restrict Prisons from C2 districts.
- **Variety stores:** Currently, variety stores, such as “dollar” stores, are treated in zoning differently than how other similar retail uses, such as department stores and clothing stores, are treated. COYEO would create consistency between these similar retail uses, by limiting their size to 10,000 SF in M1 districts. As is the case today, these uses would be limited to 10,000 SF in C1 and C2 districts, and no size restriction would be placed on variety stores in C4, C5, C6, C7, and C8 districts, and these uses would not be permitted in M2 and M3 districts.
- **Distilleries:** Currently, distilleries are treated separately from other alcohol producers and subject to performance standards that effectively mean they are only allowed in M3 districts. Existing regulations can be difficult for prospective businesses to meet and are not reflective of advances in technology that lower or eliminate unwanted effects of these uses. In Gowanus and Brooklyn Navy Yard Special Purpose Districts, the ZR was amended to enable location of distillery uses in all M districts in those geographies subject to requirements in the fire code. 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.
- **Wholesale uses:** Wholesale businesses (which sell goods in large quantities to be sold to others) are treated in zoning differently than other similar uses in that this use has a size restriction on the amount of interior storage space that can be allowed within the overall establishment. The current interior storage requirement is difficult to determine and results in ambiguous interpretation. COYEO would reclassify wholesale businesses and define these businesses based on overall size rather than an interior storage component, making it easier to regulate these businesses. COYEO would allow wholesale uses in C1 and C2 districts up to 2,500 SF, and in C4, C5, and C6 districts up to 5,000 SF on the ground floor with no restriction on upper floors if that storage is related to business storage. COYEO would not

meaningfully change the ways these uses are regulated but would make existing regulations easier to understand and comply with.

The proposal would modernize and seek to maintain consistency between current and future use framework

As the changes described above seek to simplify and modernize the terms used to classify businesses, the proposal would make updates in zoning that intend to rationalize and maintain general consistency between other zoning regulations related to current and proposed uses.

The Proposal would make changes to the organizational structure of the parking and loading requirements to make them easier to understand. These changes would not affect 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. The Proposal would also 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.

There are Special Purpose Districts with use terms that do not appear in the underlying zoning or have antiquated use terms dating back to the creation of the Special Purpose District. The Proposal would update Special District rules to refer to these new classifications and other adjustments that bring proposal into alignment with Special Districts as described above.

B. Support Growing Industries

- 7. Clarify rules to permit indoor agriculture**
- 8. Give life sciences companies more certainty to grow**
- 9. Support nightlife with common-sense rules for dancing and live entertainment**
- 10. Create more opportunities for amusements to locate**
- 11. Enable entrepreneurship with modern rules for home-based businesses**

7. Clarify rules to permit indoor agriculture

The proposal would clarify enclosure rules for Commercial Districts on what activities can occur outdoors and indoors.

The proposal would specify that some uses can have outdoor components.

Zoning requires commercial activity to be indoors in Commercial Districts, with exceptions for situations like table service, serving windows, and agriculture, which is required to be outdoors. Current zoning can make it difficult for businesses to understand or to comply with enclosure requirements. For example, florists and plant shops face ambiguity on whether they can have an outdoor component of their business within the zoning lot.

COYEO would remove ambiguity or confusion by clarifying that florists and lawn and garden retailers are permitted to have open portions of their use.

The proposal would allow indoor agriculture in Commercial districts.

Agriculture is a permitted use in any zoning district, but in Residence and Commercial districts Use Group 4B agriculture is subject to an open use requirement that precludes completely enclosed (i.e. indoor) operations. The rise of vertical farming and hydroponic and aquaponic agriculture create the potential for more localized food production in neighborhood contexts.

COYEO would clarify enclosure rules to enable indoor urban agriculture uses in Commercial districts.

8. Give life sciences companies more certainty to grow

The proposal would simplify the use definition for a laboratory and expand geographic applicability of the current Scientific Research and Development Facility Special Permit.

The Proposal would simplify the use definition for a laboratory to codify its current interpretation.

The ZR currently permits laboratories in most commercial districts (UG 9A), while laboratories that are producing high volumes of products for commercial sale, or have the potential for environmental hazards, are limited to industrial areas (UG 17). However, the existing UG 9A definition of a laboratory is outdated and narrowly defined as being for “medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates ...” creating ambiguity to what extent laboratory activities not explicitly mentioned are permitted. The existing UG 17 terminology of “Laboratories, research, experimental or testing” only serves to add to the confusion as to whether experiments are permitted in Commercial Districts. In 2016, the City sought to clarify with a “Life Sciences in Commercial Zoning Districts” memo that the UG 9 version of a laboratory also includes “the synthesis and manipulation of chemical substances, biological matter, and animal models” as “integral activities in commercial medical laboratories devoted to research and testing”, as referenced in ZR 32-18, and that “activities in these laboratories may also include the assembly of medical technologies, diagnostic devices, and research instrumentation for use in prototype experimentation, pre-clinical studies or clinical testing.”⁵²

The Proposal would update the terminology for laboratories in Commercial Districts, clarifying the extraneous terminology in the current “medical or dental laboratory” definition to make the ZR up to date with the City’s interpretation that laboratories of all types are permissible in Commercial Districts subject to environmental conditions. The Proposal would similarly simplify the terminology for laboratories in Manufacturing Districts to remove ambiguity that exists in the current use term.

⁵² “Life Sciences in Commercial Zoning Districts,” City of New York, December 13, 2016.
https://edc.nyc/sites/default/files/filemanager/Programs/LifeSci_NYC/ClarificationMemo-LifeSciences-CommercialZoningDistricts.pdf

The proposal would retain the requirement that laboratories in Commercial Districts are ones “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.” All laboratories must be certified and designed by licensed professionals as not conducting operations that could pose danger of objectionable effects, and must follow other City, State, and Federal regulations in their operations.

The proposal would allow commercial laboratories to co-locate with hospitals and universities

Non-profit research laboratories within hospitals or universities can operate today using community facility regulations, but many commercial laboratories, which have relationships to and benefit from proximity to hospitals and universities, lack zoning allowances to operate and co-locate these facilities in areas not designated as Commercial Districts. Currently, a Scientific Research and Development Facility Special Permit may enable the location of a commercial laboratory and provides bulk modifications that are useful for the construction of such facilities, but the Special Permit is limited by its narrow geographic applicability of C6 and C2-7 districts.

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. 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. The Special Permit is a discretionary action that would require environmental review analysis, Community Board review, and City Council approval at the time of application and would not be available as-of-right as a result of this proposal. These changes would create pathways that enable expansion in the locations where new laboratories are permitted.

9. Support nightlife with common-sense rules for dancing and live entertainment

The proposal would clarify the distinction between “eating or drinking establishments,” and “eating or drinking establishments with entertainment that has cover charges or specified showtimes,” while removing zoning’s role in regulating the act of dancing.

Despite the repeal of the City’s Cabaret Law in 2017, current zoning distinguishes between eating and drinking establishments with live music, and those where patrons also dance, restricting the latter category in most commercial areas. Furthermore, other forms of live scheduled entertainment such as comedy and open mic nights face varying restrictions on their ability to occur within eating or drinking establishments. In today’s zoning, there are five separate uses for entertainment within eating or drinking establishments, each with their own regulations on the type, location, and size of the entertainment, creating ample confusion for business operators and communities alike.

- Today, Eating or Drinking Establishments are allowed without a zoning-defined capacity limitation as-of-right in C1, C2, C4, C5, C6, C8, and M1-M3 districts (current Use Group 6A). These bars or restaurants are allowed to have music, live or pre-recorded, for which there is no cover charge or specified showtime. Commonly, this form of music takes the

form of background music for bar or restaurant patrons to enjoy. Zoning is ambiguous as to whether incidental or spontaneous dancing is permitted.

- Any bar or restaurant is permitted to host *musical* entertainment with a cover charge or specified showtime, provided the capacity of the business is limited to 200 persons or fewer (current Use Group 6C). Zoning specifies that dancing is not permitted.
- Eating or drinking establishments hosting *non-musical* entertainment, such as live comedy or open mic nights, are limited in zoning today to a capacity of 200 persons or fewer and limited as-of-right to C1-5:9, C2-5:8, C4, C6, C8, and M1-M3 (except M1-5B). Businesses seeking to locate in C1-1:4, C2-1:4, C3, C5, or M1-5B have to apply for a BSA Special Permit in order to locate (current Use Group 6C). Zoning specifies that dancing is not permitted.
- Bars or restaurants within hotels may host entertainment and dancing without capacity limitation in C4, C5, C6, C8, M1-M3 districts (current Use Group 10A).
- Eating or drinking establishments with a capacity of more than 200 persons may host entertainment or dancing in C4, C6, C7, C8, and M1-M3 (except M1-5B, M1-6M). In C4 and in C6-1:4 districts, these businesses are required to meet additional standards for minimum lobby size and distance from Residential Districts. 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, a business can obtain a Special Permit from the BSA to operate. (current Use Group 12A).

Questions have been raised about the continued regulation of the act of dancing, performing, or other personal acts of expression given the discriminatory history of the Cabaret Law in New York City.

COYEO would seek to consolidate and clarify the distinctions between categories of eating or drinking establishments based primarily on capacity rather than use. Eating and drinking establishments without cover charges or specified showtimes would continue to operate without occupancy limitation as they do today, and this existing use would be made as-of-right in C3 districts. Eating or drinking establishments with forms of scheduled entertainment such as music, comedy, or dancing, that have cover charges or specified showtimes, would be consolidated from the existing UG 6C, 10A, and 12A categories into one use. In C1-C3 districts, these businesses would be limited to the pre-existing UG 6C capacity limitation of 200 persons or fewer. This change would allow small venues that host concerts to permit patrons to dance without violating the zoning. Venues over 200 people would be newly allowed in C5 districts, enabling larger nightlife and entertainment businesses as a key component of the economic recovery of the city's Central Business Districts in Midtown and Lower Manhattan.

The proposed changes would allow modern regulations governing live scheduled entertainment to better reflect the ways in which these uses interact with surrounding businesses and residences, allowing these activities in appropriate zoning districts while ensuring quality of life.

10. Create more opportunities for amusements to locate

The proposal would consolidate existing amusement uses into categories based on whether the business operates in a building or outside.

Amusements are a type of experiential retail business that is a growing source of jobs and entertainment for New Yorkers and visitors alike and generally are uses well-suited to reusing under-utilized storefront and office space, particularly in places like Midtown Manhattan. Amusement uses range from children's arcades, bowling alleys, mini golf, outdoor driving ranges, and virtual reality (VR) gaming establishments. Current zoning categorizes these uses differently according to factors such as whether they are indoor or outdoor, but also with arbitrary factors such as the number of bowling lanes provided. In C2, C4, C6, C8, and M1-M3 districts, certain small indoor amusements such as billiard parlors, model hobby car centers, and bowling alleys are permitted, but the latter is limited to 16 lanes (current Use Group 8A). In C4, C6-C8, and M1-M3 districts, certain indoor amusements are permitted without size restriction, including bowling alleys, billiard parlors, indoor golf, and skating rinks. However, in C5 districts, indoor amusements like theaters, bowling alleys, and small auditoriums are not permitted in C5 districts today despite being allowed in similar densities and contexts in C6 districts. Outdoor amusements are permitted in C7, C8, and M districts. This list of certain and particular amusement and recreation uses has failed to keep up with changes in consumer trends, and new types of experiential and immersive businesses often struggle to know under which existing zoning use they might be regulated. Because of the ambiguity in current zoning, many businesses are effectively relegated to C7 and M districts, which are more generally permissive of all amusement types regardless of whether they are specifically defined.

COYEO would create new opportunities for amusement businesses to locate and grow across the city by distilling the current inconsistent and specific lists of amusement use applicability into two new uses terms defined in zoning: "amusement or recreation facilities" and "amusement parks." An "amusement or recreation facility" would replace several outdated, specific uses listed throughout the current use groups like table tennis halls and model car hobby centers and is meant to broaden the range of amusement and recreation uses considered by the ZR. This use would be limited to 10,000 SF in C1 and C2 districts and must be indoors in C1-C6 districts. Open versions of the use would require a BSA permit in those districts. An "outdoor amusement park" would be a new term meant to reflect a broad range of current outdoor amusement uses found in the ZR, and includes uses like "amusement parks", but also outdated concepts like "freak shows" and "dodgem scooters." The use would be restricted from C1-C6 districts and would be limited to 10,000 SF in C7, C8, and M districts.

11. Enable entrepreneurship with modern rules for home-based businesses

The proposal would modernize regulations for home-based businesses (referred to as Home Occupations in the ZR).

Home businesses are a critical way that New Yorkers can make a living. ZR 12-10 defines home occupation in a way that allows many kinds of business to occur in the home while establishing physical limitations that limit the impact of businesses on their neighbors, such as prohibiting

signage or the sale of goods not produced on-site. The ZR also allows many types of home occupations, such as law offices and music instruction, while explicitly restricting others, such as barber shops, interior decorators' offices, or advertising or public relations agencies. Home occupations are limited to 25% of the size of a dwelling unit or 500 square feet, whichever is less. Home-based businesses are prohibited from selling items not produced on-site, having exterior displays or displays of goods visible from the outside, or storing materials or products outside of the home. Furthermore, home businesses must not produce any noise, smoke, dust, particulate matter, odor, or any other nuisance—and violations can be reported to the NYC Department of Buildings.

Several Special Districts, including the SoHo-NoHo Mixed Use Districts, the Tribeca Mixed Use District, the Queens Plaza Subdistrict, and the Special Mixed Use District (MX), as well as the regulations in Article I Chapter V for Residential Conversions, have modernized home business regulations in the ZR to allow for a wider range of home-based businesses, expansion of the percentage of the dwelling unit allowed for accessory business activity, and allowances for up to 3 employees registered to the home business. However, the underlying rules for home-based businesses outside of these geographic exceptions have not been changed to reflect the realities of remote work in a post-Covid-19 world, and are holding back many entrepreneurs, freelancers, and other self-employed New Yorkers from being able to make a living or grow their business from home.

COYEO would remove outdated limits on uses and size restrictions so that zoning is not getting in the way of entrepreneurs conducting limited business activities in their homes. The proposal would modernize home business regulations by eliminating the list of non-permitted uses and allow home businesses to expand in size to 49% of floor area and 3 employees. Per the general provisions noted above in ZR 12-10, home businesses would continue to be subject to rules that ensure they are good neighbors.

C. Foster Vibrant Neighborhoods

12. Introduce corridor design rules that ensure buildings contribute to surroundings

13. Reduce conflicts between auto repair shops and pedestrians

14. Encourage safe and sustainable deliveries with micro-distribution

12. Introduce corridor design rules that ensure buildings contribute to surroundings

The proposal would activate the city's commercial corridors by establishing clear and consistent streetscape regulations.

The 1961 ZR did not address streetscape or urban design regulations directly, and instead urban design considerations were addressed by different use allowances and prohibitions on ground floors as part of "use" restrictions. Since 1961, Special Purpose Districts created throughout the city have created a patchwork of streetscape regulations to ensure an active and safe ground-floor pedestrian experience and help support retail corridors. However, this patchwork of

regulations has been inconsistent and therefore difficult to enforce and for businesses to conform with. In some instances, the regulations have not been effective or have not necessarily been able to account for every lot configuration.

In current zoning, certain zoning districts and Special Purpose Districts have ground-floor design requirements to improve the quality of the streetscape and promote a lively and engaging pedestrian experience. Currently, streetscape rules vary greatly across special districts. For instance, some Special Purpose Districts allow only specific uses on the ground floor. In other cases, streetscape rules such as transparency, lobby width, ground floor depth, parking wrap or screening, curb cuts, and blank walls exist, but at varying degrees that do not relate to the stated purpose of the Special District. This lack of consistency makes it hard to understand what types of rules exist and where they should be applied.

Across the city today, auto-oriented uses, such as drive-throughs, and street-facing parking negatively impact the quality of a commercial streetscape by inhibiting pedestrian activity and walkability. Additionally, blank walls lack visual interest and can affect pedestrian feelings of safety. Curb cuts and open parking tend to attract vehicular activity at the expense of pedestrians. On commercial streets, where walkability should be the priority, the impact of these uses is exacerbated. In addition, inactive ground-floor uses, such as residential dwelling units and long lobbies, can be detrimental to surrounding retail activity and street character.

To ensure the success of commercial corridors and ease the regulatory process for small businesses to comply with streetscape rules, the proposal would also create consistent ground-floor design requirements to ensure that retail and commercial streets remain active and attractive. COYEO would establish a tiered approach to streetscape regulations, with rules that are responsive to pedestrian street character, increasing in regulatory strength in areas with stronger existing active commercial context.

For **new buildings**, COYEO would create a tiered approach to streetscape regulations, with rules that intend to respond to local street character. Rules generally would apply cumulatively and aim to strike a balance that prevents the worst streetscape outcomes relative to the context, while also being simple enough that they are not cost-prohibitive for small businesses and building owners.

The three tiers are described below.

- **Tier A** consists of streets in C1-C2, C4-C7, and MX Districts. In these areas, parking lots must be placed to the side or rear of a building. For in-building parking, screening must be provided. No drive-throughs permitted, except by BSA permit. Blank wall mitigations must be provided. Rules would not apply to areas near highway entrances or large shopping centers that are far from transit.
- **Tier B** consists of streets in C1-C2, C4-C7, and MX Districts within the Transit Zone. In these areas, Tier A rules apply and the following additional streetscape regulations come into effect:
 - Active uses with transparency required at grade
 - Max lobby length of 50'.

- Parking must be within a completely enclosed building.
- No curb cuts for parking or loading berths if there is also frontage on another street.

For zoning lots with few active ground floors in the surrounding area, or those adjacent to or across from Residence or Manufacturing districts or infrastructure, only parking wrap/location and blank wall rules will apply.

- **Tier C** applies along designated streets in Special Purpose Districts and special geographies (*C Districts mapped in or with a RDE of an R9 or R10 District & C1, C2 and C4s in Staten Island). In these geographies, Tier A and Tier B rules apply, along with additional rules for lobby areas. Doing so would improve ground floor use regulations by bringing more consistency to the range of permitted active uses and cover a more robust list of building elements through ground floor streetscape regulation. In addition, unique rules in some Special Purpose Districts, such as those covering establishment sizes for ground floor uses or special building elements, would be maintained.

13. Reduce conflicts between auto repair shops and pedestrians

Today, auto installation, service, and repair uses are mostly restricted to C8, M1, M2, and M3 districts (current UG16B), with notable exceptions for auto glass shops, repair for auto seat covers or convertible tops, and tires replacement, which are today allowed in C2 and C6 districts (current UG 7D). Auto repair is an important source of employment and jobs and provides a local service in commercial areas but can frequently create pedestrian conflicts as auto use migrates to sidewalks and curb lanes. In practice, conflicts are indistinguishable in stores currently permitted under the UG 7 vs. UG 16 regulations.

COYEO would consolidate the range of auto servicing uses into two zoning-defined categories: “light” or “heavy” motor vehicle repair and maintenance shops. “Heavy” forms of vehicle repair shops would reference NY state licensing requirements for heavier forms of vehicle repair shops. New businesses that are required to register with the DMV could locate in C8 and M districts, mirroring regulations in UG 16 today. Those repair uses that are not required to register with the DMV would be considered “light” motor vehicle repair and maintenance and would be able to locate in most Commercial Districts with a BSA special permit to ensure new businesses can open, but with an increased ability to ensure oversight of land use conflicts caused by auto operations in pedestrian areas.

14. Encourage safe and sustainable deliveries with micro-distribution

As the city grows and with it the rise of e-commerce and home delivery of goods has increased, creating increased truck traffic and congestion, the city has established policies of encouraging alternative freight deliveries including having the “last mile” of delivery performed by pedestrian or bicycle. Zoning, however, is not able to accommodate delivery activity within indoor spaces in Commercial Districts except for online grocery order fulfillment per a 2022 Department of

Buildings zoning bulletin (2022-011)⁵³. As a result, delivery activity often occurs only on sidewalks and streets, exacerbating truck congestion and leading to conflicts with pedestrians and cyclists.

To better reflect this goal and the need for small-scale distribution centers in commercial areas, the Proposal would include a new use called a "Micro-Distribution Facility". The use 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 microfulfillment centers recently seen in the city.

D. Create Opportunities for Future Growth

COYEO proposes to create new discretionary zoning tools to unlock future development, grow jobs and foster inclusive economic growth.

- 15. Facilitate local commercial space on residential campuses**
- 16. Create process for allowing corner stores in residential areas**
- 17. Rationalize waiver process for business adaptation and growth**
- 18. Create new kinds of zoning districts for future job hubs**

15. Facilitate local commercial space on residential campuses

Many large-scale residential campuses, such as NYCHA, are zoned as Residence Districts, so local retail, services, and maker-spaces cannot easily locate. No zoning tools exist to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations.

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 restrictions (15,000 SF) and locational restrictions. The authorization would be subject to both environmental review and Community Board approval, with conditions that stipulate approval only if development would not create traffic congestion or environmental concerns.

16. Create process for allowing corner stores in residential areas

The proposal would create a pathway for a new neighborhood-serving business to locate in a Residence District.

In most Residence Districts there is no path to allow a new neighborhood store. The Zoning for Coastal Food Resiliency (ZCFR) citywide text amendment (2021) created a BSA Special Permit to allow new, small professional offices in Residence Districts in the floodplain, but areas not

⁵³ NYC Department of Buildings Zoning Bulletin (2022-011), https://www.nyc.gov/assets/buildings/bldgs_bulletins/bb_2022-011.pdf

along the city's coastline do not have a similar discretionary pathway that could allow for the creation of new locally-serving spaces.

COYEO would create a new CPC Authorization to allow for up to 2,500 SF of retail, service, or office uses to locate in a Residence District, provided that the commercial storefront is located within at least 100 feet from an intersection.

17. Rationalize waiver process for business adaptation and growth

The Proposal would rationalize and supplement existing discretionary zoning tools to address gaps that prevent businesses a path to expand or adapt.

The Proposal would give commercial businesses pathways to expand or adapt their business without having to relocate

Many growing businesses run into physical constraints of zoning that are incompatible with business expansion plans. For instance, a clothing store may be so successful that it wants to take over the next storefront, but discovers it is size-limited in many C districts. Today, these businesses have no paths forward. For uses that have existing BSA Special Permit pathways available, term lengths vary inconsistently between 3-, 5- and 10-year renewals, making the process of seeking a BSA Special Permit more confusing.

The Proposal would create a new permit for retail / service, amusement, and 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. 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. The Proposal would also 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.

The Proposal would create a new discretionary zoning tool to allow the City Planning Commission to waive limited bulk rules

Many growing businesses run into physical constraints of zoning that are incompatible with the shape of their building. For instance, a soundstage requires high walls, which in many districts conflict with zoning limitations on maximum street-wall heights. Today these businesses would have no path except a rezoning to be able to build.

The Proposal would allow the City Planning Commission to approve changes to the building envelope controls to permit a loft-like building form, allowing businesses to seek limited bulk relief

to construct new buildings that exceed current setback and yard requirements. 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.

18. Create new kinds of zoning districts for future job hubs

The proposal would create new zoning districts that for use in future mapping actions.

While numerous new zoning districts have been built in recent decades to update the physical forms presented by the 1961 zones, these have focused on residence districts or commercial districts where residences are permitted. Districts not permitting residences have seen no new innovations since 1961. Consequently, zoning options available for job-intensive zoning purposes have gaps in density and height options, are hampered by outdated bulk regulations, and are relatively uniform in their approach to use mixes (excepting environmental standards). The maximum allowable FAR of M districts goes from 1.0 to 2.0 to 5.0 to 10.0. However, many loft buildings that pre-date the 1961 ZR are built at densities between these thresholds, include 3-4 FAR and 6-8 FAR. These are the type of buildings that can help the city meet the needs of a range of business types and sizes—as the city’s loft buildings have historically—that will ensure economic resilience for the city in the face of future disruptions and changing economic trends.

As a result of the city’s limited job-intensive zoning districts offerings, area-wide rezonings have relied on special district mechanisms to manufacture a better range of bulk, height and use options (most recently, the Gowanus Special District), while many individual developments have applied for rezonings using M1-5, one of the only higher density non-residential zoning options. Several projects in Brooklyn and Queens have utilized the Industrial Business Incentive Area (IBIA) which seeks to address some of these bulk issues while linking the production of commercial space to industrial space via special permit.

COYEO proposes to create a range of new job-intensive, non-residential zoning options to enable job growth. These new districts will range from 2-15 FAR, address longstanding bulk and physical challenges, and come in several use-mix options:

- **New M3A “Core” districts** at 2 and 3 FAR which will be designed to allow for industrial expansion while preserving core industrial areas by introducing limited additional FAR, addressing bulk challenges, and restricting non-industrial uses;
- **New M2A “Transition” districts**, ranging from 2 to 5 FAR, which will encourage redevelopment while providing higher FAR preference for industrial uses;
- **New M1A “Growth” districts**, ranging from 2 to 15 FAR, which will mimic the use mix of today’s M1 districts while addressing bulk and physical limitations of development; and
- **New C7 districts**, ranging from 2 to 15 FAR, which would permit all Commercial uses except Use Group 16, and permit Community Facility uses without sleeping accommodations. This district would repurpose the existing amusement focused C7, mapped in few locations.

The creation of new Manufacturing Districts is included in a separate land use application that is meant to proceed through public review concurrently with the rest of the zoning changes in the Proposal.

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Section references are 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 I GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-10

ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS

* * *

11-12

Establishment of Districts

11-121

District names

Each zoning district is designated by a letter indicating the general land use classification – R for Residence, C for Commercial and M for Manufacturing – followed by one or two numbers and, sometimes, a letter suffix. In residence districts, generally, the higher the first number, the greater the density permitted and the larger the building. Parking requirements usually decrease as density increases. A second number, following a hyphen (such as R3-1 or R3-2), denotes variations in use, bulk or parking regulations among districts within a common density category. In commercial and manufacturing districts, the first number denotes the intensity of permitted uses; the higher the first number, generally, the broader the scope of uses that are permitted and the more significant the land use impact of such uses. The second number, following a hyphen, denotes differences in bulk or parking regulations within a common use category. The higher the second number, generally, the larger the building permitted and/or the lower the parking requirements. Letter suffixes have been added to the designations of certain districts (such as R10A) to indicate contextual counterparts that seek to maintain, enhance or establish new neighborhood characteristics or building scale.

[NEW TEXT TO BEGIN CLARIFYING MX DISTRICT APPLICABILITY]

In certain Special Purpose Districts, a specific #Manufacturing District# is paired with a

#Residence District#. Regulations pertaining to such paired district, including how to consider such districts with regards to the applicability of other underlying zoning regulations, are set forth Article XII, Chapter 3 (Special Mixed Use District).

11-122

Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Commercial Districts

C1-1 Local ~~Retail-Commercial~~ District
C1-2 Local ~~Retail-Commercial~~ District
C1-3 Local ~~Retail-Commercial~~ District
C1-4 Local ~~Retail-Commercial~~ District
C1-5 Local ~~Retail-Commercial~~ District
C1-6 Local ~~Retail-Commercial~~ District
C1-6A Local ~~Retail-Commercial~~ District
C1-7 Local ~~Retail-Commercial~~ District
C1-7A Local ~~Retail-Commercial~~ District
C1-8 Local ~~Retail-Commercial~~ District
C1-8A Local ~~Retail-Commercial~~ District
C1-8X Local ~~Retail-Commercial~~ District
C1-9 Local ~~Retail-Commercial~~ District
C1-9A Local ~~Retail-Commercial~~ District

C2-1 Local ~~Service-Commercial~~ District
C2-2 Local ~~Service-Commercial~~ District
C2-3 Local ~~Service-Commercial~~ District
C2-4 Local ~~Service-Commercial~~ District
C2-5 Local ~~Service-Commercial~~ District
C2-6 Local ~~Service-Commercial~~ District
C2-6A Local ~~Service-Commercial~~ District
C2-7 Local ~~Service-Commercial~~ District
C2-7A Local ~~Service-Commercial~~ District
C2-7X Local ~~Service-Commercial~~ District
C2-8 Local ~~Service-Commercial~~ District
C2-8A Local ~~Service-Commercial~~ District

C3 Waterfront Recreation District
C3A Waterfront Recreation District

C4-1 General Commercial District
C4-2 General Commercial District
C4-2A General Commercial District
C4-2F General Commercial District
C4-3 General Commercial District
C4-3A General Commercial District
C4-4 General Commercial District
C4-4A General Commercial District
C4-4D General Commercial District
C4-4L General Commercial District
C4-5 General Commercial District
C4-5A General Commercial District
C4-5D General Commercial District
C4-5X General Commercial District
C4-6 General Commercial District
C4-6A General Commercial District
C4-7 General Commercial District
C4-7A General Commercial District

C5-1 ~~Restricted~~ General Central Commercial District
C5-1A ~~Restricted~~ General Central Commercial District
C5-2 ~~Restricted~~ General Central Commercial District
C5-2.5 ~~Restricted~~ General Central Commercial District
C5-2A ~~Restricted~~ General Central Commercial District
C5-3 ~~Restricted~~ General Central Commercial District
C5-3.5 ~~Restricted~~ General Central Commercial District
C5-4 ~~Restricted~~ General Central Commercial District
C5-5 ~~Restricted~~ General Central Commercial District
C5-P ~~Restricted~~ General Central Commercial District

C6-1 General Central Commercial District
C6-1A General Central Commercial District
C6-1G General Central Commercial District
C6-2 General Central Commercial District
C6-2A General Central Commercial District
C6-2G General Central Commercial District
C6-2M General Central Commercial District
C6-3 General Central Commercial District
C6-3A General Central Commercial District
C6-3D General Central Commercial District
C6-3X General Central Commercial District
C6-4 General Central Commercial District
C6-4.5 Restricted Central Commercial District
C6-4A General Central Commercial District
C6-4M General Central Commercial District
C6-4X General Central Commercial District

C6-5 General Central Commercial District
C6-5.5 Restricted Central Commercial District
C6-6 General Central Commercial District
C6-6.5 Restricted Central Commercial District
C6-7 General Central Commercial District
C6-7.5 Restricted Central Commercial District
C6-7T Restricted Central Commercial District
C6-8 General Central Commercial District
C6-9 General Central Commercial District

~~C7-1 Commercial Amusement~~ General Commercial District
C7-3 General Commercial District
C7-4 General Commercial District
C7-5 General Commercial District
C7-6 General Commercial District
C7-7 General Commercial District
C7-8 General Commercial District
C7-9 General Commercial District

C8-1 General Service District
C8-2 General Service District
C8-3 General Service District
C8-4 General Service District

* * *

**ARTICLE I
GENERAL PROVISIONS**

**Chapter 2
Construction of Language and Definitions**

**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

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 ~~1 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.

~~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

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#.

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~~
- ~~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.~~

* * *

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

[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

* * *

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:

- (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.

* * *

**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**

[UPDATING USE REFERENCES]

The provisions of this Chapter shall apply to automotive equipment and leasing establishments, accessory off-street parking facilities, public parking lots, and public parking garages and ~~automobile rental establishments~~, as listed in Use Groups 8, 6 and 9C, 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 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, C7, 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

[UPDATING CROSS REFERENCES]

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.

* * *

13-12

Permitted Parking for Non-Residential Uses

[UPDATING USE REFERENCES]

#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# of non-profit, voluntary or proprietary hospitals and related facilities, as listed in Use Group 3B, a maximum of 100 #accessory# off-street parking spaces are permitted;

(c) Retail or service #uses#

For #developments# or #enlargements# comprising #commercial# #uses# listed in Use Groups ~~6A, 6C or 10A~~ 6, 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.

* * *

13-14

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).

* * *

13-15

Permitted Parking for Automobile Rental Establishments

[UPDATING USE REFERENCE AND
MODIFYING APPLICABILITY PER PROPOSAL]

~~Automobile rental establishments~~ Automotive equipment rental and leasing, as listed in Use Group ~~8~~ 6, 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.

13-16

Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

[MODIFYING APPLICABILITY PER PROPOSAL]

#Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, as follows:

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

#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all

parking spaces in such facility, or five spaces, whichever is greater;

- (b) #Public parking garages# and #public parking lots#
 - (1) In C1-5, C1-6, C1-7, C1-8, C1-9, C2 and C4 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#;
 - (2) In C5, C6, C7, C8, M1, M2 and M3 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#. In addition, commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, provided that the total amount of parking spaces occupied by commercial vehicles, including any #car sharing vehicles# and automobile rental establishment vehicles, shall not exceed, in total, 50 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#.

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.

* * *

13-22

~~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#;~~
- (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 (c), 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);
- (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]

~~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

[UPDATING CROSS REFERENCES]

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:

- (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

* * *

13-432

Floor area exemption for automated parking facilities

[UPDATING CROSS REFERENCES]

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 ~~13-224~~ 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

* * *

13-442

Limited increase in parking spaces for existing buildings without parking

[UPDATING CROSS REFERENCE]

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.

* * *

**13-45
Special Permits for Additional Parking Spaces**

[UPDATING CROSS REFERENCES]

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.

* * *

(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).

* * *

13-452

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

[UPDATING USE REFERENCES]

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~~ non-profit, voluntary or proprietary hospitals and related facilities, as listed in ~~Use Group 4~~ Use Group 3B;
 - (2) ~~a museums~~, as listed in Use Group 3B;
 - (3) art, music, dancing or theatrical studios, or theaters, 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.

* * *

**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) ~~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 are permitted as of right in #buildings# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location Within Buildings).~~
- (e)(a) In M1-5 and M1-6 Districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application 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#.

All #dwelling units# permitted pursuant to this paragraph (e) (a) 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)~~(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 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)~~ (b) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

~~(e)~~(c) 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.

~~(f)~~(d) 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 #joint living-work quarters for artists# occupancy has been made pursuant to paragraph (b) of Section 15-021, ~~paragraph (c)~~ 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#.~~
- (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# to be preserved
less than 5,000 sq. ft.	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
5,000 sq. ft. or more but 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*

Percentage of #building's# total #floor area# to

be preserved

#Lot area#

	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
less than 5,000 sq. ft.	
5,000 sq. ft. or more but 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.~~

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).

15-60

~~REFERENCED COMMERCIAL AND MANUFACTURING USES~~

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

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

~~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 photostating 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~~

* * *

**ARTICLE I
GENERAL PROVISIONS**

**Chapter 6
Comprehensive Off-street Parking Regulations in the Long Island City Area**

**16-12
Permitted Parking for Non-residential Uses**

[UPDATING USE REFERENCES]

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

* * *

(b) Hospitals

For ~~hospital~~ #developments# or #enlargements# of non-profit, voluntary or proprietary hospitals and related facilities, as listed in Use Group 3B, in Area A, as shown on the map in Section 16-03, a maximum of 150 #accessory# off-street parking spaces, open or enclosed, are permitted if there is only one entrance to the #accessory# group parking facility and a maximum of 225 #accessory# off-street parking spaces, open or enclosed, are permitted if there are two or more entrances.

For hospital #developments# or #enlargements# within Areas B and C, as shown on the map, #accessory# off-street parking may be provided in accordance with the underlying district regulations.

All such parking spaces are to be used exclusively by the hospital staff, patients and visitors.

* * *

**16-20
SPECIAL RULES FOR PARKING FACILITIES WITHIN THE LONG ISLAND CITY
AREA**

* * *

**16-22
Enclosure, Surfacing and Screening Requirements**

[UPDATING USE REFERENCES]

All #accessory# off-street parking spaces shall be located within a #completely enclosed# #building#, with the exception of:

- (a) parking spaces #accessory# to ~~a hospital~~ non-profit, voluntary or proprietary hospitals and related facilities, as listed in Use Group 4 3B; and
- (b) up to 15 off-street parking spaces #accessory# to #commercial# #uses# other than a #transient hotel#, as listed in Use Group 5, #community facility# #uses# other than hospitals, or #manufacturing# #uses#.

* * *

16-352

Public parking garages and public parking lots

[UPDATING CROSS REFERENCE]

The City Planning Commission may, by special permit, allow #public parking garages# and #public parking lots# not otherwise permitted, pursuant to the applicable provisions of Section ~~74-52 (Parking Garages or Public Parking Lots in High Density Central Areas)~~ 74-194 (Public parking garages or public parking lots in high density central areas).

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

**22-00
GENERAL PROVISIONS**

[REORGANIZING GENERAL PROVISIONS TO REFLECT PROPOSAL;
RELOCATING VARIOUS PROVISIONS TO SECTIONS 22-10 AND 22-18, INCLUSIVE]

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
Districts				
#Single family# #detached# #residences# R1 R2	*		*	*
#Single # and #two family# #detached# and #zero lot line# #residences# R3A	*	*	*	*
#Single # and #two family# #detached# #residences# R3X R4A R5A	*	*	*	*
#Single # and #two family# #detached# and #semi detached# #residences# R3-1	*	*	*	*

#Single # and #two-family# #detached#, #semi-detached# and #zero lot line# #residences#	R4-1	*	*	*	*
#Single # and #two-family# #residences# of all types	R4B	*	*	*	*
General #residences#*	R3-2 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 72-21 (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, 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**

[REORGANIZING USE PROVISIONS INTO NEW USE GROUP STRUCTURE IN SECTIONS 22-11 THROUGH 22-18; INCORPORATING SPECIAL PERMIT REFERENCES FROM SECTION 22-20 INTO USE GROUP PROVISIONS

PRIOR USE GROUPS AND USES THEREIN FROM SECTIONS 22-10 THROUGH 22-16 ARE SHOWN BELOW THE PROPOSAL IN CONTINUOUS STRIKEOUT FOR LEGIBILITY]

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 (“●”);

(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 (“o”) of the Board of Standards and Appeals or the City Planning Commission; or

(4) not permitted in the district (“-”).

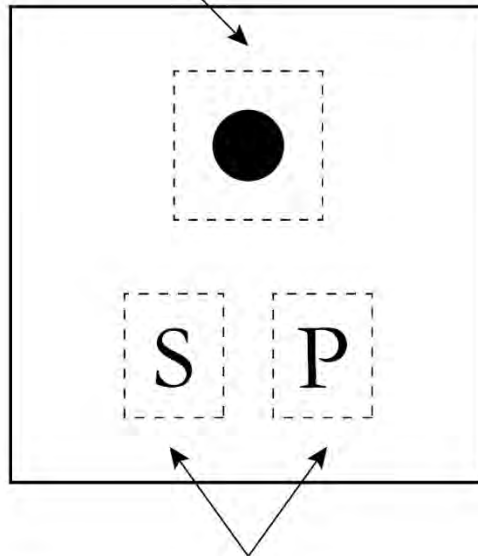
(b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:

(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 (“o”) 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”).

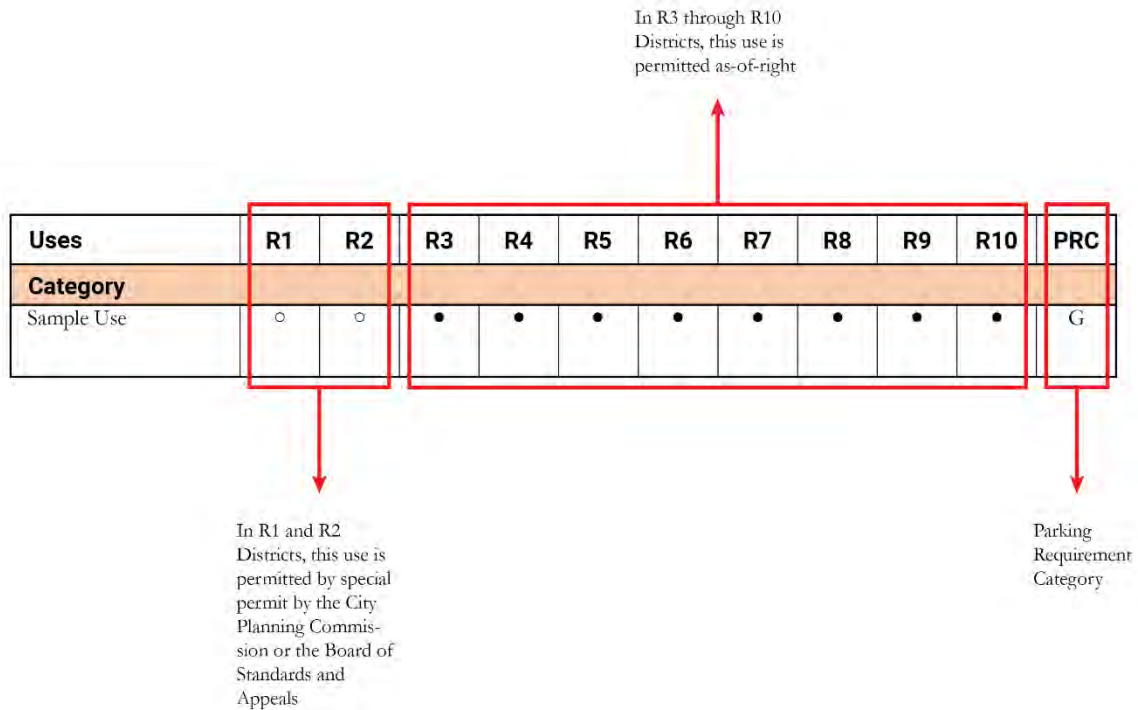
Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions, or exemptions from enclosure requirements.

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;
- (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; and
- (d) Section 22-114 (Use Group 1 – 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.

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											
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions</p>											
Uses	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	PRC
Agriculture											
<u>Agricultural #uses#, including greenhouses, nurseries, or truck gardens</u>	● P	● P	● P	● P	● P	● P	● P	● P	● P	● P	G
Open Uses											

<u>Cemeteries</u>	–	–	•	•	•	•	•	•	•	•	N/A
<u>Golf courses</u>	•	•	•	•	•	•	•	•	•	•	* –
<u>Outdoor racket courts</u>	○	○	• P	• P	• P	• P	• P	• P	• P	• P	G
<u>Outdoor skating rinks</u>	○	○	• P	• P	• P	• P	• P	• P	• P	• P	G
<u>#Public parks# or playgrounds or private parks</u>	•	•	•	•	•	•	•	•	•	•	N/A
<u>Sand, gravel, or clay pits</u>	○	○	○	○	○	○	○	○	○	○	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).

22-114

<u>#Single-family residence#</u>	<u>#Zero lot line#</u>	-	-	◆	◆	◆	●	●	●	●	●
	<u>#Semi-detached#</u>	-	-	◆	◆	◆	●	●	●	●	●
	<u>Other Types</u>	-	-	◆	◆	◆	●	●	●	●	●
<u>#Two-family residence#</u>	<u>#Detached#</u>	-	-	● P	● P	●	●	●	●	●	●
	<u>#Zero lot line#</u>	-	-	◆	◆	◆	●	●	●	●	●
	<u>#Semi-detached#</u>	-	-	◆ P	◆ P	◆	●	●	●	●	●
	<u>Other Types</u>	-	-	◆	◆	◆	●	●	●	●	●
<u>All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#</u>		-	-	◆	◆	◆	●	●	●	●	●

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

The following tables include #uses# classified as Use Group 3 and set forth their allowances by #Residence 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 22-10 (USE ALLOWANCES).

A. Community Facilities with Sleeping Accommodations

USE GROUP 3A – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS											
● = Permitted ◆ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions											
Uses	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	PRC
<u>Educational Institutions</u>											
<u>College or school student dormitories and fraternity or sorority student houses</u>	○	○	●	●	●	●	●	●	●	●	E2
<u>Faith-based Institutions and Facilities</u>											
<u>Monasteries, convents or novitiates</u>	●	●	●	●	●	●	●	●	●	●	N/A
<u>Rectories or parish houses with sleeping accommodations</u>	●	●	●	●	●	●	●	●	●	●	N/A
<u>Seminaries with sleeping accommodations</u>	●	●	●	●	●	●	●	●	●	●	* -
<u>Health Institutions and Facilities</u>											

<u>treatment health care facilities</u>											
<u>Non-profit or voluntary hospitals and related facilities, except animal hospitals</u>	•	•	•	•	•	•	•	•	•	•	<u>E1</u>
<u>Proprietary hospitals and related facilities, except animal hospitals</u>	–	–	•	•	•	•	•	•	•	•	<u>E1</u>
Other Institutions and Facilities											
<u>Community centers</u>	•	•	•	•	•	•	•	•	•	•	<u>B3</u>
<u>Libraries</u>	•	•	•	•	•	•	•	•	•	•	<u>G</u>
<u>Museums</u>	•	•	•	•	•	•	•	•	•	•	<u>G</u>
<u>Non-commercial recreation centers</u>	•	•	•	•	•	•	•	•	•	•	<u>B3</u>
<u>Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities</u>	• s	• s	• s	• s	• s	• s	• s	• s	• s	• s	<u>B3</u>
<u>Welfare centers</u>	○	○	•	•	•	•	•	•	•	•	<u>B3</u>

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

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 22-141 (Use Group 4 – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 22-142 (Use Group 4 – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section 22-143 (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; and
- (d) Section 22-144 (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.

22-141

Use Group 4 – general use allowances

The following tables include #uses# classified as Use Group 4 and set forth their allowances by #Residence 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 22-10 (USE ALLOWANCES).

<u>Public transit yards, including accessory motor fuel pumps</u>	-	-	-	-	-	-	-	-	-	-	-	D2
<u>Railroad or transit rights-of-way</u>	•	•	•	•	•	•	•	•	•	•	•	N/A
<u>Railroad passenger stations</u>	○	○	○	○	○	○	○	○	○	○	○	N/A
<u>Seaplane bases</u>	○	○	○	○	○	○	○	○	○	○	○	N/A
<u>Truck weighing stations</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]

<u>USE GROUP 4C – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE</u>												
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required - = Not permitted S = Size restriction P = Additional conditions</p>												
<u>Uses</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>R5</u>	<u>R6</u>	<u>R7</u>	<u>R8</u>	<u>R9</u>	<u>R10</u>	<u>PRC</u>	
<u>Renewable Energy and Green Infrastructure</u>												
<u>#Energy infrastructure equipment#</u>	● S P	● S P	● S P	● S P	● S P	● S P	● S P	● S P	● S P	● S P	● S P	N/A
<u>Public bicycle and micromobility parking</u>	-	-	-	-	-	-	-	-	-	-	-	N/A
<u>Recycling, or organic material, receiving</u>	-	-	-	-	-	-	-	-	-	-	-	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).

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 #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).

<u>Production or entertainment studios</u>	-	-	-	-	-	-	-	-	-	-	-	B1
Entertainment and Sporting Venues												
<u>Arenas or auditoriums</u>	-	-	-	-	-	-	-	-	-	-	-	B1
<u>Drive-in theaters</u>	-	-	-	-	-	-	-	-	-	-	-	N/A
<u>Racetracks</u>	-	-	-	-	-	-	-	-	-	-	-	B1
<u>Stadiums</u>	-	-	-	-	-	-	-	-	-	-	-	B1
<u>Theaters</u>	-	-	-	-	-	-	-	-	-	-	-	B1
Other Assembly Spaces												
<u>Banquet, function or reception halls</u>	-	-	-	-	-	-	-	-	-	-	-	B1
<u>Historical exhibits</u>	-	-	-	-	-	-	-	-	-	-	-	B1
<u>Meeting halls</u>	-	-	-	-	-	-	-	-	-	-	-	B1
<u>Non-commercial clubs</u>	○	○	● P	● P	● P	● P	● P	● P	● P	● P	● P	B3
<u>Observation decks</u>	-	-	-	-	-	-	-	-	-	-	-	B1
<u>Outdoor day camps</u>	○	○	○	○	○	○	○	○	○	○	○	G
<u>Publicly accessible spaces</u>	-	-	-	-	-	-	-	-	-	-	-	N/A
<u>Riding academies or stables</u>	○	○	○	○	○	○	○	○	○	○	○	A4
<u>Trade expositions</u>	-	-	-	-	-	-	-	-	-	-	-	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, except for:
- (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

[REPLACING TEXT OF SECTION 22-10, INCLUSIVE, WITH 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:~~

- ~~(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# #residences# #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 universities¹, including professional schools but excluding business colleges or trade schools~~

~~College or school student dormitories and fraternity or sorority student houses¹~~

~~Libraries, museums or non-commercial art galleries~~

~~#Long term care facilities#^{2,3,4}~~

~~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 accommodations⁵~~

~~#Schools#~~

B. #Accessory# #uses#

¹ Not permitted in R1 or R2 Districts as of right

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

³ 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)

⁴ 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)

⁵ 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 facilities¹, 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~~

~~Clubs², 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 facilities², except animal hospitals~~

~~Seminaries~~

~~Welfare centers²~~

~~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#~~

~~Cemeteries²~~

~~Golf courses~~

~~Outdoor tennis courts or ice skating rinks², provided that all lighting shall be directed away from nearby #residences#~~

~~#Public parks# or playgrounds or private parks~~

~~Railroad or transit rights of way³~~

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

¹ ~~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~~

² ~~Not permitted in R1 or R2 Districts as of right~~

³ ~~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

[INCORPORATING SPECIAL PERMIT REFERENCES INTO
SECTION 22-10, INCLUSIVE]

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~~

[RELOCATING PROVISIONS FOR USE OF RAILROAD OR TRANSIT AIR SPACE 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

[INCORPORATING SPECIAL PERMIT REFERENCES INTO SECTION 22-10,
INCLUSIVE]

~~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#~~

[RELOCATING PROVISIONS FOR DETACHED AND SEMI-DETACHED TWO-FAMILY RESIDENCES OF SECTION 22-42 HERE, 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~~**

[RELOCATING RAILROAD OR TRANSIT AIR SPACE TEXT 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#.

22-42

Detached and Semi-Detached Two-Family Residences

[RELOCATING 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.~~

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 3
Residential Bulk Regulations in Residence Districts**

**23-00
APPLICABILITY AND GENERAL PROVISIONS**

**23-01
Applicability of This Chapter**

* * *

**23-012
Lower density growth management areas**

[UPDATING CROSS REFERENCES]

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 23-12 (Permitted Obstructions in Open Space)
- Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts)
- Section 23-32 (Minimum Lot Area or Lot Width for Residences)
- Section 23-33 (Special Provisions for Development of Existing Small Lots)
- Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas)

Section 23-44	(Permitted Obstructions in Required Yards or Rear Yard Equivalents)
Section 23-462	(Side yards for all other buildings containing residences)
Section 23-532	(Required rear yard equivalents)
Section 23-63	(Height and Setback Requirements in R1 Through R5 Districts)
Section 23-711	(Standard minimum distance between buildings)
Section 23-881	(Minimum distance between lot lines and building walls in lower density growth management areas)
Section 24-012	(Exceptions to the bulk regulations of this Chapter)
Section 24-04	(Modification of Bulk Regulations in Certain Districts)
Section 25-028	(Applicability of regulations to certain community facility uses in lower density growth management areas)
Section 25-22	(Requirements Where Individual Parking Facilities Are Provided)
Section 25-23	(Requirements Where Group Parking Facilities Are Provided)
Section 25-31	(General Provisions)
Section 25-331	(Exceptions to application of waiver provisions)
Section 25-62	(Size and Location of Spaces)
Section 25-621	(Location of parking spaces in certain districts)
Section 25-622	(Location of parking spaces in lower density growth management areas)
Section 25-624	(Special parking regulations for certain community facility uses in lower density growth management areas)
Section 25-631	(Location and width of curb cuts in certain districts)
Section 25-632	(Driveway and curb cut regulations in lower density growth management areas)
Section 25-64	(Restrictions on Use of Open Space for Parking)
Section 25-66	(Screening)

Section 26-00	(APPLICABILITY OF THIS CHAPTER)
Section 26-30	(SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive
Section 32-11	(Use Groups 1 and 2)
<u>Section 32-123</u>	<u>(Use Group 2 – uses subject to additional conditions)</u>
Section 32-433	(Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)
<u>Section 32-352</u>	<u>(Ground floor use requirements in the Borough of Staten Island)</u>
Section 37-10	(APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS)
Section 37-20	(SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND), inclusive
Section 54-313	(Single- or two-family residences with non-complying front yards or side yards)
Section 105-702	(Applicability of lower density growth management area regulations)
Section 107-412	(Special bulk regulations for certain community facility uses in lower growth management areas)
Section 107-42	(Minimum Lot Area and Lot Width for Residences)
Section 107-421	(Minimum lot area and lot width for zoning lots containing certain community facility uses)
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 128-051	(Applicability of Article I, Chapter 2)

23-30

LOT AREA AND LOT WIDTH REGULATIONS

* * *

23-35

Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

[UPDATING CROSS REFERENCES]

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in ~~Section 22-14 (Use Group 4)~~ Use Group 3B in Section 22-13, except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
- (b) child care service, 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#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located in the same #building#, the minimum #lot area# shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

* * *

23-90

INCLUSIONARY HOUSING

23-91

Definitions

* * *

23-912

Definitions applying to rental affordable housing

* * *

Supportive housing project

[UPDATING CROSS REFERENCES]

A “supportive housing project” is a non-profit institution with sleeping accommodations, as specified in Use Group 3A in Section 22-13 (~~Use Group 3~~), where:

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#;
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

However, with respect to the requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 (Inclusionary Housing), a #supportive housing project# is a #building# or a portion thereof that is a non-profit institution with sleeping accommodations, as specified in Section 22-13 restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#.

* * *

23-933

Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas

[UPDATING CROSS REFERENCES]

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# within the special purpose district.

The Inclusionary Housing Program shall also apply as a condition of City Planning Commission approval of special permits as set forth in Section ~~74-32 (Additional Considerations for Special Permit Use and Bulk Modifications)~~ 74-06 (Additional Considerations for Special Permit Use

and Bulk Modifications), in Special Purpose Districts as set forth in Section 23-934 (Special permit approval in Special Purpose Districts) and in waterfront areas as set forth in Section 62-831 (General provisions).

#Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, with the applicable income mix options for each #Mandatory Inclusionary Housing area#, are listed in [APPENDIX F](#) of this Resolution.

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 4
Bulk Regulations for Community Facilities in Residence Districts**

**24-00
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS**

**24-01
Applicability of This Chapter**

* * *

**24-012
Exceptions to the bulk regulations of this Chapter**

[UPDATING CROSS REFERENCES]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) #Buildings# used partly for #community facility# #uses#

Except as provided in paragraph (b) of this Section, in R3-1, R3A, R3X, R4-1, R4A, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility# #use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility# #use# and partly for #residential use# only where:

- (1) such #community facility# #use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or
- (2) such #building# has received an authorization pursuant to Section 24-04 (Modification of Bulk Regulations in Certain Districts).

(b) #Buildings# containing certain #community facility# #uses# in #lower density growth management areas#

- (1) In R1 through R5 Districts in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:
 - (i) ambulatory diagnostic or treatment health care facilities, as listed in Use Group 3B in Section 22-14 (Use Group 4) 22-13, except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
 - (ii) 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#.
- (2) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3, shall apply, except that:
 - (i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;
 - (ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and
 - (iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section 12-10, pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.

(c) Special provisions for certain #community facility# #uses#

Special provisions for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3A in Section 22-13, are set forth in Section 24-013.

(d) #Quality Housing buildings#

For #Quality Housing buildings#, the provisions of Section 24-011 shall apply.

24-013

Special provisions for certain community facility uses

[UPDATING CROSS REFERENCES]

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 3A in Section 22-13.

(a) #Buildings# containing #long-term care facilities#

(1) In R1 and R2 Districts

In R1 and R2 Districts, where a #long-term care facility# is permitted pursuant to Section ~~74-901 (Long-term care facilities)~~ 74-131 (Long-term care facilities), 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 (a) of Section 24-111 (Maximum floor area ratio for certain community facility uses), 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).

* * *

**24-10
FLOOR AREA AND LOT COVERAGE REGULATIONS**

* * *

**24-11
Maximum Floor Area Ratio and Percentage of Lot Coverage**

* * *

**24-111
Maximum floor area ratio for certain community facility uses**

[UPDATING CROSS REFERENCES]

R1 R2

(a) In the districts indicated, for any #zoning lot# containing #community facility# #uses# other than those #uses# for which a permit is required pursuant to Sections ~~22-21 (By the Board of Standards and Appeals)~~, ~~73-12 (Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts)~~ and ~~73-13 (Open Uses in R1 or R2 Districts)~~ 73-11 (Agriculture and Open Uses), 73-13 (Community Facilities) or 73-18 (Recreation, Entertainment and Assembly Spaces), or where #bulk# modification is permitted pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and

certain Commercial Districts), the maximum #floor area ratio# shall not exceed the #floor area# permitted for #residential uses# by the applicable district regulations. The provisions of this paragraph shall not apply to #buildings# for which plans were filed with the Department of Buildings prior to November 15, 1972, including any subsequent amendments thereof.

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 5
Accessory Off-street Parking and Loading 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 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#.

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.

<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 NON-RESIDENTIAL USES

Type of #Use#	Parking Spaces Required in Relation to Specified Unit of Measurement	District
FOR COMMUNITY FACILITY USES:		
Agricultural #uses#, including	Square feet of #lot area# used	

greenhouses, nurseries or truck gardens	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	None required	R7-2 R7A R7D R7X R8 R9

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		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# : 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
FOR USES PERMITTED BY SPECIAL PERMIT:		
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 ¹	A2 ¹	A3	A4	B1	B2	B3	
Unit of measurement	per square feet of #floor area# ²				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 ³	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					

<u>R7-2 R7A R7D R7X R8 R9 R10</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>			<u>None required</u>	<u>None required</u>	
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¹ For #accessory# #commercial# #uses# in #large-scale residential developments#.

² 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.

³ 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	E3⁵	F1	F2
Unit of measurement	<u>per square feet of #floor area# or per employees</u>		<u>per bed</u>			<u>per guest room or suites</u>	
<u>R1 R2</u>	<u>n/a</u>	<u>n/a</u>	<u>1 per 5⁴</u>	<u>1 per 6</u>	<u>1 per 10</u>	<u>n/a</u>	<u>n/a</u>
<u>R3</u>							
<u>R4 R5</u>							
<u>R6 R7-1 R7B</u>			<u>1 per 8⁴</u>	<u>1 per 12</u>	<u>1 per 20</u>		
<u>R7-2 R7A R7D R7X R8 R9 R10</u>			<u>1 per 10⁴</u>	<u>None required</u>	<u>None required</u>		

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

⁵ 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.

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 ⁶	per square feet of #floor area# ⁷
R1 R2	1 per 1,000	1 per 2	1 per 800	1 per 1,000	1 per 1,500	1 per 10	1 per 1,000
R3					None required		
R4 R5						1 per 15	
R6 R7-1 R7B	1 per 2,500	1 per 5	1 per 2,000	1 per 2,000	None required	None required	1 per 2,000
R7-2 R7A R7D R7X R8 R9 R10	None required	None required	None required	None required		None required	None required

⁶ 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.

⁷ 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 ⁸	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						1 per 1,200		
R4 R5						1 per 1,500		
R6 R7-1 R7B		1 per 800				1 per 800		
R7-2 R7A R7D R7X R8 R9 R10		None required				None required		

⁸ 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.

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25-60

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

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25-62

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#.

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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:
 - (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.

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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#.

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).

<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

<u>Type of #Use#</u>	<u>For #Floor Area# (in square feet)</u>	<u>Required 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 R10
	Each additional 300,000 or fraction thereof	±	
#commercial# #uses# in #large-scale residential developments#	First 8,000	None	R1 R2 R3 R4 R5 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	±	

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

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

¹ For #accessory# #commercial# #uses# in #large-scale residential developments#.
² 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.

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
	<u>Length</u>	<u>Width</u>	<u>Vertical Clearance</u>
<u>LRC-A</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>LRC- B</u> ¹	<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>

¹ 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 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
FOR RESIDENTIAL USES	
Use Group 1 <u>#Single-family# #detached# #residences#</u>	None required
Use Group 2 <u>All other types of #residences#</u>	1 per two #dwelling units#
<u>#Affordable independent residences for seniors#</u>	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES ¹	
College or #school# student dormitories or fraternity and sorority student houses	1 per 2,000 square feet of #floor area#
Colleges, universities, or seminaries ²	
(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; Use Group 4B <u>Use Group 1</u>	None required
All other Use Group 3 and Use Group 4 <u>Use Group 3</u> #uses# not otherwise listed in this table	1 per 10,000 square feet of #floor area#

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

² 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
FOR RESIDENTIAL USES	
#Affordable independent residences for seniors#	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES	
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#

* * *

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 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

[UPDATING DESCRIPTION PER PROPOSAL CHANGES]

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 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.

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.

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.~~

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.~~

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.

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.

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.

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).

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

**32-00
GENERAL PROVISIONS**

[REORGANIZING GENERAL PROVISIONS TO REFLECT PROPOSAL;
RELOCATING VARIOUS PROVISIONS TO SECTIONS 32-10 AND 32-20, INCLUSIVE]

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
C1-9A	C1-9	32-43
C2-7A	C2-7	32-43
C2-8A	C2-8	32-43

C4-6A	C4-6	32-43
C4-7A	C4-7	32-43
C6-1A	C6-1	32-15 32-16 32-17 32-20 32-644

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

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.
- (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**

[RELOCATING SPECIAL PROVISIONS FOR HOTELS 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#;~~
- (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

[REORGANIZING USE PROVISIONS INTO NEW USE GROUP STRUCTURE IN SECTIONS 32-11 THROUGH 32-20; RELOCATING HOTEL PROVISIONS FROM SECTION 32-02 TO SECTION 32-153 AND HEALTH AND FITNESS ESTABLISHMENT PROVISIONS FROM SECTION 32-413 TO SECTION 32-163; INCORPORATING SPECIAL PERMIT REFERENCES FROM SECTION 32-30 INTO USE GROUP PROVISIONS

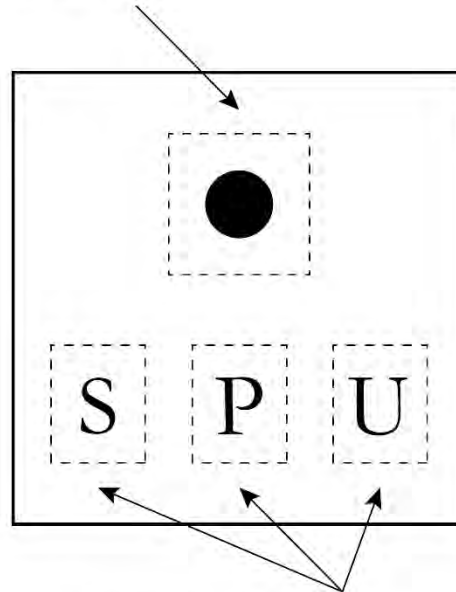
PRIOR USE GROUPS AND USES THEREIN FROM SECTIONS 32-10 THROUGH 32-25 ARE SHOWN BELOW THE PROPOSAL IN CONTINUOUS STRIKEOUT FOR LEGIBILITY]

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, #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”), 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.

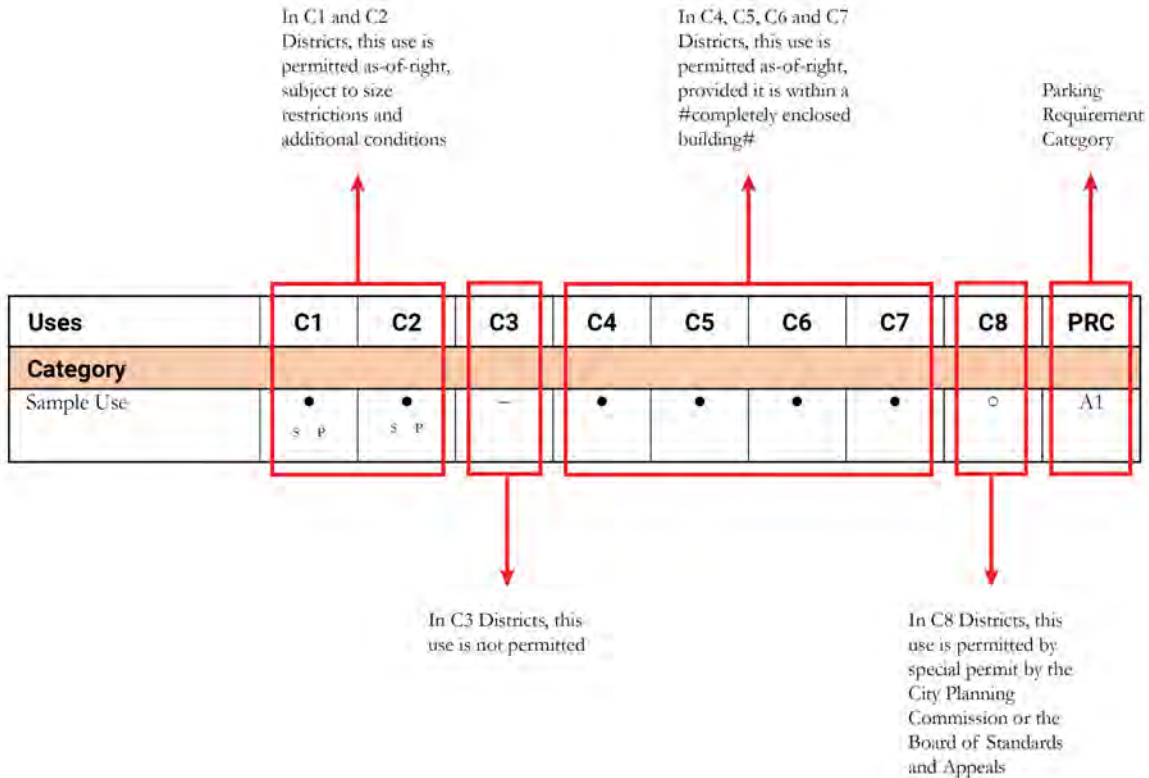
Use Group tables, except in Section 32-12 (Use Group 2 – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# to determine required accessory off-street parking spaces 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



32-11

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;
- (c) Section 32-113 (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;
- (d) Section 32-114 (Use Group 1 – uses permitted by special permit) for #uses# only permitted by special permit by the Board of Standards and Appeals, as denoted with “o” in the Use Group table; and
- (e) Section 32-115 (Use Group 1 – 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.

32-111
Use Group 1 – general use allowances

The following table includes #uses# classified as Use Group 1 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES). Where permitted as-of-right in a #Commercial District#, all #uses# listed as “Open Uses” in the table shall be unenclosed, except for ancillary #buildings or other structures#.

USE GROUP 1 – AGRICULTURE AND OPEN USES									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Agriculture									
<u>Agricultural #uses#, including greenhouses, nurseries, or truck gardens</u>	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● P U	G
Open Uses									
<u>Cemeteries</u>	●	●	●	●	●	●	●	●	N/A
<u>Golf courses</u>	●	●	●	●	●	●	●	●	* –
<u>Outdoor racket courts</u>	● P	● P	● P	● P	● P	● P	● P	● P	G
<u>Outdoor skating rinks</u>	● P	● P	● P	● P	● P	● P	●	●	G

<u>#Public parks# or playgrounds or private parks</u>	•	•	•	•	•	•	•	•	N/A
<u>Sand, gravel, or clay pits</u>	○	○	○	○	○	○	○	○	N/A

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#.

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.

32-114

Use Group 1 – uses permitted by special permit

For #uses# denoted with “○” 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).

32-115

Use Group 1 – additional provisions for parking requirement category

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 32-111 (Use Group 1 – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

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;
- (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).

USE GROUP 2 – RESIDENTIAL USES									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	
Residential Uses									
#Single-family residence#	#Detached#	●	●	●	● P	●	●	–	–
	#Zero lot line#	●	●	●	● P	●	●	–	–
	#Semi-detached#	●	●	♦	● P	●	●	–	–
	Other Types	●	●	♦	● P	●	●	–	–
#Two-family residence#	#Detached#	●	●	●	● P	●	●	–	–

	<u>#Zero lot line#</u>	•	•	•	• P	•	•	–	–
	<u>#Semi-detached#</u>	•	•	◆	• P	•	•	–	–
	<u>Other Types</u>	•	•	◆	• P	•	•	–	–
	<u>All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#</u>	•	•	◆	• 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
- (e) Section 32-135 (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.

32-131
Use Group 3 – general use allowances

The following tables include #uses# classified as Use Group 3 and set forth their allowances by #Commercial 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 32-10 (USE ALLOWANCES).

A. Community Facilities with Sleeping Accommodations

USE GROUP 3A – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS									
● = Permitted ◆ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
<u>Uses</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>C4</u>	<u>C5</u>	<u>C6</u>	<u>C7</u>	<u>C8</u>	<u>PRC</u>
Educational Institutions									
College or school student dormitories and fraternity or sorority student houses	●	●	●	●	●	●	●	–	E2
Faith-based Institutions and Facilities									
Monasteries, convents or novitiates	●	●	●	●	●	●	●	● P	N/A
Rectories or parish houses with sleeping accommodations	●	●	●	●	●	●	●	●	N/A
Seminaries with sleeping accommodations	●	●	●	●	●	●	●	●	* –
Health Institutions and Facilities									

Other Institutions and Facilities									
<u>Community centers</u>	•	•	•	•	•	•	•	•	B3
<u>Libraries</u>	•	•	•	•	•	•	•	–	G
<u>Museums</u>	•	•	•	•	•	•	•	–	G
<u>Non-commercial recreation centers</u>	•	•	•	•	•	•	•	•	B3
<u>Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities</u>	• s	• s	• s	• s	• s	• s	• s	• s	B3
<u>Welfare centers</u>	•	•	•	•	•	•	•	•	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 “○” 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.

<u>Heliports</u>	–	–	○	○	○	○	○	○	<u>N/A</u>
<u>Mooring facilities for non-commercial pleasure boats</u>	● U	● U	● U	● U	● U	● U	● U	● U	<u>N/A</u>
<u>Public transit or railroad electric substations</u>	○	○	○	○	○	○	○	○	<u>D2</u>
<u>Public transit yards, including accessory mot or fuel pumps</u>	–	–	–	–	–	–	–	● P U	<u>D2</u>
<u>Railroad or transit rights-of-way</u>	● U	● U	● U	● U	● U	● U	● U	● U	<u>N/A</u>
<u>Railroad passenger stations</u>	○	○	○	○	○	○	○	○	<u>N/A</u>
<u>Seaplane bases</u>	○	○	○	○	○	○	○	○	<u>N/A</u>
<u>Truck weighing stations</u>	–	–	–	–	–	–	–	–	<u>D2</u>

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 – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Renewable Energy and Green Infrastructure									
<u>#Energy infrastructure equipment#</u>	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● U	<u>N/A</u>
<u>Public bicycle and micromobility parking</u>	● U	● U	● U	● U	● U	● U	● U	● U	<u>N/A</u>
<u>Recycling, or organic material, receiving</u>	● S	● S	● S	● S	● S	● S	● S	● S	<u>N/A</u>

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 C7 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 “○” in the Use Group table; and
- (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).

USE GROUP 5 – TRANSIENT ACCOMMODATIONS									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Transient Accommodations									
<u>Camps, overnight</u>	○	○	○	○	○	○	○	● U	<u>G</u>
<u>#Motels#</u>	♦ P	♦ P	–	● P	● P	● P	● P	● P	<u>F1</u>
<u>#Tourist cabins#</u>	♦ P	♦ P	–	● P	● P	● P	● P	● P	<u>F1</u>
<u>#Transient hotels#</u>	♦ P	♦ P	–	● P	● P	● P	● P	● P	* –

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, AND UPDATES TO CROSS REFERENCES]

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:

- (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#. Notations found in the tables are further described in Section 32-10 (USE ALLOWANCES).

The following tables are organized by retail trade establishments and general service establishments. 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.

USE GROUP 6 – RETAIL TRADE ESTABLISHMENTS

● = Permitted ♦ = Permitted with limitations ○ = Special permit required
 – = Not permitted

S = Size restriction P = Additional conditions U = Open use allowances

Uses (NAICS Code)	C1	C2	C3	C4	C5	C6	C7	C8	PRC	
Motor Vehicle and Parts Dealer (441)										
Automobile dealers (4411)	● P	● P	–	● P	● P	● P	● P	● U	A4	
Other motor vehicle dealers (4412)	Boat dealers (441222)	● P	● P	● U	● P	● P	● P	● P	● U	A4
	All other motor vehicle dealers (in 4412)	● P	● P	–	● P	● P	● P	● P	● U	A4
Automotive parts, accessories and tire retailers (4413)	●	●	–	●	●	●	●	●	A2	
Building Material and Garden Equipment and Supplies Dealer (444)										
Building material and supplies dealers (4441)	● S	● S	–	●	●	●	●	● U	A3	
Lawn and garden equipment and supplies retailers (4442)	● U	● U	–	● U	● U	● U	● U	● U	A2	
Food and Beverage Retailers (445)										
Grocery and convenience retailers (4451)	●	●	–	●	●	●	●	●	* –	
Specialty food retailers (4452)	●	●	●	●	●	●	●	●	* –	
Beer, wine and liquor retailers (4453)	●	●	–	●	●	●	●	●	A2	
Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)										
Furniture and home furnishing retailers (4491)	● S	● S	–	●	●	●	●	●	A3	
Electronics and appliance retailers (4492)	● S	● S	–	●	●	●	●	●	A3	
General Merchandise Retailers (455)										
Department stores (4551)	● S	● S	–	●	●	●	●	●	A2	
Warehouse clubs, supercenters, and other general merchandise retailers (4552)	● S	● S	–	●	●	●	●	●	A2	
Health and Personal Care Retailers (456)										
Health and personal care retailers (4561)	●	●	–	●	●	●	●	●	A2	
Gasoline Stations and Fuel Dealers (457)										

<u>Gasoline stations (4571)</u>	<u>#Automotive service stations#</u>	○	○	—	○	○	○	○	● P U	<u>N/A</u>
	<u>Electric vehicle charging and battery swapping</u>	● U	● U	● U	● U	● U	● U	● U	● U	<u>N/A</u>
	<u>Boat fuel sales</u>	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● U	<u>A4</u>
<u>Fuel dealers (4572)</u>	—	—	—	—	—	—	—	● S P U	<u>A3</u>	
Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)										
<u>Clothing and clothing accessories retailers (4581)</u>	● S	● S	—	●	●	●	●	●	●	<u>A2</u>
<u>Shoe retailers (4582)</u>	●	●	—	●	●	●	●	●	●	<u>A2</u>
<u>Jewelry, luggage, and leather goods retailers (4583)</u>	●	●	—	●	●	●	●	●	●	<u>A2</u>
Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)										
<u>Sporting goods, hobby, and musical instrument retailers (4591)</u>	<u>Sporting goods retailers (45911)</u>	●	●	●	●	●	●	●	●	<u>A2</u>
	<u>All other hobby and musical instrument retailers (in 4591)</u>	●	●	—	●	●	●	●	●	<u>A2</u>
<u>Book retailers and news dealers (4592)</u>	<u>Book retailers</u>	●	●	—	●	●	●	●	●	<u>A2</u>
	<u>News dealers</u>	● U	● U	—	● U	● U	● U	● U	● U	<u>A2</u>
<u>Florists (4593)</u>	● U	● U	—	● U	● U	● U	● U	● U	● U	<u>A2</u>
<u>Office supplies, stationery, and gift retailers (4594)</u>	●	●	—	●	●	●	●	●	●	<u>A2</u>
<u>Used merchandise retailers (4595)</u>	●	●	—	●	●	●	●	●	●	<u>A2</u>
<u>Miscellaneous retailers (4599)</u>	●	●	—	●	●	●	●	●	●	<u>A2</u>

USE GROUP 6 – SERVICE ESTABLISHMENTS

● = Permitted ♦ = Permitted with limitations ○ = Special permit required
 – = Not permitted
 S = Size restriction P = Additional conditions U = Open use allowances

Uses (NAICS Code)	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Postal Service (491) / Couriers and Messengers (492)									
Postal service (4911)	●	●	–	●	●	●	●	●	G
Couriers and express delivery services (4921)	●	●	–	●	●	●	●	●	A2
Local messengers and local delivery (4922)	●	●	–	●	●	●	●	●	A2
Telecommunications (517)									
Wired and wireless telecommunications (5171)	●	●	–	●	●	●	●	●	A2
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)									
Computing infrastructure providers, data processing, web hosting, and related services (5182)	●	●	–	●	●	●	●	●	A3
Credit Intermediation and Related Activities (522)									
Savings, loan and other financial services (5221, 5222 and 5223)	●	●	–	●	●	●	●	●	A3
Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)									
Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)	●	●	–	●	●	●	●	●	A3
Insurance Carriers and Related Activities (524)									
Insurance carriers and related activities (5241 and 5242)	●	●	–	●	●	●	●	●	A3
Funds, Trusts and Other Financial Vehicles (525)									
Funds, trusts and other financial vehicles (5251 and 5259)	●	●	–	●	●	●	●	●	A3
Real Estate (531)									
Real estate (5311, 5312, and 5313)	●	●	–	●	●	●	●	●	A3
Rental and Leasing Services (532)									
Automotive equipment rental and leasing (5321)	●	●	–	●	●	●	●	● u	N/A
Consumer goods rental (5322)	●	●	–	●	●	●	●	●	A3
Consumer electronics and appliances rental (53221)	s	s	–	●	●	●	●	●	A3

	<u>Recreational goods rental (532284)</u>	• S	• S	• U	•	•	•	•	• U	<u>A3</u>
	<u>All other consumer goods rental (in 5322)</u>	• S	• S	–	•	•	•	•	•	<u>A3</u>
<u>General rental centers (5323)</u>		• S	• S	–	•	•	•	•	•	<u>A3</u>
<u>Commercial and industrial machinery and equipment rental and leasing (5324)</u>		• S	• S	–	•	•	•	•	• U	<u>A3</u>
Professional, Scientific, and Technical Services (541)										
<u>Veterinary services (54194)</u>		• P	• P	–	• P	• P	• P	• P	• P	<u>A3</u>
<u>All other professional, scientific, and technical services (in 541)</u>		•	•	–	•	•	•	•	•	<u>A3</u>
Management of Companies and Enterprises (551)										
<u>Management of companies and enterprises (5511)</u>		•	•	–	•	•	•	•	•	<u>A3</u>
Administrative and Support Services (561)										
<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>
Educational Services (611)										
<u>Business schools and computer and management training (6114)</u>		•	•	–	•	•	•	•	•	<u>A3</u>
<u>Technical and trade schools (6115)</u>		• P	• P	–	• P	• P	• P	• P	• P	<u>A3</u>
<u>All other schools and instruction (6116 and 6117)</u>		•	•	–	•	•	•	•	•	<u>A3</u>
Food Services and Drinking Places (722)										
<u>Special food services (7223)</u>		•	•	•	•	•	•	•	•	<u>A3</u>
<u>Eating or drinking establishments (7224 and 7225)</u>		• S U	• S U	• S U	• P U	• P U	• P U	• U	• U	<u>*</u>
Repair and Maintenance (811)										

	<u>Crematoriums</u>	—	—	—	—	—	—	—	● P	<u>A4</u>
<u>Drycleaning and laundry services (8123)</u>	<u>Personal laundry or dry cleaning</u>	● S P	● S P	—	● S P	● S P	● S P	● S P	● P	<u>A2</u>
	<u>Industrial dry cleaning and laundry services</u>	—	—	—	—	—	—	—	● P	<u>D1</u>
<u>Other personal services (8129)</u>	<u>Pet care services (81291)</u>	● P	● P	—	● P	● P	● P	● P	●	<u>A2</u>
	<u>All other personal services (in 8129)</u>	●	●	—	●	●	●	●	●	<u>A3</u>

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.

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.
 - (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.

(4) For car washes in C8 Districts, reservoir space for not less than 10 automobiles per washing lane shall be provided on the #zoning lot#.

(c) Environmental Conditions

(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;
- (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.
- (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. The provisions regulating #uses# classified in this Use Group, by #Commercial District# are set forth in the table below. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

USE GROUP 7 – OFFICES AND LABORATORIES									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Laboratories									
<u>Laboratories, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or</u>	●	●	–	●	●	●	●	●	A3

other objectionable effects									
Offices									
Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	•	•	–	•	•	•	•	•	A3

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).

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).

USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Amusement and Recreation Facilities									
<u>#Amusement or recreation facilities#</u>	● s	● s	○	●	●	●	● U	● U	* –
<u>#Outdoor amusement parks#</u>	–	–	–	–	–	–	● S U	● S U	<u>C</u>
Art Galleries and Studios									
<u>Art galleries</u>	●	●	–	●	●	●	●	●	* –
<u>Art, music, dancing or theatrical studios</u>	●	●	–	●	●	●	●	●	<u>A2</u>
<u>Production or entertainment studios</u>	● s	● s	–	●	●	●	●	●	<u>B1</u>
Entertainment and Sporting Venues									
<u>Arenas or auditoriums</u>	–	–	–	● s	● s	● s	● s	● s	<u>B1</u>
<u>Drive-in theaters</u>	–	–	–	–	–	–	○	○	<u>N/A</u>
<u>Racetracks</u>	–	–	–	–	–	–	–	○	<u>B1</u>
<u>Stadiums</u>	–	–	–	● S U	● S U	● S U	● S U	● S U	<u>B1</u>
<u>Theaters</u>	● P	● P	–	● P	● P	● P	●	● P	<u>B1</u>
Other Assembly Spaces									
<u>Banquet, function or reception halls</u>	●	●	–	●	●	●	●	●	<u>B1</u>
<u>Historical exhibits</u>	●	●	–	●	●	●	●	●	<u>B1</u>

<u>Meeting halls</u>	●	●	—	●	●	●	●	●	<u>B1</u>
<u>Non-commercial clubs</u>	●	●	●	●	●	●	●	●	<u>*</u>
<u>Observation decks</u>	● U	● U	—	● U	● U	● U	● U	● U	<u>B1</u>
<u>Outdoor day camps</u>	○	○	○	○	○	○	○	● U	<u>G</u>
<u>Publicly accessible spaces</u>	● U	● U	—	● U	● U	● U	● U	● U	<u>N/A</u>
<u>Riding academies or stables</u>	○	○	○	○	○	○	○	● P U	<u>A4</u>
<u>Trade expositions</u>	—	—	—	● S	● S	● S	● S	● S	<u>B1</u>

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).

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

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:

- (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 tables;
- (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 tables;
- (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 tables;
- (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 tables;

- (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 tables;
- (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 tables; 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 tables.

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#. Such #uses# are categorized as general storage, specialized storage, or vehicle storage, as provided in paragraphs A, B and C of this Section. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

A. General Storage

USE GROUP 9A – GENERAL STORAGE									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
General Storage									
<u>Building materials or contractors’ yard</u>	–	–	–	–	–	–	–	● S U	<u>D2</u>
<u>Depositories for storage of office records, microfilm or computer tapes, or for data processing</u>	–	–	–	● S	● S	● S	● S	●	<u>D2</u>
<u>Micro-distribution facility</u>	● S	● S	–	● S	● S	● S	● S	–	<u>D2</u>
<u>Moving or storage offices</u>	–	–	–	–	–	–	–	●	<u>D2</u>
<u>#Self-service storage facility#</u>	–	–	–	–	–	–	–	●	<u>D2</u>
<u>Trucking terminals or motor freight stations</u>	–	–	–	–	–	–	–	● S U	<u>D2</u>
<u>Warehouses</u>	–	–	–	–	–	–	–	●	<u>D2</u>

<u>Commercial or public vehicle storage, including #accessory# motor fuel pumps</u>	-	-	-	-	-	-	-	● U	D2
<u>Dead storage of motor vehicles</u>	-	-	-	-	-	-	-	● U	N/A
<u>#Public parking garages# or #public parking lots#</u>	◆ P U	◆ P U	-	◆ P U	◆ P U	◆ P U	◆ P U	◆ 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:
 - (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

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

USE GROUP 10 – PRODUCTION

● = Permitted ♦ = Permitted with limitations ○ = Special permit required

– = Not permitted

S = Size restriction P = Additional conditions U = Open use allowances

Uses (NAICS Code)	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Food Manufacturing (311)									
<u>Animal food manufacturing (3111)</u>	–	–	–	–	–	–	–	–	D1
<u>Animal slaughtering and processing (3116)</u>	–	–	–	–	–	–	–	–	D1
<u>Seafood product preparation and packaging (3117)</u>	–	–	–	–	–	–	–	–	D1
<u>All other food manufacturing (in 311)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Beverage and Tobacco Product Manufacturing (312)									
<u>Beverage manufacturing (3121)</u>	<u>Distilleries (31214)</u>	–	–	–	–	–	–	–	D1
	<u>All other beverage manufacturing (in 3121)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	D1
<u>Tobacco manufacturing (3122)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Textile & Textile Product Mills (313 - 314)									
<u>Textile mills (313)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
<u>Textile product mills (314)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Apparel Manufacturing (315)									
<u>Apparel manufacturing (315)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Leather and Allied Product Manufacturing (316)									
<u>Leather and hide tanning and finishing (3161)</u>	–	–	–	–	–	–	–	–	D1
<u>Footwear manufacturing (3162)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
<u>Other leather and allied product manufacturing (3169)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Wood Product Manufacturing (321)									
<u>Sawmills and wood preservation (3211)</u>	–	–	–	–	–	–	–	–	D1
<u>Veneer, plywood, and engineered wood product manufacturing (3212)</u>	–	–	–	–	–	–	–	–	D1
<u>Other wood product manufacturing (3219)</u>	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Paper Manufacturing (322)									

	<u>manufacturing (33522)</u>									
	<u>All other electrical equipment and component manufacturing (in 335)</u>	-	-	-	-	-	-	-	-	D1
Transportation Equipment Manufacturing (336)										
	<u>Transportation equipment manufacturing (336)</u>	-	-	-	-	-	-	-	-	D1
Furniture and Related Product Manufacturing (337)										
	<u>Furniture and related product manufacturing (337)</u>	● S P	● S P	-	● S P	● S P	● S P	● S P	● P	D1
Miscellaneous Manufacturing (339)										
	<u>Medical equipment and supplies manufacturing (3391)</u>	● S P	● S P	-	● S P	● S P	● S P	● S P	● P	D1
	<u>Other miscellaneous manufacturing (3399)</u>	● S P	● S P	-	● S P	● S P	● S P	● S P	● 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

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.

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

[REPLACING TEXT OF SECTIONS 32-10 AND 32-20, INCLUSIVE, WITH NEW USE GROUP STRUCTURE]

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 facilities² [PRC-B]

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores [PRC-Either A or B³]

Hardware stores [PRC-B]

Laundry establishments, hand or automatic self-service⁴ [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 fewer⁴ [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 lockers¹ [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[†] [PRC-B1]~~

~~Locksmith shops[†] [PRC-B]~~

~~Medical or orthopedic appliance stores [PRC-B]~~

~~Meeting halls[†] [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 Establishments⁵~~

~~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[†]~~

~~Fire or police stations [PRC-C]~~

~~Public utility stations for oil or gas metering or regulating[†]~~

~~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[†]~~

~~Water or sewage pumping stations[†]~~

~~E. Clubs~~

~~Non-commercial clubs, without restrictions on activities or facilities [PRC-D]~~

~~F. #Accessory# #uses#~~

[†] ~~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)~~

- ² ~~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~~
- ³ ~~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)~~
- ⁴ ~~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~~
- ⁵ ~~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-B1]~~

~~*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#

^{*} 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)

^{**} 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 16th Street and West 17th 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~~

~~E7~~

~~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~~

E8

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]~~

~~Motorcycle 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

[INCORPORATING SPECIAL PERMIT REFERENCES INTO
SECTIONS 32-10 AND 32-20, INCLUSIVE]

~~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.~~

~~C4-1~~

~~Amusement arcades [PRC-E]~~

~~C2-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#~~

~~C1-C2-C3~~

~~Camps, overnight or outdoor day [PRC-H]~~

~~C8~~

~~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]~~

~~C3~~

~~Commercial beaches [PRC-E]~~

~~C3~~

~~Commercial swimming pools [PRC-E]~~

~~C1-1 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]~~

~~C1-1 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]~~

~~C1-1 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]~~

~~C3~~

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

~~C2 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]~~

~~C1 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~~

~~C4~~
~~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~~

[INCORPORATING SPECIAL PERMIT REFERENCES IN
SECTIONS 32-10 AND 32-20, INCLUSIVE]

~~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.

Special Purpose Districts or other provisions of this Resolution may modify or supplement the provisions of this Section, inclusive.

The Board of Standards and Appeals may permit modifications to the provisions of this Section, inclusive, pursuant to Section 73-32.

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#.

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.

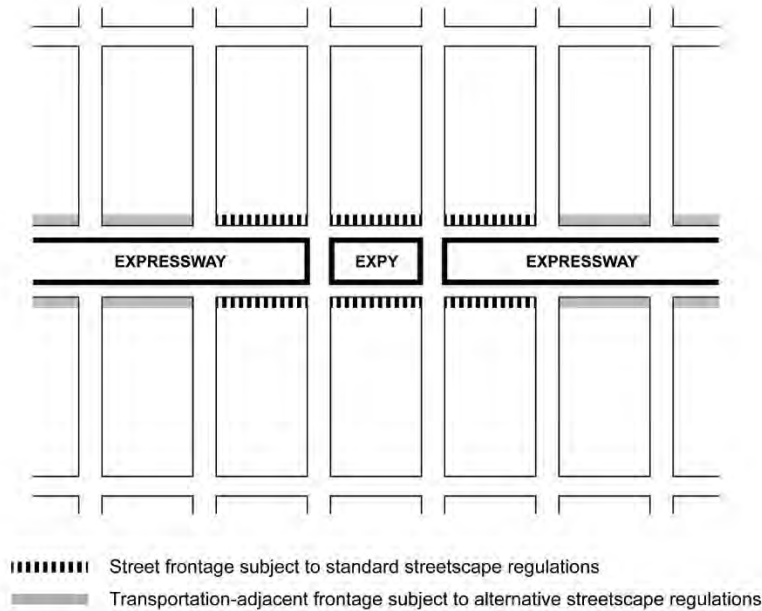


DIAGRAM ILLUSTRATING TRANSPORTATION-ADJACENT FRONTAGE

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

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. Any portion of a mural or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

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. Any portion of a murals or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

(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

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, except that:
 - (i) entrances and exits to parking and loading facilities located beyond the #minimum qualifying depth# shall be permitted, subject to any applicable curb cut regulations of this Section, inclusive, or this Resolution; and

(ii) for #buildings# along a #Tier B street frontage#, and no frontage along another #street# where a loading berth is permitted, loading berths with a maximum #street wall# width of 50 feet shall be permitted; 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#;

- (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#;
- (c) the #zoning lot# has multiple #street# frontages, and all other #street# frontages will meet either the standard requirements for #Tier B street frontages# or the applicable regulations for #Tier C street frontages#; or
- (d) 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#.

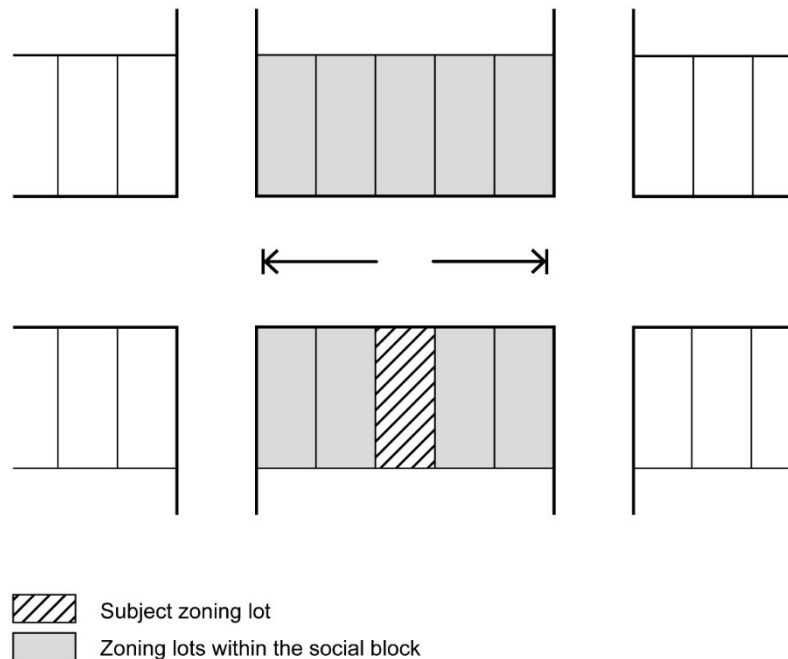


DIAGRAM ILLUSTRATING ‘SOCIAL BLOCK’

- (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

(i) Along #wide streets#

For #ground floor level# frontages along #wide streets#, 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.

(ii) Along other #street# frontages

For #ground floor level# frontages along other frontages, portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, may be wrapped by #floor area#, or screened, in accordance with the provisions for #Tier A street frontages# set forth in paragraph (a) of Section 32-312. No open parking shall be 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. Any portion of a murals or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

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:

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 #ground floor level# #use# limitations set forth in paragraph (a) of Section 32-321 shall be modified as follows:

- (a) 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) 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, C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, 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 #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;

- (c) no loading berths shall be permitted within the #minimum qualifying depth#; and
- (d) In C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, for #buildings# with a #street wall# width greater than 50 feet, 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.

32-34

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#

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

32-351

Ground floor use requirements in high-density areas

[CONSOLIDATING EXISTING SECTIONS 32-431, 32-432, AND 32-435 INTO ONE SECTION]

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#.

32-352

Ground floor use requirements in the Borough of Staten Island

[RELOCATING AND REVISING FROM EXISTING 32-433]

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#.

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

[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#. In addition, the environmental requirements set forth in Section 32-423 shall be met, where applicable.

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]

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#. In addition, the environmental requirements set forth in Section 32-423 shall be met, where applicable.

#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

Additional environmental standards for certain uses

[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#.~~

<u>District</u>	<u>Use Group in Which Limitation Applies</u>
C4	8, 9 or 12
C5	6, 9 or 11

Where #commercial uses# are located either on the same #story# as #dwelling units#, or on a higher #story#, pursuant to the applicable provisions of Section 32-421 and 32-422, the

provisions of this Section shall apply to certain production #uses# listed in Use Group 10, or to other #commercial uses# that necessitate a Place of Assembly Certificate of Operation from the Department of Buildings.

(a) Air quality

Where a production #use# listed in Use Group 10 is required an emission stack by Federal, State or Local law, such stack shall exhaust above the height of #building# containing such #use#, or above the height of the immediately adjacent #buildings#, whichever is higher.

(b) Noise

Above the level of the first #story#, where production #uses# listed in Use Group 10, or other #commercial uses# with a Place of Assembly Certificate of Operation from the Department of Buildings are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall either:

- (1) be separated from #dwelling units# by a horizontal or vertical distance of at least 15 feet and includes at least one wall or floor, as applicable; or
- (2) provide attenuation that will result in a sound level below 42 dBA for daytime and 35 dBA for nighttime, as measured from the interior of the closest #dwelling units#. Such measurement shall be verified by an acoustical engineer prior to the issuance of a Certificate of Occupancy by the Department of Buildings.

(c) Vibration

Above the level of the first #story#, where production #uses# listed in Use Group 10, or other #commercial uses# with a Place of Assembly Certificate of Operation from the Department of Buildings are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall be subject to the provisions of Section 42-22 (Performance Standards Regulating Vibration) for an M1 district, except that the measurements for maximum vibration displacements shall be measured within the #building# instead of at the #lot line#. Such measurement shall be verified by a vibration or acoustical engineer prior to the issuance of a Certificate of Occupancy by the Department of Buildings.

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).~~

~~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 OF 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).~~

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#.~~

32-44

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

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#.~~

- ~~(e) 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~~

- (e) ~~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)

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 C6-4 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 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 <u>C7</u>	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 (in square feet)
C4 C5-4 C6-1 C6-2 C6-3 C6-4 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- C7	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 (in feet)
C1 C2 C3 C5-1 C5-2 C5-3 C5-5	25
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 <u>C7</u>	40
C6-5 C6-7 C7	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

[RELOCATING 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.

* * *

**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**

[UPDATING CROSS REFERENCE]

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 (Long-term care facilities), 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
Street Tree Planting in Commercial Districts**

[UPDATING USE REFERENCES]

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 service stations#

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)~~

<u>Section 32-123</u>	<u>(Use Group 2 – uses subject to additional conditions)</u>
Section 32-433	(Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)
<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)
Section 36-21	(General Provisions)
<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)
Section 73-125	(Ambulatory diagnostic or treatment health care facilities)
<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.

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:

MAXIMUM FLOOR AREA RATIO

District	Column A For #Zoning Lots# Containing only #Commercial# #use#	Column B For #Zoning Lots# Containing only #Community facility# #use#	Column C For #Zoning Lots# Containing both #Commercial# and #Community facility# #uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00 <u>1.60</u>	1.60	1.60

R4 R5	1.00 2.00	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 C7 <u>C7-1</u> 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

33-123

Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

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 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 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# #use# 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 #use# 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# #use# 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-

12 for a #commercial# #use# may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9 <u>C7-9</u>	10 square feet
C4-7 C5-2 C5-4 C6-1A C6-4 C6-5 C6-8 <u>C7-7 C7-8</u>	6 square feet
C6-1 C6-2 C6-3 <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 of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9 <u>C7-9</u>	10 square feet
C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 <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 C6-4 C6-5 C6-6	3 square feet
C6-7 C6-8 C6-9	
<u>C7-7 C7-8 C7-9</u>	
C6-1 C6-2 C6-3 <u>C7-5 C7-6</u>	2 square feet

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

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#

C1 or C2 when mapped within R9 or R10 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 <u>C7-7 C7-8 C7-9</u>	3 square feet
C6-1 C6-2 <u>C7-5 C7-6</u>	2 square feet

* * *

**33-20
YARD REGULATIONS**

* * *

**33-23
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

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

In all #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 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

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

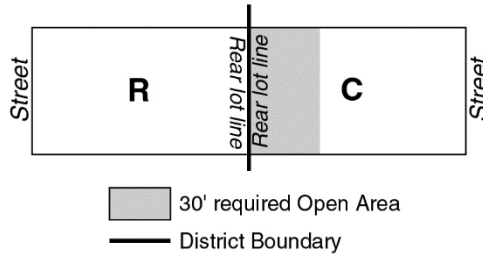
(a) For districts other than C7 Districts

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	23 feet above #curb level#	
C6 C7		30
C8	#Curb level#	30



REQUIRED YARD ALONG DISTRICT BOUNDARIES COINCIDENT WITH REAR LOT LINES
(33 - 292)

(b) For C7 Districts

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).

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	60	2.7	to 1	5.6	to 1
----	----	---	----	-----	------	-----	------

less

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 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)			Alternate #Sky Exposure Plane#			
			Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
		Height above #Street Line# (in feet)	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~~ 6 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.

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.

* * *

**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).

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts**

**35-00
APPLICABILITY AND DEFINITIONS**

**35-01
Applicability of this Chapter**

* * *

**35-012
Special provisions for certain community facility uses**

[UPDATING CROSS REFERENCES]

The provisions of this Section shall apply to #zoning lots# with #mixed buildings# containing #long-term care facilities#, or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3A in Section 32-13.

(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 (Long-term care facilities)~~ 74-131 (Long-term care facilities), 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).

* * *

**35-60
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS**

* * *

35-65

Height and Setback Requirements for Quality Housing Buildings

* * *

35-652

Maximum height of buildings and setback regulations

C1 C2 C4 C5 C6

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section.

The height of a #Quality Housing building# #or other structure# shall not exceed the maximum height limit specified for the applicable district set forth in paragraphs (a) or (b) of this Section, as applicable, except as specified in paragraph (d) of this Section and elsewhere in this Chapter.

Basic building heights for #Quality Housing buildings# are set forth in paragraph (a) of this Section. Such heights may be increased in certain districts for #Quality Housing buildings# with #qualifying ground floors# pursuant to paragraph (b)(1) of this Section. For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions are set forth in paragraph (b)(2) of this Section.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified in paragraphs (a) or (b) of this Section, and shall be provided in accordance with the provisions set forth in paragraph (c) of Section 23-662, except as modified in paragraph (c) below.

* * *

- (2) Supplemental ground floor provisions for #buildings# in certain districts

For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions shall apply as follows:

- (i) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, as defined in Section 37-311, #uses# on the first #story#, 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 in C1 or C2 Districts, Type 2 lobbies in C4, C5 or C6 Districts, entrances and exits to #accessory# parking spaces, and entryways to subway stations, where applicable, provided in accordance with Section 37-33 (Maximum Width of Certain Uses). #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). Each ground floor level #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(ii) Along #secondary ~~street~~ frontages#

For #buildings# or portions thereof, with #secondary ~~street~~ frontage#, as defined in Section 37-311, #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section 37-35. However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

* * *

**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).

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 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
FOR COMMERCIAL USES		
Court houses	None required	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
	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#	C1-3 C2-3 C4-2A C4-3 C8-2
	1 per 2,000 sq. ft. of #floor area#	C1-4 C2-4 C4-4 C4-5D C8-3
Food stores with 2,000 or	None required	C1-5 C1-6 C1-7 C1-8 C1-

more square feet of #floor area# per establishment. #Uses# in PRC A in Use Group 6		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
	1 per 100 sq. ft. of #floor area#	C1 1 C2 1 C4 1
	1 per 200 sq. ft. of #floor area#	C1 2 C2 2 C4 2 C8 1
	1 per 300 sq. ft. of #floor area#	C1 3 C2 3 C4 2A C4 3 C7 C8 2
	1 per 1,000 sq. ft. of #floor area#	C1 4 C2 4 C4 4 C4 5D C8 3
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	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
	1 per 150 sq. ft. of #floor area# [±]	C1 1 C2 1 C3 C4 1
	1 per 300 sq. ft. of #floor area# [±]	C1 2 C2 2 C4 2 C8 1
	1 per 400 sq. ft. of #floor area# [±]	C1 3 C2 3 C4 2A C4 3 C7 C8 2
	1 per 1,000 sq. ft. of #floor area#	C1 4 C2 4 C4 4 C4 5D C8 3
Light manufacturing or semi-industrial #uses#. #Uses# in PRC Fin Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees	None required	C5 C6 C8 4
	1 per 1,000 sq. ft. of #floor area#, or 1 per 3 employees, whichever will require a larger number of spaces	C8 1 C8 2 C8 3
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	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
	1 per 400 sq. ft. of #floor area#	C1 1 C2 1 C3 C4 1
	1 per 600 sq. ft. of #floor area#	C1 2 C2 2 C4 2 C8 1
	1 per 800 sq. ft. of #floor area#	C1 3 C2 3 C4 2A C4 3 C7 C8 2
	1 per 1,000 sq. ft. of #floor area#	C1 4 C2 4 C4 4 C4 5D C8 3
Places of assembly. #Uses#	None required	C1 5 C1 6 C1 7 C1 8 C1

in PRC D in Use Group 6, 8, 9, 10, 12, 13 or 14 or when permitted by special permit		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
	1 per 4 persons rated capacity	C1 1 C2 1 C3 C4 1
	1 per 8 persons rated capacity	C1 2 C2 2 C4 2 C8 1
	1 per 12 persons rated capacity	C1 3 C2 3 C4 2A C4 3 C7 C8 2
	1 per 25 persons rated capacity	C1 4 C2 4 C4 4 C4 5D C8 3
Open commercial amusements. #Uses# in PRC E in Use Group 13 or 15, or when permitted by special permit	None required	C8 3 C8 4
	1 per 500 sq. ft. of #lot area# ²	C3 C8 1
	1 per 2,000 sq. ft. of #lot area# ²	C7 C8 2
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	C4 4A C4 4L C4 5 C4 5A C4 5X C4 6 C4 7 C5 C6 C8 4
	1 per 2,000 sq. ft. of #floor area# ³ , or 1 per 3 employees, whichever will require a lesser number of spaces	C4 1 C4 2 C4 3 C4 4 C4 5D C8 1 C8 2 C8 3
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	C2 C3 C6 C8
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	C1 C2 C3 C7 C8
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	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 C6 C8 4
	1 per 200 sq. ft. of #floor area#	C1 1 C2 1 C4 1

	1 per 400 sq. ft. of #floor-area#	C1-2 C2-2 C4-2 C8-1
	1 per 600 sq. ft. of #floor-area#	C1-3 C4-3 C1-4 C4-4 C2-3 C2-4 C4-2A C4-5D C8-2 C8-3
Hotels (a) For that #floor-area# used for sleeping accommodations	None required	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
	1 per 4 guest rooms or suites	C2-1 C4-1
	1 per 8 guest rooms or suites	C2-2 C4-2 C8-1
	1 per 12 guest rooms or suites	C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3
(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	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
	1 per 4 persons rated capacity	C2-1 C4-1
	1 per 8 persons rated capacity	C2-2 C4-2 C8-1
	1 per 12 persons rated capacity	C2-3 C4-2A C4-3 C8-2
	1 per 25 persons rated capacity	C2-4 C4-4 C4-5D C8-3
#Motels# or #tourist cabins#	1 per guest room or suite	C2 C6 C8
Post offices	None required	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
	1 per 800 sq. ft. of #floor-area#	C1-1 C2-1 C3 C4-1
	1 per 1,200 sq. ft. of #floor-area#	C1-2 C2-2 C4-2 C8-1
	1 per 1,500 sq. ft. of #floor-area#	C1-3 C2-3 C4-2A C4-3 C8-2
	1 per 2,000 sq. ft. of #floor-area#	C1-4 C2-4 C4-4 C4-5D C8-3
Prisons	None required	C4-4 C4-5 C4-6 C4-7 C6 C8-3 C8-4
	1 per 10 beds rated capacity	C4-1 C4-2 C8-1
	1 per 20 beds rated capacity	C4-2A C4-3 C8-2
Refreshment stands, drive-ins	1 per 50 sq. ft. of #floor-area#	C2-1 C2-2 C2-3 C7 C8-1 C8-2
	1 per 100 sq. ft. of #floor-	C2-4 C2-5 C2-6 C2-7 C2-

	area#	8C6 C8 3 C8 4
FOR COMMUNITY FACILITY USES		
Agricultural #uses#, including greenhouses, nurseries or truck gardens	None required	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
	1 per 1,000 sq. ft. of #lot area# used for selling purposes	C1 1 C1 2 C2 1 C2 2 C3 C4 1 C4 2 C8 1
	1 per 2,500 sq. ft. of #lot area# used for selling purposes	C1 3 C2 3 C4 2A C4 3 C8 2
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4	None required	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
	1 per 150 [±] sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1 1 C2 1 C3 C4 1
	1 per 300 [±] sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1 2 C2 2 C4 2 C8 1
	1 per 400 [±] sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1 3 C2 3 C4 2A C4 3 C7 C8 2
	1 per 1,000 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage	C1 4 C2 4 C4 4 C4 5D C8 3
	1 per 400 sq. ft. of #floor area# when located above the first #story# ceiling	C1 1, C1 2, C2 1 and C2 2 Districts mapped within R3-2 Districts
	1 per 400 sq. ft. 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	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

	#commercial# and- #community facility# #uses#	
Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in #lower-density growth management areas#	1 per 1000 sq. ft. when located in #community-facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and- #community facility# #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	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
	1 per 10 persons rated capacity	C1-1 C1-2 C2-1 C2-2 C3- C4-1 C4-2 C8-1
	1 per 20 persons rated capacity	C1-3 C2-3 C4-2A C4-3- C7 C8-2
College student dormitories and fraternity or sorority student houses	None required	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
	1 per 6 beds	C1-1 C1-2 C2-1 C2-2 C3- C4-1 C4-2
	1 per 12 beds	C1-3 C2-3 C4-2A C4-3
Colleges, universities, or seminaries (a) For that #floor area# used for classrooms, laboratories, student centers or offices	None required	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
	1 per 1,000 sq. ft. of #floor area#	C1-1 C1-2 C2-1 C2-2 C3- C4-1 C4-2 C8-1
	1 per 2,000 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3- C8-2
(b) For that #floor area# used for theaters,- auditoriums, gymnasiums or stadiums	None required	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
	1 per 8 persons rated capacity	C1-1 C1-2 C2-1 C2-2 C3- C4-1 C4-2 C8-1
	1 per 16 persons rated capacity	C1-3 C2-3 C4-2A C4-3- C7 C8-2
Hospitals and related-	1 per 5 beds	C1-1 C1-2 C2-1 C2-2 C3- C4-1 C4-2 C8-1

facilities ⁴	1 per 8 beds	C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3
	1 per 10 beds	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
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	C1 and C2 Districts mapped within R6, R7, R8, R9 or R10 Districts, C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2A C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4
	1 per 10 persons rated capacity	C1 and C2 Districts mapped within R1, R2 or R3 Districts, C3 C4-1
	1 per 15 persons rated capacity	C1 and C2 Districts mapped within R4 and R5 Districts, C4-2 C8-1
Libraries, museums or non-commercial art galleries ⁵	None required	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
	1 per 1,000 sq. ft. of #floor area#	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2
	1 per 2,000 sq. ft. of #floor area#	C1-3 C2-3 C4-2A C4-3
Outdoor skating rinks	None required	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
	1 per 800 sq. ft. of #lot area#	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 2,000 sq. ft. of #lot area#	C1-3 C2-3 C4-2A C4-3 C7 C8-2
Outdoor tennis courts	None required	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
	1 per 2 courts	C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
	1 per 5 courts	C1-3 C2-3 C4-2A C4-3 C7 C8-2
Philanthropic or non-profit	None required	C1-4 C1-5 C1-6 C1-7 C1-

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		8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
	1 per 10 beds	C1-1 C1-2 C2-1 C2-2 C3-C4-1 C4-2
	1 per 20 beds	C1-3 C2-3 C4-2A C4-3

NOTE: PRC = Parking Requirement Category

- ¹ 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)
- ² In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees
- ³ 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
- ⁴ Requirements are in addition to area utilized for ambulance parking
- ⁵ 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# ¹				per persons-rated capacity			per square feet of # lot area# ⁴
<u>C1-1 C2-1 C3 C4-1</u>	<u>1 per 100</u>	<u>1 per 150</u>	<u>1 per 150 ^{2,3}</u>	<u>1 per 400</u>	<u>1 per 4</u>	<u>1 per 8</u>	<u>1 per 10</u>	<u>1 per 500</u>
<u>C1-2 C2-2 C4-2 C8-1</u>	<u>1 per 200</u>	<u>1 per 300</u>	<u>1 per 300 ^{2,3}</u>	<u>1 per 600</u>	<u>1 per 8</u>			
<u>C1-3 C2-3 C4-2A C4-3 C8-2</u>	<u>1 per 300</u>	<u>1 per 400</u>	<u>1 per 400 ²</u>	<u>1 per 800</u>	<u>1 per 12</u>	<u>1 per 16</u>	<u>1 per 20</u>	<u>1 per 2,000</u>
<u>C1-4 C2-4 C4-4 C4-5D C8-3</u> <u>C7 outside the #expanded transit zone#</u>	<u>1 per 1,000</u>	<u>1 per 1,000</u>	<u>1 per 1,000</u>	<u>1 per 1,000</u>	<u>1 per 25</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>
<u>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</u> <u>C7 within the #expanded transit zone#</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>

¹ For ambulatory diagnostic or treatment facilities listed in Use Group 3B, #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.

² Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section 73-44.

³ In 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.

⁴ In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

<u>Parking Requirement Category</u>	<u>PRC - D</u>		<u>PRC - E</u>			<u>PRC - F</u>		
	<u>D1</u>	<u>D2</u>	<u>E1</u>	<u>E2</u>	<u>E3</u> ⁷	<u>F1</u>	<u>F2</u>	
<u>Unit of measurement</u>	<u>per square feet of #floor area# or per employees</u> ⁵		<u>per bed</u>			<u>per guest room or suites</u>		
<u>C1-1 C2-1 C3 C4-1</u>	<u>1 per 1,000 sq. ft or 1 per 3 employees, whichever will require a larger number of spaces</u>	<u>1 per 2,000 sq. ft or 1 per 3 employees, whichever will require a larger number of spaces</u>	<u>1 per 5</u> ⁶	<u>1 per 6</u>	<u>1 per 10</u>	<u>1 per 1</u>	<u>1 per 4</u>	
<u>C1-2 C2-2 C4-2 C8-1</u>							<u>1 per 8</u>	
<u>C1-3 C2-3 C4-2A C4-3 C8-2</u>			<u>1 per 12</u>	<u>1 per 20</u>	<u>None required</u>		<u>None required</u>	<u>1 per 12</u>
<u>C1-4 C2-4 C4-4 C4-5D C8-3</u> <u>C7 outside the #expanded transit zone#</u>								
<u>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</u> <u>C7 within the #expanded transit zone#</u>	<u>None required</u>	<u>None required</u>	<u>1 per 10</u> ⁶	<u>None required</u>	<u>None required</u>	<u>None required</u>		

⁵ 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.

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

⁷ 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.

<u>Parking Requirement Category</u>	<u>PRC - G</u>							
	<u>Agricultural #uses#</u>	<u>Outdoor racket courts</u>	<u>Outdoor skating rinks</u>	<u>Colleges, universities or seminaries</u>	<u>#Schools#</u>	<u>Houses of worship</u>	<u>Libraries, museums or non-commercial art galleries</u>	
<u>Unit of measurement</u>	<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> ⁸	<u>per square feet of #floor area#</u> ¹⁰	
<u>C1-1 C2-1 C3 C4-1</u>	<u>1 per 1,000</u>	<u>1 per 2</u>	<u>1 per 800</u>	<u>1 per 800</u>		<u>1 per 10</u> ⁹	<u>1 per 800</u>	
<u>C1-2 C2-2 C4-2 C8-1</u>						<u>1 per 15</u> ⁹	<u>1 per 800</u>	
<u>C1-3 C2-3 C4-2A C4-3 C8-2</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> ⁹	<u>1 per 2,000</u>	
<u>C1-4 C2-4 C4-4 C4-5D C8-3</u> <u>C7 outside the #expanded transit zone#</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>		<u>None required</u>	<u>None required</u> ⁹	<u>None required</u>
<u>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</u> <u>C7 within the #expanded transit zone#</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>		<u>None required</u> ⁹	<u>None required</u>	

⁸ 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.

⁹ 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.

¹⁰ Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

<u>Parking Requirement Category</u>	<u>PRC - G (continued)</u>							
	<u>Court houses</u>	<u>Fire or Police stations</u>	<u>Prisons</u>	<u>Docks</u>	<u>Camps, overnight and day</u>	<u>Post Offices</u>	<u>Funeral Establishments</u>	<u>Riding academies or stables</u>
<u>Unit of measurement</u>	<u>per square feet of #floor area#</u>	<u>per square feet of #floor area#</u>	<u>per beds-rated capacity</u>	<u>see Section 62-43</u>	<u>per square feet of #lot area# or per employees</u>	<u>per square feet of #floor area#</u>	<u>per square feet of #floor area#</u>	<u>per square feet of #floor area#</u>
<u>C1-1 C2-1 C3 C4-1</u>	<u>1 per 500</u>	<u>None required</u>	<u>1 per 10</u>	<u>see Section 62-43</u>	<u>1 per 2,000 or 1 per 3</u>	<u>1 per 800</u>	<u>1 per 200</u>	<u>None required</u>
<u>C1-2 C2-2 C4-2 C8-1</u>	<u>1 per 800</u>					<u>1 per 1,200</u>	<u>1 per 400</u>	
<u>C1-3 C2-3 C4-2A C4-3 C8-2</u>	<u>1 per 1,000</u>					<u>1 per 1,500</u>	<u>1 per 600</u>	
<u>C1-4 C2-4 C4-4 C4-5D C8-3</u> <u>C7 outside the #expanded transit zone#</u>	<u>1 per 2,000</u>		<u>1 per 2,000</u>			<u>-</u>		
<u>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</u> <u>C7 within the #expanded transit zone#</u>	<u>None required</u>		<u>None required</u>			<u>None required</u>	<u>None required</u>	

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

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 C7
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.

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#~~:

- (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

[CONSOLIDATING WAIVER PROVISIONS FOR 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

- (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**

[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,

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**

[UPDATING CROSS REFERENCE]

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

[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

[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

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>
<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**

District	Type of #Use#	For #Floor Area#	Required Berths
C1 C2 C3 C4 C5 C6 C8	Hospitals and related	First 10,000 sq. ft.	None

	facilities ⁺ or prisons	Next 290,000 sq. ft. Each additional 300,000 sq. ft. or fraction thereof	‡ ‡
C1 C2 C4 C6 C8	Funeral establishments	First 10,000 sq. ft. Next 20,000 sq. ft. Any additional amount	‡ ‡ ‡
C1² C2² C3 C4 1 C4 2 C4 3 C8 1 C8 2	Hotels, offices or court houses	First 25,000 sq. ft. Next 75,000 sq. ft. Next 200,000 sq. ft. Each additional 300,000 sq. ft. or fraction thereof	None ‡ ‡ ‡
C1³ C1 6 C1 7 C1 8 C1 9 C2³ C2 6 C2 7 C2 8 C4 4 C4 5 C4 6 C4 7 C5 C6 C8 3 C8 4	Hotels, offices or court houses	First 100,000 sq. ft. Next 200,000 sq. ft. Each additional 300,000 sq. ft. or fraction thereof	None ‡ ‡
C1² C2² C3 C4 1 C4 2 C4 3 C7 C8 1 C8 2	#commercial# #uses# All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 12B, 14A or 16A All amusement #uses# listed in Use Group 8A or 12A All automotive service #uses# listed in Use Group 7D	First 8,000 sq. ft. Next 17,000 sq. ft. Next 15,000 sq. ft. of floor area Next 20,000 sq. ft. Next 40,000 sq. ft. Each additional 150,000 sq. ft. or fraction thereof	None ‡ ‡ ‡ ‡ ‡

C1² C1-6 C1-7 C1-8 C1-9 C2³ C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4	<p>#commercial# #uses# All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 12B, 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 sq. ft. Next 15,000 sq. ft. Next 60,000 sq. ft. Each additional 150,000 sq. ft. or fraction thereof</p>	<p>None</p> <p>±</p> <p>±</p> <p>±</p>
C2² C4-1 C4-2 C4-3 C8-1 C8-2	<p>Service, wholesale, manufacturing, or storage #uses#</p> <p>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, or 16D</p> <p>All #manufacturing# #uses# listed in Use Group 11A</p>	<p>First 8,000 sq. ft. Next 17,000 sq. ft. Next 15,000 sq. ft. Next 20,000 sq. ft. Next 20,000 sq. ft. Each additional 80,000 sq. ft. or fraction thereof</p>	<p>None</p> <p>±</p> <p>±</p> <p>±</p> <p>±</p> <p>±</p> <p>±</p>
C2³ C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4	<p>Service, wholesale, manufacturing, or storage #uses#</p> <p>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, or 16D</p> <p>All #manufacturing# #uses# listed in Use Group 11A</p>	<p>First 15,000 sq. ft. Next 25,000 sq. ft. Next 40,000 sq. ft. Each additional 80,000 sq. ft. or fraction thereof</p>	<p>None</p> <p>±</p> <p>±</p> <p>±</p>

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

² Mapped within R1, R2, R3, R4, R5, R6

³ Mapped within R7, R8, R9, R10

<u>Loading Requirement Category</u>	<u>Districts</u>	
	<u>C1² C2² C3 C4-1 C4-2 C4-3 C8-1 C8-2 C7 outside the #expanded transit zone#</u>	<u>C1³ C1-6 C1-7 C1-8 C1-9 C2³ C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4 C7 within the #expanded transit zone#</u>
<u>LRC-A</u>	<u>First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1</u>	<u>First 15,000 sq. ft.: None Next 25,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1</u>
<u>LRC-B</u>	<u>First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1</u>	<u>First 25,000 sq. ft.: None Next 15,000 sq. ft.: 1 Next 60,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1</u>
<u>LRC-C</u>	<u>First 25,000 sq. ft.: None Next 75,000 sq. ft.: 1 Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1</u>	<u>First 100,000 sq. ft.: None Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1</u>
<u>LRC-D¹</u>	<u>First 10,000 sq. ft.: None Next 290,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1</u>	
<u>LRC E</u>	<u>First 10,000 sq. ft.: None Next 20,000 sq. ft.: 1 Any additional amount : 1</u>	

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

² Mapped within R1, R2, R3, R4, R5, R6.

³ 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]

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
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 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 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>

36-662

Location of access to the street

[RELOCATING PROVISIONS OF SECTION 36-682 HERE WITH UPDATED CROSS
REFERENCE]

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#:

- (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~~

~~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
#commercial# #uses#*	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 #uses#:			
with less than 10,000 sq. ft. of #floor area#	33	12	14
with 10,000 sq. ft. or more of #floor area#	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**

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
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#
FOR COMMUNITY FACILITY USES¹	
College or #school# student dormitories or fraternity and sorority student houses	1 per 2,000 square of #floor area#
Colleges, universities or seminaries ²	
(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; Use Group 4B <u>Use Group 1</u>	None required
All other Use Group 3 and Use Group 4 <u>Use Group 3</u> #uses# not otherwise listed in this table	1 per 10,000 square feet of #floor area#
FOR COMMERCIAL USES	
Use Group 6B <u>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
Use Groups not specified above, and all other #commercial# #uses# not otherwise listed	None required

- 1 #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group 2 #residential uses#.
- 2 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
FOR RESIDENTIAL USES	
#Affordable independent residences for seniors#	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES	
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#

* * *

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 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:

- (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 #mass transit stations#, are 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, C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, 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.

37-34 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, #primary 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.

* * *

37-40

OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

* * *

37-43

Modification of Requirements for a Relocated or Renovated Subway Stair

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of ~~Sections 32-435 (Ground floor use in high density Commercial Districts)~~ 32-351 (Ground floor use in high-density areas) and 37-41 (Standards for Location, Design and Hours of Public Accessibility) or 37-70 (PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification to these provisions.

* * *

37-70

PUBLIC PLAZAS

#Public plazas# are open areas on a #zoning lot# intended for public use and enjoyment. The standards contained within Sections 37-70 through 37-78, inclusive, are intended to serve the following specific purposes:

- (a) to serve a variety of users of the #public plaza# area;
- (b) to provide spaces for solitary users while at the same time providing opportunities for social interaction for small groups; and
- (c) to provide safe spaces, with maximum visibility from the #street# and adjacent #buildings# and with multiple avenues for ingress and egress.

All #public plazas# shall comply with the provisions of Section 37-70 through 37-78, inclusive. These provisions may be modified pursuant to Section 74-91 (Modification of Public Plazas).

* * *

37-76

Mandatory Allocation of Frontages for Permitted Uses

[UPDATING USE REFERENCES]

(a) Ground floor level uses

~~At least 50 percent of the total~~ The frontage of all new #building# walls fronting on a #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be ~~allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall~~ subject to the following #use# provisions:

(1) The underlying #use# regulations shall be modified as follows:

- (i) #dwelling units# shall not be permitted;
- (ii) #community facility uses# shall be limited to those without sleeping accommodations, as set forth in Use Group 3B;
- (iii) 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;
- (iv) guest rooms or suites associated with transient accommodations, as set forth in Use Group 5, shall not be permitted; and
- (v) offices and laboratories listed in Use Group 7, shall be limited in size to 5,000 square feet per establishment;

(2) All #uses# occupying such frontage shall:

- ~~(1)~~(i) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the establishment and the #public plaza#;

(2)(ii) have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and

(3)(iii) occupy such frontage for the life of the increased #floor area# of the bonused #development#.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

As an alternative, where retail or service establishments located in an existing #building# front upon a #public plaza# or an #arcade# adjoining a #public plaza#, at least 50 percent of the total frontage of all #building# walls fronting on the #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by ~~retail or service establishments permitted by the applicable district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall comply with the provisions of paragraphs (a)(1), (a)(2) and (a)(3) of this Section #uses# permitted in accordance with paragraph (a)(1) subject to the provisions of paragraph (a)(2) of this Section, as permitted by the applicable district regulations.~~

* * *

37-90 PARKING LOTS

* * *

37-91 Applicability

[UPDATING USE REFERENCES]

C1 C2 C3 C4 C5 C6 C7 C8

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 #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 an increase in:

- (1) a 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) a 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#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, 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~~ automobile dealers, #automotive service stations# or automotive repair and maintenance #uses# listed in Use Group 6.

For the purposes of Section 37-90, inclusive, 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 landscaped areas required pursuant to this Section within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #commercial# or #community facility# #uses# or curb cuts accessing #commercial# or #community facility# #uses# are shown on the site plan required pursuant to Section 36-58, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to demonstrate compliance with the provisions of this Section.

Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to November 28, 2007, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or

authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

* * *

**37-92
Landscaping**

**37-921
Perimeter landscaping**

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

All open parking areas subject to the provisions of this Section shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

The perimeter landscaped area shall comply with the following requirements:

* * *

(c) Obstructions

Utilities and #signs# permitted in Sections 32-62, 32-63 or ~~42-52~~ 42-62 may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 2 Use Regulations

42-00 GENERAL PROVISIONS

[REORGANIZING GENERAL PROVISIONS TO REFLECT PROPOSAL;
RELOCATING VARIOUS PROVISIONS TO SECTIONS 42-10 AND 42-20, INCLUSIVE]

~~In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.~~

~~Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Sections 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).~~

~~#Uses# listed in Use Groups 11A, 16, 17 or 18 must also comply with the applicable performance standards set forth in Sections 42-21 to 42-28, inclusive. In case of any conflict between the Use Group and the performance standards, the latter shall control.~~

~~#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.~~

~~Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.~~

~~The letters A, B, B1, C, D, E, F, G or H in the column entitled Parking Requirement Category [PRC] following a #use# listed in Sections 32-14 to 32-25, inclusive, refer to the classification of #commercial# #uses# to determine required #accessory# off-street parking spaces as set forth in the table in Section 44-21 (General Provisions).~~

~~The #uses# listed in the various Use Groups set forth in Sections 42-11 to 42-15, inclusive, are also listed in alphabetical order in APPENDIX A (Index of Uses) of this Resolution, for the convenience of those using the Resolution. Whenever there is any difference in the meaning or implication between the text of these Use Groups and the text of APPENDIX A, the text of these Use Groups shall prevail.~~

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

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

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

USE GROUPS PERMITTED IN MANUFACTURING DISTRICTS

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

Districts	Use Groups							
	Recreation				Gen. Ser-vice	#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:

- (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

[RELOCATING RESIDENTIAL USE PROVISIONS TO SECTIONS 42-321, 42-322 AND 42-324 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

[REORGANIZING USE PROVISIONS INTO NEW USE GROUP STRUCTURE IN SECTIONS 42-11 THROUGH 42-20; RELOCATING HOTEL PROVISIONS FROM SECTION 42-111 TO SECTION 42-152 AND SELF-STORAGE FACILITIES FROM SECTION 42-121 TO SECTION 42-192; INCORPORATING SPECIAL PERMIT REFERENCES FROM SECTION 42-30 INTO USE GROUP PROVISIONS; RELOCATING PROVISIONS FOR CERTAIN M1 DISTRICTS TO SECTION 42-32 AND PERFORMANCE STANDARDS TO SECTION 42-40

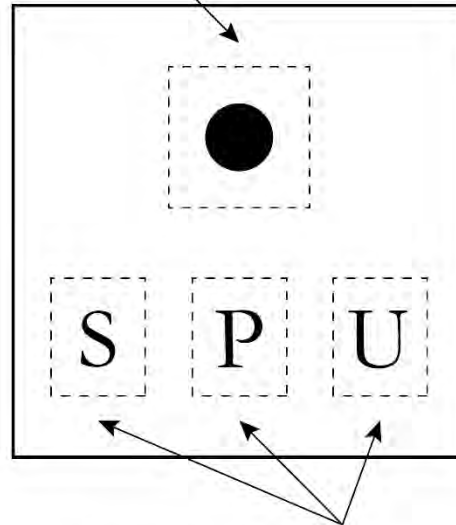
PRIOR USE GROUPS AND USES THEREIN FROM SECTIONS 42-10 THROUGH 42-15 ARE SHOWN BELOW THE PROPOSAL IN CONTINUOUS STRIKEOUT FOR LEGIBILITY]

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, #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”), 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).

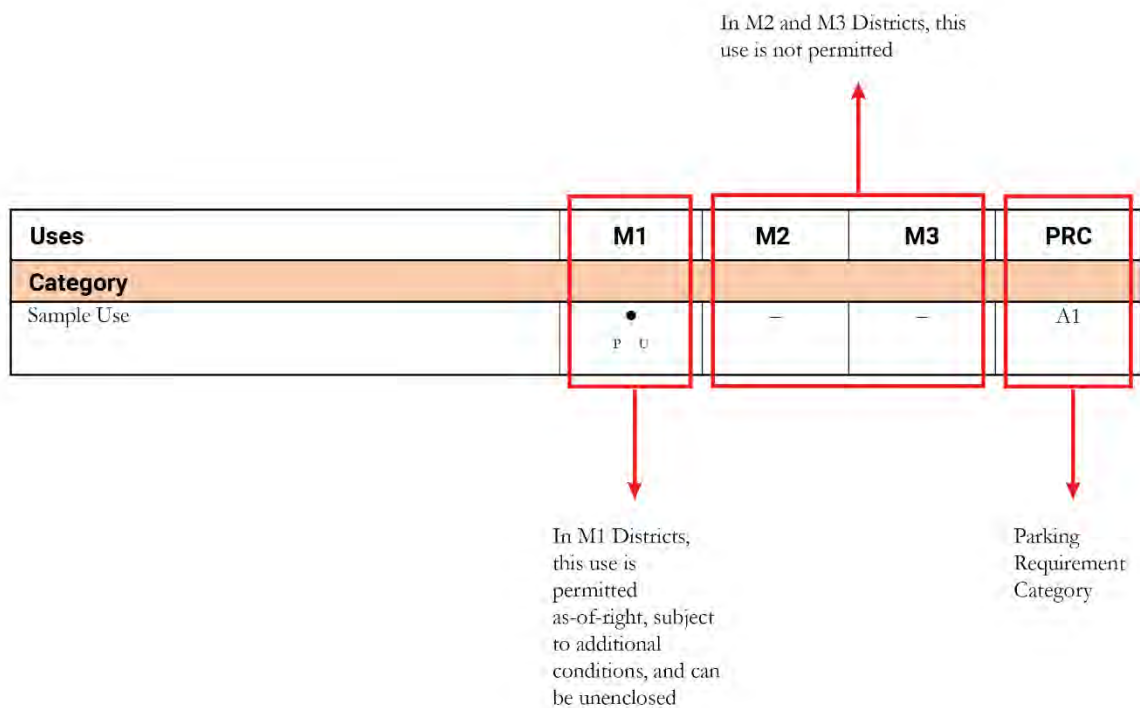
Use Group tables, except in Section 42-12 (Use Group 2 – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# and #manufacturing uses# to determine required accessory 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 #use#:

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;
- (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;
- (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; and
- (e) Section 42-115 (Use Group 1 – 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.

42-111

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#.

<u>USE GROUP 1 – AGRICULTURE AND OPEN USES</u>				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Agriculture</u>				
<u>Agricultural #uses#, including greenhouses, nurseries, or truck gardens</u>	● P U	● P U	● P U	<u>G</u>
<u>Open Uses</u>				
<u>Cemeteries</u>	●	–	–	<u>N/A</u>
<u>Golf courses</u>	●	–	–	<u>*</u>
<u>Outdoor racket courts</u>	● P	–	–	<u>G</u>
<u>Outdoor skating rinks</u>	●	●	●	<u>G</u>

<u>#Public parks# or playgrounds or private parks</u>	•	–	–	<u>N/A</u>
<u>Sand, gravel, or clay pits</u>	○	○	○	<u>N/A</u>

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# in all #Manufacturing Districts# 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), inclusive.
- (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 “○” 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).

42-115

Use Group 1 – additional provisions for parking requirement category

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 42-111 (Use Group 1 – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

42-12

Use Group 2 – Residences

M1

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).

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 as follows:

- (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

<u>USE GROUP 3A – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS</u>				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Educational Institutions</u>				
<u>College or school student dormitories and fraternity or sorority student houses</u>	–	–	–	<u>E2</u>
<u>Faith-based Institutions and Facilities</u>				
<u>Monasteries, convents or novitiates</u>	–	–	–	<u>N/A</u>
<u>Rectories or parish houses with sleeping accommodations</u>	–	–	–	<u>N/A</u>
<u>Seminaries with sleeping accommodations</u>	–	–	–	<u>*</u>
<u>Health Institutions and Facilities</u>				
<u>#Long-term care facilities#</u>	–	–	–	<u>E3</u>
<u>#Non-profit hospital staff dwellings #</u>	–	–	–	<u>*</u>
<u>Other Institutions and Facilities</u>				
<u>Philanthropic or non-profit institutions with sleeping accommodations</u>	–	–	–	<u>E3</u>
<u>Settlement houses</u>	–	–	–	<u>N/A</u>

B. Community Facilities without Sleeping Accommodations

<u>USE GROUP 3B – COMMUNITY FACILITIES WITHOUT SLEEPING ACCOMMODATIONS</u>				
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Educational Institutions</u>				
<u>Colleges or universities, including professional schools but excluding business colleges or trade schools</u>	–	–	–	* –
<u>#Schools#</u>	○	–	–	<u>G</u>
<u>Faith-based Institutions and Facilities</u>				
<u>Houses of worship</u>	●	–	–	<u>G</u>
<u>Parish houses without sleeping accommodations</u>	○	–	–	<u>N/A</u>
<u>Seminaries without sleeping accommodations</u>	○	–	–	* –
<u>Health Institutions and Facilities</u>				
<u>Ambulatory diagnostic or treatment health care facilities</u>	● P	–	–	<u>A3</u>
<u>Non-profit or voluntary hospitals and related facilities, except animal hospitals</u>	● P	–	–	<u>E1</u>
<u>Proprietary hospitals and related facilities, except animal hospitals</u>	● P	–	–	<u>E1</u>
<u>Other Institutions and Facilities</u>				
<u>Community centers</u>	○	–	–	<u>B3</u>
<u>Libraries</u>	○	–	–	<u>G</u>
<u>Museums</u>	● P	● P	● P	<u>G</u>
<u>Non-commercial recreation centers</u>	○	–	–	<u>B3</u>
<u>Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities</u>	○	–	–	<u>B3</u>
<u>Welfare centers</u>	○	–	–	<u>B3</u>

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) Non-profit, voluntary or proprietary hospitals and related facilities in M1 Districts, except animal hospitals, 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;
- (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

<u>USE GROUP 4A – PUBLIC SERVICE FACILITIES</u>				
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Public Service Buildings</u>				
<u>Court houses</u>	●	●	●	<u>A4</u>
<u>Fire or police stations</u>	●	●	●	<u>A4</u>
<u>Other Facilities</u>				
<u>Prisons</u>	●	●	●	<u>G</u>

B. Infrastructure

<u>USE GROUP 4B – INFRASTRUCTURE</u>				
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Communication Infrastructure</u>				
<u>Radio or television towers, non-#accessory#</u>	○	○	○	<u>N/A</u>
<u>Telephone exchanges or other communications equipment structures</u>	● P	● P	● P	<u>N/A</u>
<u>Electric and Gas Infrastructure</u>				
<u>Electric power or steam generating plants</u>	● P U	● P U	● P U	<u>D2</u>
<u>Electric utility substation</u>	● P U	● P U	● P U	<u>N/A</u>
<u>Gas utility substations</u>	● S U	● S U	● S U	<u>N/A</u>
<u>Public utility stations for oil or gas metering or regulating</u>	●	●	●	<u>N/A</u>
<u>Terminal facilities at river crossings for access to electric, gas, or steam lines</u>	●	●	●	<u>N/A</u>
<u>Sewage, Storm Water and Waste Infrastructure</u>				

<u>Composting</u>	● P U	● P U	● P U	<u>D2</u>
<u>Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles</u>	● P U	● P U	● P U	<u>D2</u>
<u>Incineration or reduction of garbage, offal or dead animals</u>	● P	● P	● P	<u>D1</u>
<u>Radioactive waste disposal services involving the handling or storage of radioactive waste</u>	● P	● P	● P	<u>D1</u>
<u>Sewage disposal plants</u>	○	○	● P	<u>D1</u>
<u>Water or sewage pumping stations</u>	●	●	●	<u>N/A</u>
Transportation Infrastructure				
<u>Airports</u>	○	○	○	<u>N/A</u>
<u>Boat launching facilities for non-commercial pleasure boats</u>	● U	● U	● U	<u>N/A</u>
<u>Bus stations</u>	○	○	○	<u>N/A</u>
<u>Docks</u>	● P U	● P U	● P U	<u>G</u>
<u>Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations</u>	● P U	● P U	● P U	<u>D2</u>
<u>Heliports</u>	○	○	○	<u>N/A</u>
<u>Mooring facilities for non-commercial pleasure boats</u>	● U	● U	● U	<u>N/A</u>
<u>Public transit or railroad electric substations</u>	● P U	● P U	● P U	<u>D2</u>
<u>Public transit yards, including accessory motor fuel pumps</u>	● P U	● P U	● P U	<u>D2</u>
<u>Railroad or transit rights-of-way</u>	● U	● U	● U	<u>N/A</u>
<u>Railroad passenger stations</u>	○	○	○	<u>N/A</u>
<u>Seaplane bases</u>	○	○	○	<u>N/A</u>
<u>Truck weighing stations</u>	● P U	● P U	● P U	<u>D2</u>

C. Renewable Energy and Green Infrastructure

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

<u>USE GROUP 4C – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE</u>				
<p>● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances</p>				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Renewable Energy and Green Infrastructure</u>				
<u>#Energy infrastructure equipment#</u>	● U	● U	● U	<u>N/A</u>
<u>Public bicycle and micromobility parking</u>	● U	● U	● U	<u>N/A</u>
<u>Recycling, or organic material, receiving</u>	● U	● U	● U	<u>N/A</u>

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).

USE GROUP 5 – TRANSIENT ACCOMMODATIONS				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Transient Accommodations</u>				
<u>Camps, overnight</u>	● U	● U	● U	<u>G</u>
<u>#Motels#</u>	● P	–	–	<u>F1</u>
<u>#Tourist cabins#</u>	● P	–	–	<u>F1</u>
<u>#Transient hotels#</u>	● P	–	–	* –

42-152

Use Group 5 – uses subject to additional conditions

[RELOCATING SPECIAL PROVISIONS FOR HOTELS 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;
- (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).

(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).

42-153

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

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#. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

The following tables are organized by retail trade establishments and general service establishments. 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.

USE GROUP 6 – RETAIL TRADE ESTABLISHMENTS				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
<u>Uses (NAICS Code)</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
Motor Vehicle and Parts Dealer (441)				
<u>Automobile dealers (4411)</u>	● U	● U	● U	<u>A4</u>
<u>Other motor vehicle dealers (4412)</u>	● U	● U	● U	<u>C</u>
	<u>Boat dealers (441222)</u>	● U	● U	● U

	<u>All other motor vehicle dealers (in 4412)</u>	● U	● U	● U	<u>C</u>
<u>Automotive parts, accessories and tire retailers (4413)</u>		●	●	●	<u>A2</u>
Building Material and Garden Equipment and Supplies Dealer (444)					
<u>Building material and supplies dealers (4441)</u>		● U	● U	● U	<u>A3</u>
<u>Lawn and garden equipment and supplies retailers (4442)</u>		● U	● U	● U	<u>A2</u>
Food and Beverage Retailers (445)					
<u>Grocery and convenience retailers (4451)</u>		● S	● S	● S	<u>*</u> -
<u>Specialty food retailers (4452)</u>		● S	● S	● S	<u>*</u> -
<u>Beer, wine and liquor retailers (4453)</u>		●	●	●	<u>A2</u>
Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)					
<u>Furniture and home furnishing retailers (4491)</u>		● S	-	-	<u>A3</u>
<u>Electronics and appliance retailers (4492)</u>		● S	-	-	<u>A3</u>
General Merchandise Retailers (455)					
<u>Department stores (4551)</u>		● S	-	-	<u>A2</u>
<u>Warehouse clubs, supercenters, and other general merchandise retailers (4552)</u>		● S	-	-	<u>A2</u>
Health and Personal Care Retailers (456)					
<u>Health and personal care retailers (4561)</u>		●	●	●	<u>A2</u>
Gasoline Stations and Fuel Dealers (457)					
<u>Gasoline stations (4571)</u>	<u>#Automotive service stations#</u>	● P U	● P U	● P U	<u>N/A</u>
	<u>Electric vehicle charging and battery swapping</u>	● U	● U	● U	<u>N/A</u>
	<u>Boat fuel sales</u>	● U	● U	● U	<u>A4</u>
<u>Fuel dealers (4572)</u>		● S P U	● S P U	● S P U	<u>A3</u>
Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)					
<u>Clothing and clothing accessories retailers (4581)</u>		● S	-	-	<u>A2</u>

<u>Shoe retailers (4582)</u>		•	–	–	<u>A2</u>
<u>Jewelry, luggage, and leather goods retailers (4583)</u>		•	–	–	<u>A2</u>
Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)					
<u>Sporting goods, hobby, and musical instrument retailers (4591)</u>	<u>Sporting goods retailers (45911)</u>	•	•	•	<u>A2</u>
	<u>All other hobby and musical instrument retailers (in 4591)</u>	• s	–	–	<u>A2</u>
<u>Book retailers and news dealers (4592)</u>	<u>Book retailers</u>	•	–	–	<u>A2</u>
	<u>News dealers</u>	• u	• u	• u	<u>A2</u>
<u>Florists (4593)</u>		• u	–	–	<u>A2</u>
<u>Office supplies, stationary, and gift retailers (4594)</u>		•	–	–	<u>A2</u>
<u>Used merchandise retailers (4595)</u>		•	•	•	<u>A2</u>
<u>Miscellaneous retailers (4599)</u>		•	•	•	<u>A2</u>

USE GROUP 6 – SERVICE ESTABLISHMENTS				
• = Permitted ♦ = Permitted with limitations ◦ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
<u>Uses (NAICS Code)</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
Postal Service (491) / Couriers and Messengers (492)				
<u>Postal service (4911)</u>	•	•	•	<u>G</u>
<u>Couriers and express delivery services (4921)</u>	•	•	•	<u>A2</u>
<u>Local messengers and local delivery (4922)</u>	•	•	•	<u>A2</u>
Telecommunications (517)				
<u>Wired and wireless telecommunications (5171)</u>	•	–	–	<u>A2</u>
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)				
<u>Computing infrastructure providers, data processing, web hosting, and related services (5182)</u>	•	•	•	<u>A3</u>
Credit Intermediation and Related Activities (522)				

<u>Savings, loan and other financial services (5221, 5222 and 5223)</u>		•	•	•	<u>A3</u>
<u>Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)</u>					
<u>Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)</u>		•	•	•	<u>A3</u>
<u>Insurance Carriers and Related Activities (524)</u>					
<u>Insurance carriers and related activities (5241 and 5242)</u>		•	•	•	<u>A3</u>
<u>Funds, Trusts and Other Financial Vehicles (525)</u>					
<u>Funds, trusts and other financial vehicles (5251 and 5259)</u>		•	•	•	<u>A3</u>
<u>Real Estate (531)</u>					
<u>Real estate (5311, 5312, and 5313)</u>		•	•	•	<u>A3</u>
<u>Rental and Leasing Services (532)</u>					
<u>Automotive equipment rental and leasing (5321)</u>		• U	• U	• U	<u>N/A</u>
<u>Consumer goods rental (5322)</u>	<u>Consumer electronics and appliances rental (53221)</u>	•	•	•	<u>A3</u>
	<u>Recreational goods rental (532284)</u>	• U	• U	• U	<u>A3</u>
	<u>All other consumer goods rental (in 5322)</u>	•	–	–	<u>A3</u>
<u>General rental centers (5323)</u>		•	–	–	<u>A3</u>
<u>Commercial and industrial machinery and equipment rental and leasing (5324)</u>		• U	• U	• U	<u>A3</u>
<u>Professional, Scientific, and Technical Services (541)</u>					
<u>Veterinary services (54194)</u>		• P	• P	• P	<u>A3</u>
<u>All other professional, scientific, and technical services (in 541)</u>		•	•	•	<u>A3</u>
<u>Management of Companies and Enterprises (551)</u>					
<u>Management of companies and enterprises (5511)</u>		•	•	•	<u>A3</u>
<u>Administrative and Support Services (561)</u>					
<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>
Educational Services (611)					
<u>Business schools and computer and management training (6114)</u>		●	—	—	<u>A3</u>
<u>Technical and trade schools (6115)</u>		● P	● P	● P	<u>A3</u>
<u>All other schools and instruction (6116 and 6117)</u>		●	—	—	<u>A3</u>
Food Services and Drinking Places (722)					
<u>Special food services (7223)</u>		●	●	●	<u>A3</u>
<u>Eating or drinking establishments (7224 and 7225)</u>		● U	● U	● U	* —
Repair and Maintenance (811)					
<u>Automotive repair and maintenance (8111)</u>	<u>#Heavy motor vehicle repair and maintenance shops#</u>	● P	● P	● P	<u>A4</u>
	<u>#Light motor vehicle repair and maintenance shops#</u>	● P	● P	● P	<u>A3</u>
	<u>Car washes (811192)</u>	● P	● P	● 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>		● P	● P	● P	<u>A3</u>
<u>Personal and Household Goods Repair and Maintenance (8114)</u>	<u>Bicycle and recreational boat repair</u>	●	●	●	<u>A3</u>
	<u>Recreational boat repair</u>	● P U	● P U	● P U	<u>A34</u>
	<u>Home and garden equipment and appliance repair and maintenance (81141)</u>	● P	● P	● P	<u>A3</u>
	<u>All other personal and household goods repair and maintenance (in 8114)</u>	●	●	●	<u>A3</u>
Personal and Laundry Services (812)					
<u>Personal care services (8121)</u>	<u>#Health and fitness establishments#</u>	● U	● U	● U	<u>A2</u>
	<u>All other personal care services (in 8121)</u>	●	●	●	<u>A2</u>
<u>Death care services (8122)</u>	<u>Funeral homes and funeral services (81221)</u>	●	●	●	<u>G</u>

	<u>Crematoriums</u>	● P	● P	● P	<u>A4</u>
<u>Drycleaning and laundry services (8123)</u>	<u>Personal laundry or dry cleaning</u>	● P	● P	● P	<u>A2</u>
	<u>Industrial dry cleaning and laundry services</u>	● P	● P	● P	<u>D1</u>
<u>Other personal services (8129)</u>	<u>Pet care services (81291)</u>	●	●	●	<u>A2</u>
	<u>All other personal services (in 8129)</u>	●	●	●	<u>A3</u>

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) For car washes in all #Manufacturing Districts#, reservoir space for not less than 10 automobiles per washing lane shall be provided on the #zoning lot#.
- (b) Recreational boat repair services in all #Manufacturing Districts# shall be restricted to boats less than 100 feet in length.
- (c) 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

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. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP 7 – OFFICES AND LABORATORIES				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
Laboratories				
Laboratories	●	●	●	A3
Offices				
Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	●	●	●	A3

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:

- (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).

<u>USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES</u>				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
<u>Uses</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>
<u>Amusement and Recreation Facilities</u>				
<u>#Amusement or recreation facilities#</u>	● U	● U	● U	* –
<u>#Outdoor amusement parks#</u>	● S U	● S U	● S U	C
<u>Art Galleries and Studios</u>				
<u>Art galleries</u>	●	●	●	* –
<u>Art, music, dancing or theatrical studios</u>	●	●	●	A2
<u>Production or entertainment studios</u>	●	●	●	B1
<u>Entertainment and Sporting Venues</u>				
<u>Arenas or auditoriums</u>	● S	● S	● S	B1

<u>Drive-in theaters</u>	○	○	○	<u>N/A</u>
<u>Racetracks</u>	○	○	○	<u>B1</u>
<u>Stadiums</u>	● S U	● S U	● S U	<u>B1</u>
<u>Theaters</u>	●	●	●	<u>B1</u>
Other Assembly Spaces				
<u>Banquet, function or reception halls</u>	●	—	—	<u>B1</u>
<u>Historical exhibits</u>	●	●	●	<u>B1</u>
<u>Meeting halls</u>	●	●	●	<u>B1</u>
<u>Non-commercial clubs</u>	●	●	●	<u>*</u>
<u>Observation decks</u>	● U	● U	● U	<u>B1</u>
<u>Outdoor day camps</u>	● U	● U	● U	<u>G</u>
<u>Publicly accessible spaces</u>	● U	● U	● U	<u>N/A</u>
<u>Riding academies or stables</u>	● P U	● P U	● P U	<u>A4</u>
<u>Trade expositions</u>	● S	● S	● S	<u>B1</u>

42-182

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 tables;
- (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 tables;
- (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 tables; 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 tables.

42-191

Use Group 9 – general use allowances

The following table includes #uses# classified as Use Group 9 and sets forth their allowances by #Manufacturing District#. Such #uses# are categorized as general storage, specialized storage, or vehicle storage, as provided in paragraphs A, B and C of this Section. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

A. General Storage

<u>USE GROUP 9A – GENERAL STORAGE</u>				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	M1	M2	M3	<u>PRC</u>
<u>General Storage</u>				
<u>Building materials or contractors' yard</u>	● P U	● P U	● P U	<u>D2</u>
<u>Depositories for storage of office records, microfilm or computer tapes, or for data processing</u>	●	●	●	<u>D2</u>
<u>Micro-distribution facilities</u>	–	–	–	<u>D2</u>
<u>Moving or storage offices</u>	● P	● P	● P	<u>D2</u>
<u>#Self-service storage facility#</u>	♦ P	♦ P	♦ P	<u>D2</u>
<u>Trucking terminals or motor freight stations</u>	● P U	● P U	● P U	<u>D2</u>
<u>Warehouses</u>	● P	● P	● P	<u>D2</u>
<u>Wholesale establishments</u>	● P	● P	● P	<u>A4</u>

B. Specialized Storage

<u>USE GROUP 9B – SPECIALIZED STORAGE</u>				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	M1	M2	M3	<u>PRC</u>
<u>Specialized Storage</u>				
<u>Coal or gas storage</u>	● P U	● P U	● P U	<u>D2</u>
<u>Explosives storage, when not prohibited by other ordinances</u>	● P U	● P U	● P U	<u>D2</u>
<u>Grain storage</u>	● P U	● P U	● P U	<u>D2</u>

<u>Junk or salvage yards, including auto wrecking or similar establishments</u>	● P U	● P U	● P U	<u>D2</u>
<u>Lumber yard</u>	● P U	● P U	● P U	<u>D2</u>
<u>Manure, peat or topsoil storage</u>	● P U	● P U	● P U	<u>D2</u>
<u>Petroleum or petroleum products, storage or handling</u>	● P U	● P U	● P U	<u>D2</u>
<u>Refrigerating plants</u>	● P U	● P U	● P U	<u>D2</u>
<u>Scrap metal, junk, paper or rags storage, sorting, or baling</u>	● P U	● P U	● P U	<u>D2</u>

C. Vehicle Storage

<u>USE GROUP 9C – VEHICLE STORAGE</u>				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	M1	M2	M3	<u>PRC</u>
<u>Vehicle Storage</u>				
<u>Boat storage</u>	● P U	● P U	● P U	<u>A4</u>
<u>Commercial or public vehicle storage, including #accessory# motor fuel pumps</u>	● P U	● P U	● P U	<u>D2</u>
<u>Dead storage of motor vehicles</u>	● P U	● P U	● P U	<u>N/A</u>
<u>#Public parking garages# or #public parking lots#</u>	♦ P U	♦ P U	♦ P U	<u>N/A</u>

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

[RELOCATING SPECIAL PROVISIONS FOR SELF-STORAGE FROM SECTION 42-121, WITH CROSS REFERENCES UPDATED]

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

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.

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.

USE GROUP 10 – PRODUCTION

● = Permitted ♦ = Permitted with limitations ○ = Special permit required
- = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses (NAICS Code)	<u>M1</u>	<u>M2</u>	<u>M3</u>	<u>PRC</u>	
<u>Food Manufacturing (311)</u>					
<u>Animal food manufacturing (3111)</u>	● P	● P	● P	<u>D1</u>	
<u>Animal slaughtering and processing (3116)</u>	● P	● P	● P	<u>D1</u>	
<u>Seafood product preparation and packaging (3117)</u>	● P	● P	● P	<u>D1</u>	
<u>All other food manufacturing (in 311)</u>	● P	● P	● P	<u>D1</u>	
<u>Beverage and Tobacco Product Manufacturing (312)</u>					
<u>Beverage manufacturing (3121)</u>	<u>Distilleries (31214)</u>	● P	● P	● P	<u>D1</u>
	<u>All other beverage manufacturing (in 3121)</u>	● P	● P	● P	<u>D1</u>
<u>Tobacco manufacturing (3122)</u>	● P	● P	● P	<u>D1</u>	
<u>Textile & Textile Product Mills (313–314)</u>					
<u>Textile mills (313)</u>	● P	● P	● P	<u>D1</u>	
<u>Textile product mills (314)</u>	● P	● P	● P	<u>D1</u>	
<u>Apparel Manufacturing (315)</u>					
<u>Apparel manufacturing (315)</u>	● P	● P	● P	<u>D1</u>	
<u>Leather and Allied Product Manufacturing (316)</u>					
<u>Leather and hide tanning and finishing (3161)</u>	● P	● P	● P	<u>D1</u>	
<u>Footwear manufacturing (3162)</u>	● P	● P	● P	<u>D1</u>	
<u>Other leather and allied product manufacturing (3169)</u>	● P	● P	● P	<u>D1</u>	
<u>Wood Product Manufacturing (321)</u>					
<u>Sawmills and wood preservation (3211)</u>	● P	● P	● P	<u>D1</u>	
<u>Veneer, plywood, and engineered wood product manufacturing (3212)</u>	● P	● P	● P	<u>D1</u>	

<u>Other wood product manufacturing (3219)</u>	● P	● P	● P	<u>D1</u>
<u>Paper Manufacturing (322)</u>				
<u>Pulp, paper, and paperboard mills (3221)</u>	● P	● P	● P	<u>D1</u>
<u>Converted paper product manufacturing (3222)</u>	● P	● P	● P	<u>D1</u>
<u>Printing and Related Support Activities (323)</u>				
<u>Printing and related support activities (3231)</u>	● P	● P	● P	<u>D1</u>
<u>Petroleum and Coal Products Manufacturing (324)</u>				
<u>Petroleum and coal products manufacturing (3241)</u>	● P	● P	● P	<u>D1</u>
<u>Chemical Manufacturing (325)</u>				
<u>Pharmaceutical and medicine manufacturing (3254)</u>	● P	● P	● P	<u>D1</u>
<u>Soap, cleaning compound, and toilet preparation manufacturing (3256)</u>	● P	● P	● P	<u>D1</u>
<u>All other chemical manufacturing (in 325)</u>	● P	● P	● P	<u>D1</u>
<u>Plastics and Rubber Products Manufacturing (326)</u>				
<u>Plastics and rubber products manufacturing (326)</u>	● P	● P	● P	<u>D1</u>
<u>Nonmetallic Mineral Product Manufacturing (327)</u>				
<u>Clay product and refractory, glass and glass product manufacturing (3271 and 3272)</u>	● P	● P	● P	<u>D1</u>
<u>All other nonmetallic mineral product manufacturing (in 327)</u>	● P	● P	● P	<u>D1</u>
<u>Primary Metal Manufacturing and Fabricated Metal Product Manufacturing (331–332)</u>				
<u>Primary metal manufacturing (331)</u>	● P	● P	● P	<u>D1</u>
<u>Fabricated metal product manufacturing (332)</u>	● P	● P	● P	<u>D1</u>
<u>Machinery Manufacturing (333)</u>				
<u>Machinery manufacturing (333)</u>	● P	● P	● P	<u>D1</u>
<u>Computer and Electronic Product Manufacturing (334)</u>				
<u>Computer and peripheral equipment manufacturing (334)</u>	● P	● P	● P	<u>D1</u>
<u>Electrical Equipment, Appliance, and Component Manufacturing (335)</u>				
<u>Electric lighting equipment manufacturing (3351)</u>	● P	● P	● P	<u>D1</u>

<u>Household appliance manufacturing (3352)</u>	<u>Small electrical appliance manufacturing (33521)</u>	● P	● P	● P	<u>D1</u>
	<u>Major household appliance manufacturing (33522)</u>	● P	● P	● P	<u>D1</u>
<u>All other electrical equipment and component manufacturing (in 335)</u>		● P	● P	● P	<u>D1</u>
<u>Transportation Equipment Manufacturing (336)</u>					
<u>Transportation equipment manufacturing (336)</u>		● P	● P	● P	<u>D1</u>
<u>Furniture and Related Product Manufacturing (337)</u>					
<u>Furniture and related product manufacturing (337)</u>		● P	● P	● P	<u>D1</u>
<u>Miscellaneous Manufacturing (339)</u>					
<u>Medical equipment and supplies manufacturing (3391)</u>		● P	● P	● P	<u>D1</u>
<u>Other miscellaneous manufacturing (3399)</u>		● P	● P	● P	<u>D1</u>

42-202

Use Group 10 – uses subject to additional conditions

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

[REPLACING TEXT OF SECTION 42-10, INCLUSIVE, WITH NEW USE GROUP STRUCTURE]

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**

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.

(e) 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 photostating 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).

- (e) 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.
 - (c) Non-commercial clubs as listed in Use Groups 6E and 14B.
 - (d) All #uses# listed in Use Group 8A except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.
 - (e) Banquet halls, wedding chapels, 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)(c) or (d) or D.(2) of Section 42-14 may be modified if the ~~floor area~~ below the level of the second ~~story~~ was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.

(b) The provisions of paragraphs D.(1)(c) or (d) of Section 42-14 may be modified, provided that:

(1) the ~~floor area~~ below the level of the second ~~story~~ was occupied by ~~joint living-work quarters for artists~~ as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the ~~building~~, or the occupant of a ~~joint living-work quarters for artists~~ in the ~~building~~, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law,

~~such a determination of #joint living work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as of right for such quarters; or~~

- (2) ~~the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.~~
- (e) ~~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

[RELOCATING PERFORMANCE STANDARDS OF SECTION 42-20, INCLUSIVE,
TO SECTION 42-40, INCLUSIVE]

~~In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group 11A, 16, 17, or 18, and every #building or other structure# or open area of a #zoning lot# thereafter #developed#, constructed, or used for any #use# listed in Use Group 11A, 16, 17, or 18, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to the district in which such #use#, #building or other structure# or open area is located.~~

~~If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after December 15, 1961, the applicable district regulations for each and every performance standard shall apply with respect to such #extended#, #enlarged#, or reconstructed portion or portions of such #use# or #building or other structure#.~~

~~In case of any conflict between the Use Groups and the performance standards, the latter shall control. #Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.~~

~~In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.~~

42-21
Performance Standards Regulating Noise

42-211
Definitions

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

~~Decibel~~

~~A "decibel" is a unit of measurement of the intensity of sound (the sound pressure level).~~

~~Impact noise analyzer~~

~~An "impact noise analyzer" is an instrument used in conjunction with the #sound level meter# to measure the peak intensities of short duration sounds.~~

~~Octave band~~

An "octave band" is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such #octave bands# serve to define the sound in terms of its pitch components.

Octave band analyzer

An "octave band analyzer" is an instrument used in conjunction with a #sound level meter# to measure sound in each of eight #octave bands#.

Sound level meter

A "sound level meter" is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in #decibels#.

42-212

Method of measurement

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

The "C" network and the "slow" meter response of the #sound level meter# shall be used. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the #sound level meter#, shall be measured with the #impact noise analyzer# as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth in Section 42-213 (Maximum permitted decibel levels) may be increased by six #decibels#.

42-213

Maximum permitted decibel levels

In all #Manufacturing Districts#, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any #lot line#, the maximum permitted #decibel# levels for the designated #octave band# as set forth in the following table for the district indicated.

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted #decibel# levels.

MAXIMUM PERMITTED SOUND PRESSURE LEVEL (in #decibels#)

District

#Octave Band# (cycles per second)	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# (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# (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 tetraene; 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.~~

(e) 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.~~

(e) 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

[INCORPORATING SPECIAL PERMIT REFERENCES INTO SECTIONS 42-10 AND 42-20, INCLUSIVE; RELOCATING PROVISIONS FOR USE OF RAILROAD OR TRANSIT AIR SPACE 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

[INCORPORATING SPECIAL PERMIT REFERENCES INTO
SECTIONS 42-10 AND 42-20, INCLUSIVE]

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

~~M1 M2 M3~~

~~Airports~~

~~M1~~

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

~~M1 M2 M3~~

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

~~M1 M2 M3~~

~~Bus stations, with less than 10 berths~~

~~M1 M2 M3~~

~~Bus stations, with 10 or more berths~~

~~M1~~

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

~~M1~~

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

~~M1~~

~~Department stores [PRC-B]~~

~~M1 M2 M3~~

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

~~M1 M2 M3~~

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

~~M1~~

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

~~M1~~

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

~~M1~~

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

~~M1 M2 M3~~

~~Heliports~~

~~M1~~

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

~~M1-5~~

~~Museums and non-commercial art galleries~~

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

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

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

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

~~M1 M2 M3~~

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

~~M1 M2 M3~~

~~Railroad passenger stations~~

~~M1 M2 M3~~

~~Seaplane bases~~

~~M1 M2 M3~~

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

~~M1 M2~~

~~Sewage disposal plants~~

~~M1~~

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

~~M1 M2 M3~~

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

~~M1 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

[RELOCATING PROVISIONS FOR RESIDENTIAL USES IN M1-1D THROUGH M1-5D DISTRICTS FROM SECTION 42-47 WITH MODIFICATIONS TO PARAGRAPH (e)(2) BELOW]

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

[RELOCATING USE REGULATIONS IN M1-6D DISTRICTS FROM SECTION 42-48, INCLUSIVE, 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

#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 (1) or (2) 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 and manufacturing uses

The regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-21 (Modifications to M1 use regulations) and Section 123-22 (Additional conditions for certain uses), shall apply except that the size limitations for #uses# listed in Use Group 6, shall not apply.

(d) Streetscape provisions

[UPDATING 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 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

[RELOCATING USE REGULATIONS IN M1-5M AND M1-6M DISTRICTS 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.

42-324

Use regulations in certain M1-1, M1-5 and M1-6 Districts

[RELOCATING USE REGULATIONS IN CERTAIN M1-1, M1-5 AND M1-6 DISTRICTS FROM SECTIONS 42-02 AND 42-133, WITH CROSS REFERENCES 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.

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

[RELOCATING USE REGULATIONS IN M1-5B DISTRICTS FROM PARAGRAPH D. OF SECTION 42-14 TO PARAGRAPHS (a) and (b) BELOW, WITH CROSS REFERENCES UPDATED; CONSOLIDATING USE PROVISIONS OTHER THAN JOINT LIVING-WORK QUARTER FOR ARTIST 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.
 - (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 6, 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

[RELOCATING PROVISIONS FROM SECTION 42-141, WITH
CROSS REFERENCES UPDATED]

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

[RELOCATING PROVISIONS FROM SECTION 42-142, WITH
CROSS REFERENCES UPDATED]

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

[RELOCATING PERFORMANCE STANDARDS FROM SECTION 42-20, UNCHANGED]

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

Enclosure of Commercial or Manufacturing Activities Performance Standards Regulating Noise

[RELOCATING ENCLOSURE PROVISIONS FOR COMMERCIAL OR MANUFACTURING
ACTIVITIES 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

[RELOCATING ENCLOSURE PROVISIONS FOR COMMERCIAL OR MANUFACTURING
ACTIVITIES IN M1 DISTRICTS TO SECTION 42-511;
RELOCATING DEFINITIONS OF SECTION 42-211 HERE, UNCHANGED]

M4

~~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

[RELOCATING ENCLOSURE PROVISIONS FOR COMMERCIAL OR MANUFACTURING
ACTIVITIES IN M2 OR M3 DISTRICTS TO SECTION 42-512;

RELOCATING PROVISIONS OF SECTION 42-212 HERE, WITH CROSS REFERENCE
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

[RELOCATING 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> <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

[RELOCATING FROM SECTION 42-214, WITH CROSS REFERENCE 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

[RELOCATING ENCLOSURE OR SCREENING PROVISIONS FOR STORAGE 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

[RELOCATING ENCLOSURE OR SCREENING PROVISIONS FOR STORAGE
IN M1 DISTRICTS TO SECTION 42-521;
RELOCATING DEFINITIONS OF SECTION 42-221 HERE, 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

[RELOCATING ENCLOSURE OR SCREENING PROVISIONS FOR STORAGE IN M2 OR
M3 DISTRICTS TO SECTION 42-522;
RELOCATING PROVISIONS OF SECTION 42-222 HERE, 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

[RELOCATING 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> <u>(cycles per second)</u>	<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

[RELOCATING 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> <u>(cycles per second)</u>	<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

[RELOCATING FROM SECTION 42-225, WITH CROSS REFERENCE 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

[RELOCATING TITLE OF SECTION 42-23 HERE]

42-431

Definitions

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR
SIGNS TO SECTION 42-53;
RELOCATING TITLE OF SECTION 42-24 HERE]

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

[RELOCATING PROVISIONS FOR ZONING LOTS WITH SINGLE FRONTAGE
TO SECTION 42-531;

RELOCATING PROVISIONS OF SECTION 42-241 HERE, 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**

[RELOCATING PROVISIONS FOR CORNER LOTS TO SECTION 42-532;
RELOCATING PROVISIONS OF SECTION 42-242 HERE, 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

[RELOCATING EXCEPTIONS FOR INTEGRATED DEVELOPMENTS DIVIDED BY
DISTRICT BOUNDARIES TO SECTION 42-533;
RELOCATING TITLE OF SECTION 42-25 HERE]

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

[RELOCATING 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

[RELOCATING 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**

[RELOCATING TITLE OF SECTION 42-46 TO SECTION 42-31;
RELOCATING TITLE OF SECTION 42-26 HERE]

42-461

Definitions

[RELOCATING FROM SECTION 42-261, UNCHANGED]

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**

[RELOCATING RAILROAD OR TRANSIT AIR SPACE TEXT TO SECTION 42-31;
RELOCATING PROVISIONS OF SECTION 42-262 HERE, 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

[RELOCATING 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

[RELOCATING FROM SECTION 42-264, WITH CROSS REFERENCES UPDATED]

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

[RELOCATING PROVISIONS FOR M1-1D THROUGH M1-5D DISTRICTS TO SECTION 42-321; RELOCATING TITLE OF SECTION 42-27 HERE]

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**

[RELOCATING DEFINITIONS 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING FROM SECTION 42-274, WITH CROSS REFERENCE UPDATED]

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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING M1-6D DISTRICT PROVISIONS TO SECTION 42-322;
RELOCATING TITLE OF SECTION 42-28 HERE]

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

[RELOCATING M1-6D DISTRICT PROVISIONS TO SECTION 42-322;
RELOCATING PROVISIONS OF SECTION 42-281 HERE, 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

[RELOCATING M1-6D DISTRICT PROVISIONS TO SECTION 42-322;
RELOCATING PROVISIONS OF SECTION 42-282 HERE, 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.~~

- (e) ~~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

[RELOCATING M1-6D DISTRICT PROVISIONS TO SECTION 42-322;
RELOCATING PROVISIONS OF SECTION 42-283 HERE, 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

[RELOCATING M1-6D DISTRICT PROVISIONS 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

[RELOCATING M1-6D DISTRICT PROVISIONS 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

[RELOCATING M1-6D DISTRICT PROVISIONS 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

[RELOCATING SIGN REGULATIONS TO SECTION 42-60, INCLUSIVE;
RELOCATING SUPPLEMENTARY USE REGULATIONS OF SECTION 42-40 HERE]

42-51

Definitions

Enclosure of Commercial or Manufacturing Activities

[RELOCATING SIGN DEFINITIONS TO SECTION 42-61; RELOCATING ENCLOSURE OF
COMMERCIAL OR MANUFACTURING ACTIVITIES RELOCATED OF SECTION 42-41
HERE, 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

[RELOCATING ENCLOSURE OF COMMERCIAL OR MANUFACTURING ACTIVITIES
IN M1 DISTRICTS 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

[RELOCATING ENCLOSURE OF COMMERCIAL OR MANUFACTURING ACTIVITIES
IN M2 OR M3 DISTRICTS 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

[RELOCATING SECTION OUTLINE FOR PERMITTED SIGNS TO SECTION 42-62;
RELOCATING ENCLOSURE OR SCREENING OF STORAGE OF SECTION 42-42 HERE,
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)~~

~~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

[RELOCATING ENCLOSURE OR SCREENING OF STORAGE IN M1 DISTRICTS
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

[RELOCATING ENCLOSURE OR SCREENING OF STORAGE IN M2 OR M3 DISTRICTS
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

[RELOCATING SURFACE AREA AND ILLUMINATION PROVISIONS TO SECTION 42-63; RELOCATING LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS RELOCATED OF SECTION 42-44 HERE, 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

[RELOCATING PROVISIONS FOR TOTAL SURFACE AREA OF SIGNS TO SECTION 42-631; RELOCATING LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS OF SECTION 42-441 HERE, 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

[RELOCATING PROVISIONS FOR NON-ILLUMINATED SIGNS TO SECTION 42-632;
RELOCATING LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR
SIGNS OF SECTION 42-442 HERE, 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

[RELOCATING PROVISIONS FOR ILLUMINATED OR FLASHING SIGNS TO SECTION 42-633; RELOCATING LIMITATIONS ON BUSINESS ENTRANCES, SHOW WINDOWS OR SIGNS OF SECTION 42-45 HERE, 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~~

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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~~.

- (e) 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

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS TO SECTION 42-66]

42-561

Restrictions along district boundary located in a street

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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

[RELOCATING PROVISIONS 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

[RELOCATING TITLE FROM SECTION 42-50, UNCHANGED]

42-61

Definitions

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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**

[RELOCATING 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**

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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

[RELOCATING 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.

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 3 Bulk Regulations

43-00 APPLICABILITY AND GENERAL PROVISIONS

43-01 Applicability of This Chapter

[UPDATING CROSS REFERENCES]

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#. The #bulk# regulations of this Chapter shall also apply to any portion of a #zoning lot# in a #Manufacturing District# that is #developed# or #enlarged# with an open #use#. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# which do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

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

Special regulations applying only in Special Purpose Districts are set forth in Article VIII, IX, X, XI, XII, XIII and XIV.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #bulk# regulations governing M1 Districts shall apply to #community facility#, #commercial# and #manufacturing# #uses#, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) shall apply to #residential uses# authorized pursuant to ~~Section 42-47 (Residential Uses in M1-1D Through M1-5D Districts)~~ Section 42-321 (Residential uses in M1-1D through

M1-5D Districts). M1-6D Districts shall be subject to the #bulk# regulations set forth in Section 43-62.

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #bulk# regulations of an M1 District shall apply to #manufacturing#, #commercial# and #community facility# #uses#, and the #bulk# regulations for an R5 District set forth in Article II, Chapter 3, shall apply to #residential uses#.

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

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

43-02

Street Tree Planting in Manufacturing Districts

[UPDATING CROSS REFERENCES]

M1 M2 M3

In all districts, as indicated, all #developments#, or #enlargements# of 20 percent or more in #floor area#, excluding #developments# or #enlargements# in Use Groups ~~17 or 18~~ 4B, 9B or 10, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# from a #manufacturing# #use# to a #commercial# or #community facility# #use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving: ~~#uses# listed in Use Groups 16B, 16C and 16D.~~

From Use Group 6

#Automotive service stations#

automotive repair and maintenance #uses#

industrial drycleaning and laundry services

From Use Group 9

all #uses#

* * *

43-10

FLOOR AREA REGULATIONS

* * *

**43-12
Maximum Floor Area Ratio**

[UPDATING CROSS REFERENCES]

M1 M2 M3

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

- Section 43-121 (Expansion of existing manufacturing buildings)
- Section 43-122 (Maximum floor area ratio for community facilities)
- Section 43-13 (Floor Area Bonus for Public Plazas)
- Section 43-14 (Floor Area Bonus for Arcades)
- Section 43-15 (Existing Public Amenities for which Floor Area Bonuses Have Been Received)
- Section 43-16 (Special Provisions for Zoning Lots Divided by District Boundaries)
- Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts)
- Section 43-62 (Bulk Regulations in M1-6D Districts)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	1.00
M1-2* M1-4 M2-1 M2-3 M3	2.00
M1-3 M1-5 M2-2 M2-4	5.00
M1-6	10.00

- * In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to 4.0 provided that such additional #floor area# is limited to the following #uses#: ~~photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults~~ repair and maintenance #uses# or industrial drycleaning and laundry services listed in Use Group 6; laboratories listed in Use Group 7; art gallery and studio #uses# listed in Use Group 8; and all #uses# permitted in C8 Districts listed in Use Group 10.

For #zoning lots# containing both #community facility use# and #manufacturing# or #commercial# #use#, the total #floor area# used for #manufacturing# or #commercial# #use# shall not exceed the amount permitted in the table in this Section or by the bonus provisions in Sections 43-13 or 43-14.

Notwithstanding any other provisions of this Resolution, the maximum #floor area ratio# in an M1-6 District shall not exceed 12.0.

* * *

43-123

Floor area increase for an industrial space within a self-service storage facility

[UPDATING CROSS REFERENCES]

In M1-1 Districts in designated areas in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, for any #zoning lot# containing a #self-service storage facility# that meets the requirements of ~~paragraphs (a) or (b)(1) of Section 42-121 (Use Group 16D self-service storage facilities)~~ paragraphs (1) or (2)(i) of Section 42-192 (Use Group 9 – uses permitted with limited applicability), the maximum permitted #floor area# for #commercial# or #manufacturing# #uses# on the #zoning lot# pursuant to the provisions of Section 43-12 (Maximum floor area ratio), inclusive, may be increased by a maximum of 25 percent of the #lot area# or up to 20,000 square feet, whichever is less.

* * *

43-17

Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts

[UPDATING CROSS REFERENCES]

M1-5B

In the district indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the district indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified pursuant to Section 43-171.

However, the minimum size requirement may be replaced by the requirements of Section 15-024 for #joint living-work quarters for artists#:

- (a) for which a determination of #residential# or #joint living-work quarters for artists# occupancy on September 1, 1980, has been made pursuant to ~~Sections 42-14, paragraph D.(1)(f), 42-141 paragraph (b)~~ paragraphs (a)(6) or (c) of Section 42-325 (Use regulations in M1-5B Districts), or Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts); or
- (b) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (c) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

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

In the districts indicated, two or more #buildings# which are separated by individual load-bearing walls and contain #joint living-work quarters for artists#, each of which #building# conforms to the regulations set forth in Section ~~42-14~~ 42-325 may be combined to produce a #lot area# covered by #buildings# in excess of 3,600 square feet.

* * *

43-60

SUPPLEMENTARY REGULATIONS

43-61

Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts

[UPDATING CROSS REFERENCES]

The following regulations shall apply to any #development# or #enlargement# authorized pursuant to Section ~~42-47 (Residential Uses in M1-1D Through M1-5D Districts)~~ 42-321 (Residential uses in M1-1D through M1-5D Districts):

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 4
Accessory Off-Street Parking and Loading Regulations**

**44-00
GENERAL PURPOSES AND DEFINITIONS**

* * *

**44-02
Applicability**

* * *

**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 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);
- (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.

<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 MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

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

such exception including greenhouses, nurseries, or truck gardens; with a minimum of either 10,000 square feet of #floor area# or 15 employees.		
Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC A in Use Group 6	None required 1 per 200 square feet of #floor area#	M1 4 M1 5 M1 6 M2 3 M2 4 M3 2 M1 1 M1 2 M1 3 M2 1 M2 2 M3 1
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 1 per 300 square feet of #floor area# ³	M1 4 M1 5 M1 6 M2 3 M2 4 M3 2 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 1 per 600 square feet of #floor area#	M1 4 M1 5 M1 6 M2 3 M2 4 M3 2 M1 1 M1 2 M1 3 M2 1 M2 2 M3 1
Places of Assembly. #Uses# in PRC D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit	None required 1 per 8 persons rated capacity	M1 4 M1 5 M1 6 M2 3 M2 4 M3 2 M1 1 M1 2 M1 3 M2 1 M2 2 M3 1
Open commercial amusements. #Uses# in PRC E in Use Group 13, or when permitted by special permit ⁵	None required 1 per 500 square feet of #lot area# ⁴	M1 4 M1 5 M1 6 M2 3 M2 4 M3 2 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	See Section 62-43 for parking	

pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed	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 1 per 8 persons rated capacity	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3
#Motels# or #tourist cabins#	1 per guest room or suite	M1
Post offices	None required 1 per 1,200 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Prisons	None required 1 per 10 beds rated capacity	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Refreshment stands, drive-ins	1 per 50 square feet of #floor area# 1 per 100 square feet of #floor area#	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2
Funeral establishments	None required 1 per 400 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
FOR COMMUNITY FACILITY USES		
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	None required 1 per 1,000 square feet of #lot area# used for selling purposes	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4	None required 1 per 300 sq. ft. of #floor area# and #cellar# space ³ , except	M1-4 M1-5 M1-6 M1-1 M1-2 M1-3

	#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 ⁶	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	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

¹ — For predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

² — For predominantly open storage or miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

³ — The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in PRC B1, may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of

Spaces for Ambulatory Diagnostic or Treatment Health Care Facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

- ⁴ In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees
- ⁵ In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements
- ⁶ Requirements are in addition to area utilized for ambulance parking

Parking Requirement Category	PRC - A				PRC - B			C
	A1	A2	A3	A4	B1	B2	B3	
Unit of Measurement	per square feet of #floor area# ¹				per persons-rated capacity			per square feet of #lot area# ^{3,4}
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 200	1 per 300	1 per 300 ²	1 per 600	1 per 8	1 per 8	1 per 10	1 per 500
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required	None required	None required	None required	None required	None required	None required	None required

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

Parking Requirement Category	PRC - D		PRC - E			PRC - F	
	D1	D2	E1	E2	E3	F1	F2
Unit of Measurement	<u>per square feet of #floor area# or per employees⁵</u>		<u>per bed</u>			<u>per guest room or suites</u>	
<u>M1-1 M1-2</u> <u>M1-3 M2-1</u> <u>M2-2 M3-1</u>	<u>1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces</u>	<u>1 per 2,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces</u>	<u>1 per 5⁶</u>	<u>n/a</u>	<u>n/a</u>	<u>1 per 1</u>	<u>1 per 8</u>
<u>M1-4 M1-5</u> <u>M1-6 M2-3</u> <u>M2-4 M3-2</u>	<u>None required</u>	<u>None required</u>	<u>1 per 10⁶</u>				<u>None required</u>

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

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

Parking Requirement Category	PRC - G						
	<u>Agricultural #uses#</u>	<u>Outdoor racket courts</u>	<u>Outdoor skating rinks</u>	<u>Seminaries</u>	<u>#Schools#</u>	<u>Houses of worship</u>	<u>Museums or non-commercial art galleries</u>
Unit of Measurement	<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>	<u>per square feet of #floor area#</u>
<u>M1-1 M1-2</u> <u>M1-3 M2-1</u> <u>M2-2 M3-1</u>	<u>1 per 1,000</u>	<u>1 per 2</u>	<u>1 per 800</u>	<u>1 per 1,000</u>	<u>None required</u>	<u>1 per 15</u>	<u>None required</u>
<u>M1-4 M1-5</u> <u>M1-6 M2-3</u> <u>M2-4 M3-2</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>		<u>None required</u>	

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	<u>per square feet of #floor area#</u>	<u>per square feet of #floor area#</u>	<u>per beds-rated capacity</u>	<u>see Section 62-43</u>	<u>per square feet of #lot area# or per employees</u>	<u>per square feet of #floor area#</u>	<u>per square feet of #floor area#</u>	<u>per square feet of #floor area#</u>
<u>M1-1 M1-2</u> <u>M1-3 M2-1</u> <u>M2-2 M3-1</u>	<u>1 per 600</u>	<u>None required</u>	<u>1 per 10</u>	<u>see Section 62-43</u>	<u>1 per 2,000 or 1 per 3</u>	<u>1 per 1,200</u>	<u>1 per 400</u>	<u>None required</u>
<u>M1-4 M1-5</u> <u>M1-6 M2-3</u> <u>M2-4 M3-2</u>	<u>None required</u>		<u>None required</u>			<u>None required</u>		

* * *

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).

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]

M1 M2 M3

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

District	Number of Spaces
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	15
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	40

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 H~~ 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</u> <u>M2-2 M3-1</u>	<u>15</u>
<u>M1-4 M1-5 M1-6 M2-3</u> <u>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
- (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 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 Hospitals and related facilities* or prisons	First 10,000	±
	Next 290,000	None
	Each additional 300,000 or fraction thereof	±
M1 M2 M3 Funeral establishments	First 10,000	±
	Next 20,000	±
	Any additional amount	±
M1-1 M1-2 M1-4 M2-1 M2-3 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>Services, wholesale,</p>	<p>First 8,000</p> <p>Next 17,000</p>	<p>None</p> <p>‡</p>

<p>#manufacturing# or storage #uses#.</p> <p>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B.</p> <p>All #manufacturing# #uses# listed in Use Group 11A, 17B or 18A.</p>	<p>Next 15,000</p> <p>Next 20,000</p> <p>Each additional 80,000 or fraction thereof</p>	<p>±</p> <p>±</p> <p>±</p>
<p>M1-3 M1-5 M1-6 M2-2 M2-4</p> <p>Services, wholesale, #manufacturing# or storage #uses#.</p> <p>All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B.</p> <p>All #manufacturing# #uses# listed in Use Group 11A, 17B or 18A.</p>	<p>First 15,000</p> <p>Next 25,000</p> <p>Next 40,000</p> <p>Each additional 80,000 or fraction thereof</p>	<p>None</p> <p>±</p> <p>±</p> <p>±</p>

* 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
LRC-A	<p><u>First 8,000 sq. ft. : None</u></p> <p><u>Next 17,000 sq. ft. : 1</u></p> <p><u>Next 15,000 sq. ft. : 1</u></p> <p><u>Next 20,000 sq. ft. : 1</u></p> <p><u>Each additional 80,000 sq. ft. : 1</u></p>	<p><u>First 15,000 sq. ft. : None</u></p> <p><u>Next 25,000 sq. ft. : 1</u></p> <p><u>Next 40,000 sq. ft. : 1</u></p> <p><u>Each additional 80,000 sq. ft. : 1</u></p>
LRC-B	<p><u>First 8,000 sq. ft. : None</u></p> <p><u>Next 17,000 sq. ft. : 1</u></p> <p><u>Next 15,000 sq. ft. : 1</u></p> <p><u>Next 20,000 sq. ft. : 1</u></p> <p><u>Next 40,000 sq. ft. : 1</u></p> <p><u>Each additional 150,000 sq. ft. : 1</u></p>	<p><u>First 25,000 sq. ft. : None</u></p> <p><u>Next 15,000 sq. ft. : 1</u></p> <p><u>Next 60,000 sq. ft. : 1</u></p> <p><u>Each additional 150,000 sq. ft. : 1</u></p>
LRC-C	<p><u>First 25,000 sq. ft. : None</u></p> <p><u>Next 75,000 sq. ft. : 1</u></p> <p><u>Next 200,000 sq. ft. : 1</u></p> <p><u>Each additional 300,000 sq. ft. : 1</u></p>	<p><u>First 100,000 sq. ft. : None</u></p> <p><u>Next 200,000 sq. ft. : 1</u></p> <p><u>Each additional 300,000 sq. ft. : 1</u></p>

<u>LRC-D</u> ¹	<u>First 10,000 sq. ft. : None</u> <u>Next 290,000 sq. ft. : 1</u> <u>Each additional 300,000 sq. ft. : 1</u>
<u>LRC E</u>	<u>First 10,000 sq. ft. : None</u> <u>Next 20,000 sq. ft. : 1</u> <u>Any additional amount : 1</u>

¹ 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 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**

[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**

[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 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

[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>

44-57

Joint Loading Berths Serving Two or More Buildings

[RELOCATING JOINT LOADING BERTH PROVISIONS TO SECTION 44-55]

M1 M2 M3

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

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

44-58

Additional Regulations for Permitted or Required Berths

[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- facturing# or storage #uses# :	with less than 10,000 square feet of #floor area# with 10,000 square feet of #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:

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

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

* * *

**ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2
Non-Conforming Uses**

* * *

**52-20
REPAIRS OR ALTERATIONS**

* * *

**52-22
Structural Alterations**

[UPDATING CROSS REFERENCES]

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**

[UPDATING CROSS REFERENCES]

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**

**52-331
Buildings designed for residential use**

[UPDATING USE REFERENCES]

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**

[UPDATING USE REFERENCES]

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:

From Use Group	To Use Group
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 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

[UPDATING USE REFERENCES]

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

[UPDATING USE REFERENCES]

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:

- (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~~:

From Use Group	To Use Group
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

[UPDATING USE REFERENCES]

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

[UPDATING USE REFERENCES]

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

[UPDATING CROSS REFERENCES]

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 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

[UPDATING USE REFERENCES]

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#.~~

52-43

C1 or C4 Districts

[REMOVING PROVISIONS GIVEN CHANGES TO UNDERLYING USE REGULATIONS]

~~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.

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

[UPDATING CROSS REFERENCES]

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~~ uses in M1-1D ~~Through~~ through M1-5D Districts) and ~~42-48~~ 42-322 (~~Supplemental Use Regulations~~ regulations in M1-6D Districts).

52-50

DAMAGE OR DESTRUCTION

52-51

General Provisions

[UPDATING CROSS REFERENCE]

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 ~~uses in M1-1D Through~~ through M1-5D Districts).

52-60 DISCONTINUANCE

52-61 General Provisions

[UPDATING PROVISIONS PER PROPOSAL]

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

[UPDATING CROSS REFERENCES]

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;
 - (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

[UPDATING USE REFERENCES]

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 Objectionable in Residence Districts

[UPDATING USE REFERENCES]

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-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

[UPDATING CROSS REFERENCES]

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**

[UPDATING CROSS REFERENCE]

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:

- (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.

* * *

**ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 3
Conforming Uses in Violation of Supplementary Use Regulations**

**53-00
GENERAL PROVISIONS**

[UPDATING CROSS REFERENCES]

The provisions of this Chapter shall apply to all conforming #uses# which are in violation of the provisions of Sections ~~32-41 and 32-42~~ 32-40 and 42-50, inclusive, relating to Supplementary Use Regulations, ~~or Sections 32-51 and 32-52, relating to Special Provisions Applying Along District Boundaries, or Sections 42-41, 42-42, 42-44 and 42-45, relating to Supplementary Use Regulations and Special Provisions Applying Along District Boundaries.~~

**53-10
CONTINUATION**

[UPDATING CROSS REFERENCES]

All such conforming #uses# in violation of the supplementary #use# regulations, ~~or of the special provisions applying along district boundaries may be continued,~~ subject to the other provisions of this Chapter.

**53-20
CHANGE OF USE**

[UPDATING CROSS REFERENCES]

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations, ~~or of the special provisions applying along district boundaries,~~ may be changed to another #use#, and the changed #use# need not meet such district regulations, except as set forth herein, provided that such changed #use# shall not create new instances of such violation or increase the amount of violation previously existing.

Any such changed #use# and all #accessory# storage of materials and products shall meet the requirements set forth in Sections 32-41 (Enclosure within Buildings), ~~42-41~~ 42-51 (Enclosure of Commercial or Manufacturing Activities) or ~~42-42~~ 42-52 (Enclosure or Screening of Storage).

53-30**ENLARGEMENTS OR EXTENSIONS**

[UPDATING CROSS REFERENCES]

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations, ~~or of the special provisions applying along district boundaries,~~ may be #enlarged# or #extended#, provided that the #extended# or #enlarged# #floor area# shall not create new instances of such violation or increase the degree of violation previously existing.

**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#

#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

[CLARIFYING APPLICABILITY OF USE PROVISIONS IN OTHER UNDERLYING CHAPTERS]

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

[ALIGNING USE CLASSIFICATION PER PROPOSAL]

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

[ALIGNING USE CLASSIFICATION PER PROPOSAL]

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

[UPDATING REFERENCES]

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.

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

[UPDATING USE REFERENCES PER PROPOSAL]

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).

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

[UPDATING USE REFERENCES PER PROPOSAL]

- (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;
 - (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

[UPDATING USE REFERENCES PER PROPOSAL]

R6 R7 R8 R9 R10

In the districts indicated, any Use Group ~~6 or 9 or 8~~ #use#, ~~listed as set forth~~ 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).

**62-291
Special Provisions in Waterfront Access Plan BK-1**

[UPDATING USE REFERENCES PER PROPOSAL]

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.

**62-30
SPECIAL BULK REGULATIONS**

* * *

**62-33
Special Yard Regulations on Waterfront Blocks**

[UPDATING USE REFERENCES PER PROPOSAL]

#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**

[UPDATING USE REFERENCES PER PROPOSAL]

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.

62-341

Developments on land and platforms

[UPDATING C7 PROVISIONS PER PROPOSAL]

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(1) #Street lines#

For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section 62-354, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(2) #Initial setback distance#

For the purposes of paragraph (c) of this Section, an #initial setback distance# shall be a horizontal distance measured for a depth of 15 feet from a #narrow# #street line# and 10 feet from a #wide# #street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a

widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

(3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (General provisions).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432, shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

- (i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in paragraph (d) of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-621.
- (ii) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height, specified in Table A, by not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of this paragraph, (a)(4)(ii), the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.
- (iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this

paragraph, (a)(4)(iii).

In R6 through R10 Districts, #Commercial Districts#, other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, ~~C7~~ and C8-1 Districts, and #Manufacturing Districts#, other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly.

In C4-1, ~~C7~~, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility# #uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly.

In all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning# #lot line#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 ~~C7~~ C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

(1) #Buildings# containing #residences#

- (i) In R1 and R2 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, no #building# containing #residences#, except for a #predominantly# #community facility building#, shall exceed a height of 35 feet.
- (ii) In R3, R4 and R5 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for #predominantly# #community facility buildings#.

(2) #Predominantly# #community facility buildings#

The underlying height and setback regulations shall not apply. In lieu thereof, any

portion of a #predominantly# #community facility building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However, within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.

(3) #Buildings# containing #commercial# #uses#

The underlying height and setback regulations for #commercial# #uses# are modified as follows: no #building# containing #commercial# #uses# shall exceed a height of 30 feet, except for #mixed buildings# as set forth in paragraph (b)(1) of this Section or #predominantly# #community facility buildings# as set forth in paragraph (b)(2) of this Section.

(4) Other structures

All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, €7, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

(c) Medium and high density non-contextual districts

R6 R7 R8 R9 R10

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 €7 C8-2 C8-3 C8-4

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

Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

* * *

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS*

District	Maximum Height (in feet)	
	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6 C1 or C2 mapped within R6 C7 C8-2 C8-3 M1-2 M1-4 M2-1 M2-3 M3	60	110
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C4-3 C4-4 C4-5	60	135
R7-3 C1 or C2 mapped within R7-3 C8-4 M1-3 M1-5 M2-2 M2-4	65	185
R8 C1 or C2 mapped within R8 C1-7 C6-1 C6-2	70	210
R9 C1 or C2 mapped within R9 C1-8 C2-7 C6-3	80	225
R9-1 C1 or C2 mapped within R9-1	90	280
R10 C1 or C2 mapped within R10 C1-9 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6	110	350

* -----
For #predominantly# #community facility buildings#, the applicable regulations shall be determined from Table B of this Section

* * *

(e) C7 Districts

In the districts indicated, the height and setback regulations of Section 33-46 (Height and Setback Provisions for C7 Districts) shall apply.

* * *

**62-343
Developments on floating structures**

[UPDATING C7 PROVISIONS PER PROPOSAL]

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

Chimneys, flues or stacks;

Flagpoles, aerials or masts;

Parapet walls or safety enclosures, not more than four feet high; and

Wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section 62-834 shall not exceed the height limits set forth in Column A of the table in this Section, except for navigational vessels being repurposed as #floating structures# in accordance with such special permit provisions. Such repurposed vessels shall be subject to the height limits set forth in Column B of the table.

HEIGHT LIMITS FOR FLOATING STRUCTURES

Column A Column B

#Residential District#	#Commercial District#	#Manufacturing District#	Maximum Structure Height	Maximum Height of Repurposed Vessels
R1 thru R5	C1 or C2 mapped in R1 thru R5	-	23 ft.	40 ft.
R6	C3 C1 or C2 mapped in R6	M1-1 M1-2 M1-4	40 ft.	60 ft.
	C4-1	M2-1 M2-3		
	<u>C7-1 C7-2</u>	M3-1 M3-2		
	C8-1 C8-2 C8-3			
R7 R8	C1 or C2 mapped in R7 or R8	M1-3 M1-5 M2-2 M2-4	50 ft.	70 ft.
	C1-6 C1-7			
	C2-6			
	C4-2 C4-3 C4-4 C4-5			
	C6-1 C6-2			
	<u>C7-3 C7-4</u>			
	C8-4			
R9 R10	C1 or C2 mapped in R9 or R10	M1-6	60 ft.	150 ft.
	C1-8 C1-9			
	C2-7 C2-8			

C4-6 C4-7

C5

C6-3 C6-4 C6-

5 C6-6 C6-7

C6-8 C6-9

C7-5 C7-6

C7-7 C7-8

C7-9

* * *

62-40

SPECIAL PARKING AND LOADING REGULATIONS

* * *

62-43

Parking Requirements for Commercial Docking Facilities

[UPDATING C7 PROVISIONS PER PROPOSAL]

#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# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-462.

#Accessory# off-street parking or drop-off and pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-821.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	Districts	Number of Required Parking Spaces
-------------------------------	-----------	--------------------------------------

Vessels not otherwise listed	M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees whichever is less
	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required

* For sightseeing, excursion, sport fishing or passenger ocean vessels, "p" is the sum of the maximum capacities of all such vessels using a dock. The maximum capacity of each vessel is its U.S. Coast Guard certified capacity

For ferries, "p" is the total ferry passenger load of a dock on weekdays between the hours of 6:00 a.m. and 9:00 a.m., as determined by the N.Y.C. Department of Transportation

For docks serving both above categories of vessels, the number of parking spaces required shall be the sum of the number of spaces required for each category

** By City Planning Commission special permit only for ferries or passenger ocean vessels in districts indicated

* * *

**62-45
Supplementary Regulations for All Parking Facilities**

* * *

**62-453
Screening requirements for parking facilities on waterfront blocks**

[UPDATING USE REFERENCES PER PROPOSAL]

- (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 ~~16, 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**

[UPDATING USE REFERENCES PER PROPOSAL]

#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 ~~16, 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

#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

[UPDATING USE REFERENCES PER PROPOSAL]

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;

#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# Use Groups ~~16, 17 or 18~~ 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

[UPDATING USE REFERENCES PER PROPOSAL]

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;

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

[UPDATING USE REFERENCES PER PROPOSAL]

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, C7 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**

* * *

**62-823
Modification of use regulations in C3 Districts**

[UPDATING USE REFERENCES PER PROPOSAL]

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**

[UPDATING USE REFERENCES PER PROPOSAL]

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

[UPDATING CROSS REFERENCE PER PROPOSAL]

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).~~

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

[UPDATING USE REFERENCES PER PROPOSAL]

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 ~~16, 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.

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 3
Special Regulations Applying to FRESH Food Stores**

**63-00
GENERAL PURPOSES**

* * *

**63-01
Definitions**

[UPDATING USE REFERENCES]

FRESH food store

A “FRESH food store” is a ~~food store #use#~~ grocery and convenience retailer or specialty food retailer, as listed in ~~Section 32-15 (Use Group 6)~~ Use Group 6, where at least 6,000 square feet of ~~#floor area#~~, or ~~#cellar#~~ space utilized for retailing, is allocated to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption. Such retail space shall be distributed as follows:

- (a) at least 25 percent of such retail space shall be allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;
- (b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and
- (c) at least 6,000 square feet of such retail space shall be located on one ~~#story#~~.

A food store shall be certified as a ~~#FRESH food store#~~ by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

* * *

**63-10
SPECIAL USE REGULATIONS**

63-11

Special Use Regulations for FRESH Food Stores in M1 Districts

[UPDATING USE REFERENCES]

In M1 Districts, the regulations of Section ~~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)~~ 42-162 (Use Group 6 – uses subject to size limitations) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit ~~Use Group 6A food stores~~ grocery and convenience retailer or specialty food retailer, as listed in Use Group 6, with #floor area# greater than 30,000 square feet.

* * *

63-20

SPECIAL BULK AND PARKING REGULATIONS

* * *

63-23

Special Transparency Requirements

[UPDATING STREETSCAPE RULES PURSUANT PROPOSAL]

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a ~~#primary street frontage#~~ #primary frontage# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #building# is a recipient of #public funding#. For the purposes of this Section, defined terms shall include those in Sections 12-10, 23-911 and 37-311.

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 4
Special Regulations Applying in Flood Zones**

* * *

**64-10
GENERAL PROVISIONS**

**64-11
Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

* * *

[UPDATING TERM PER TEXT IN SECTION 37-30]

Primary street frontage

For the purposes of applying the provisions of Section 64-322(c), a “primary street frontage” shall include:

- (a) in #Commercial Districts#, frontages that meet the criteria for a “primary ~~street~~ frontage” as defined in Section 37-311;
- (b) in M1 Districts paired with #Residence Districts#, frontages along:
 - (1) #wide streets#;
 - (2) #narrow streets# within 50 feet of a #wide street#; and
 - (3) #narrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and
- (c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

* * *

**64-12
Applicability**

[UPDATING CROSS REFERENCES]

The optional provisions of this Chapter shall apply to #zoning lots# located wholly or partially within #flood zones#, as follows:

- (a) For all #zoning lots# in the #flood zone#

The provisions of Sections ~~64-21 (Special Use Regulations for All Buildings)~~, 64-31 (Special Bulk Regulations for All Buildings) and 64-41 (Special Parking Regulations for All Buildings), inclusive, may be applied to all #zoning lots#, regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

- (b) For #zoning lots# containing #flood-resistant buildings#

The provisions of Sections ~~64-22 (Special Use Regulations for Flood-resistant Buildings)~~ 64-20 (SPECIAL USE REGULATIONS), 64-32 (Special Bulk Regulations for Flood-resistant Buildings), 64-42 (Special Parking Regulations for Flood-resistant Buildings), and 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), inclusive, may be applied only to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#, as applicable, and Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings) may additionally be applied exclusively to #zoning lots# containing #cottage envelope buildings#. Where such provisions are utilized, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

- (c) For portions of #buildings#

The following provisions may be applied to portions of #buildings# as follows:

- (1) the provisions of Section 64-311 (Special floor area modifications for all buildings) and 64-313 (Special height and setback regulations for all buildings) may be applied to portions of #buildings#, regardless of whether such portions comply with #flood-resistant construction standards#;
- (2) the provisions of Section 64-32 (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to portions of #buildings#, provided that such portions comply with #flood-resistant construction standards# for the entirety of its vertically contiguous segments. Where such provisions are utilized within portions of #buildings#, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

64-20 SPECIAL USE REGULATIONS

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section 64-21 (Special Use Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section 64-22 (Special Use Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

64-21 Special Use Regulations for All Buildings

[INCORPORATING PROVISIONS IN SECTION 32-42]

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-211 Limitation on floors occupied by commercial uses

C1-C2

For the purposes of this Section, in the districts indicated, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) may be modified to allow #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 to occupy the lowest two #stories# of a #mixed building#, provided that such #mixed building# contains no #basement# or #cellar#. In addition, such #uses# listed in Use Group 6, 7, 8, 9 or 14 may occupy the same #story# occupied in whole or in part by #dwelling units#, provided that the #uses# are located in a portion of the #mixed building# that has a separate access to the #street# with no direct access to the #residential# portion of the #building# at any #story#.

64-22 Special Use Regulations for Flood-resistant Buildings

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

~~64-221~~

64-21

Measurement of height

In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#. However, this provision shall not apply to #signs# not affixed to #buildings or other structures#.

~~64-222~~

64-22

Ground floor use

In all districts, any applicable ground floor level requirements of this Resolution including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements, may be modified as follows:

- (a) In locations of the #flood zone# where #flood-resistant construction standards# prohibit dry-flood-proofing, thereby limiting #uses# other than parking, storage and building access from being located below the #flood-resistant construction elevation#, such ground floor level requirements need not apply.
- (b) In all other locations of the #flood zone#, all regulations of this Resolution restricting the location of a ground floor in relation to the adjoining sidewalk level need not apply, provided that all other ground floor level regulations shall be applied to the lowest #story# above grade that is not solely used for parking, storage or building access, and further provided that the finished floor level of such #story# shall be located either at or below the level of the #flood-resistant construction elevation# or five feet above #curb level#, whichever is higher. All associated transparency requirements may be measured from such level of the finished floor instead of the level of the adjoining sidewalk.

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 6
Special Regulations Applying Around Mass Transit Stations**

**66-10
GENERAL PROVISIONS**

* * *

**66-11
Definitions**

[CLARIFYING APPLICABILITY IN NEW C7 DISTRICTS]

* * *

Eligible zoning districts

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

- (a) R5D, R6, R7, R8, R9 or R10 Districts;
- (b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;
- (c) C7 or C8 Districts
- ~~(e)~~(d) M1 Districts paired with R6 through R10 Districts; or
- ~~(d)~~(e) #Manufacturing Districts#.

* * *

**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

[UPDATING USE REFERENCES]

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.

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

[REMOVING OBSOLETE PROVISIONS THAT ARE BEING REPLACED BY THE PROVISIONS OF SECTION 32-42]

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#.~~

* * *

**66-23
Special Bulk Regulations**

* * *

**66-233
Special street wall modifications**

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

- (a) #Street wall# location where an #easement volume# is provided

~~For #Quality Housing buildings#, the underlying~~ The applicable #street wall# location provisions shall be modified pursuant to this paragraph.

- (1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.
- (2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as

measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

- (b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

**66-234
Special height and setback modifications**

[APPLYING HEIGHT RELIEF TO NEW C7 DISTRICTS]

The height and setback modifications of this Section shall apply as follows:

* * *

- (c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts

In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, C7 Districts, M1 Districts paired with R6 through R10 Districts, and M1-6 Districts, where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, C7 Districts, M1 Districts paired with R7 through R10 Districts, and M1-6 Districts, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

* * *

66-24

Special Regulations for Accessory Off-Street Parking

[APPLYING PARKING WAIVER PROVISIONS TO NEW C7 DISTRICTS]

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

* * *

(b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

District	Lot Area (in square feet)
R5 R5D	10,000 or less
C1-1 C2-1 C3 C4-1	
C1-2 C2-2 C4-2 C8-1	
C1-3 C2-3 C4-2A C4-3 C7 C8-2	
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	
R6 R7 R8 R9 R10	15,000 or less
C1-4 C2-4 C4-4 C4-5D C8-3	
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 <u>C7</u> C8-4	
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	

* * *

**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.
- (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 shall deny the application for renewal.
- ~~(g)~~(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

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.~~

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
- (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.;
- (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]

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~~
- (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]

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

[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 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.

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.

73-14
~~Public Service Establishments~~
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 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;
- (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.

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 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 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 (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 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 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 though 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 enclosed lubritorium 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 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

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]

~~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:
 - (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;
- (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]

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
- (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]

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

73-211
Location in C2, C4, C6 or C7 Districts
Production uses

[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#;~~
- (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 lubritorium 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 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]

~~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~~

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]

~~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.

* * *

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 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 M1-1 M1-2 M1-3 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 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

- (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

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.

* * *

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 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 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]

74-12
Residences

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 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

[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 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.

[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
 - (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.

74-149

Seaplane bases

[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#.

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**

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:
 - (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

74-171

Laboratories

[MOVING FROM SECTION 74-48. EXPANDING APPLICABILITY. MOVING BULK MODIFICATIONS TO SECTION 74-901]

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.

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).

(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

74-181

Recreation, entertainment, and assembly space uses

[NEW SPECIAL PERMIT, PER PROPOSAL]

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.

- (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.

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 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 6, 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 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.

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#.

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

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 74-06]

~~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~~
- (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;
- (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), 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 (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.

74-513

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 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;~~
- ~~(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#.~~
- (e) ~~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 6, 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 32-422 (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~~

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)~~(1) 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 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

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)(e), 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

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

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

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 (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 6;

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).~~

* * *

**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:

- (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
- (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.

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

**ARTICLE VII
ADMINISTRATION**

**Chapter 8
Special Regulations Applying to Large-Scale Residential Developments**

**78-00
GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS**

* * *

**78-06
Ownership**

[UPDATING USE REFERENCE]

- (a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto, in accordance with the provisions of this Chapter, shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. Except as otherwise provided in this Section, no authorization or special permit or modification thereto, shall be granted for such #large-scale residential development# unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 for all #zoning lots# comprising the #large-scale residential development#) of, or executed a binding sales contract for, all of the property comprising such tract.
- (b) Notwithstanding the provisions of paragraph (a) of this Section, the following actions shall be permitted:
 - (1) When a #large-scale residential development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and may be granted authorizations or special permits under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth in paragraph (a) of this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.
 - (2) In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large-scale residential development#, if located in a former

urban renewal area listed in this paragraph, (b)(2), may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5) of this Section.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	7	West Side URA

- (3) The owner(s) of a developed parcel(s) within a #large-scale residential development# located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel(s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available #floor area# for #commercial# or #community facility# #uses#, subject to the conditions of paragraph (b)(5) of this Section and provided further that:
 - (i) no #residential use# existing prior to July 23, 2008, located above the level of the ground floor may be changed to a non-#residential use#;
 - (ii) the #enlarged# portion of the #building# shall be restricted to #community facility# #uses# and #commercial# #uses# listed in ~~Use Groups 6A, 6C and 6F~~ Use Group 6, provided that any ground floor #community facility# #use#, and any bank or loan office shall occupy not more than 25 feet of the #wide street# frontage, measured to a depth of 30 feet from the #wide# #street line#, and no #community facility# #use# shall be permitted above the level of the second #story# ceiling;

* * *

**78-20
USE REGULATIONS**

* * *

**78-22
Accessory Uses in Large-Scale Residential Developments**

[UPDATING USE REFERENCE]

A #large-scale residential development# in a #Residence District# may contain as #accessory# #uses#, any #commercial# #uses# listed in Use Group ~~6A or 6F~~ 6 which in the aggregate occupy not more than two percent of the total #floor area# in the #large-scale residential development#, and of which no single establishment occupies more than 15,000 square feet of #floor area#, provided that upon a review of the site plan, the City Planning Commission finds that such #commercial# #uses#:

- (a) will be primarily for the use of the residents of the #large-scale residential development# and will provide more convenient shopping for such residents;
- (b) are so located as to minimize interference with #residential# or recreational areas within the #large-scale residential development# and to avoid creation of traffic congestion or other objectionable influences affecting #residences# outside the #large-scale residential development#;
- (c) comply with all the applicable #bulk# and off-street parking and loading regulations for such #accessory# #commercial# #uses#, as set forth in Article II, Chapters 3 and 5; and
- (d) conform to those provisions of the following Sections which are applicable to #commercial# #uses# in C1 Districts:

Section 32-41 (Enclosure Within Buildings)

Section 32-42 (Location Within Buildings)

Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

* * *

78-24
Special Permits

78-241
~~Waterfront and related commercial uses~~
Location of commercial uses

[REMOVING REDUNDANT PROVISIONS GIVEN UPDATES
IN ARTICLE III, CHAPTER 2; RELOCATING 78-242 HERE]

~~For any #large-scale residential development# in a C4 District, the City Planning Commission may, by special permit, modify applicable district regulations to allow #uses# listed in Use Group 14A, not otherwise allowed in such district, provided that:~~

- (a) ~~the #uses# are appropriate for the location and blend harmoniously with the rest of the #large-scale residential development#; and~~
- (b) ~~the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the #large-scale residential development#.~~

For any #large-scale residential development#, the City Planning Commission, by special permit, may allow #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) when terracing is required because of unusual topographic conditions in a #large-scale residential development# having a minimum area of 20 acres.

78-242

Location of commercial uses

~~For any #large-scale residential development#, the City Planning Commission, by special permit, may allow #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) when terracing is required because of unusual topographic conditions in a #large-scale residential development# having a minimum area of 20 acres.~~

78-30

BULK REGULATIONS

* * *

78-34

Special Permit Provisions for Certain Large-scale Developments

[UPDATING CROSS REFERENCE]

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may make modifications in the #open space ratio#, #residential# #floor area ratio# and density regulations, pursuant to the provisions of Section 78-35 (Special Bonus Provisions), if the Commission finds that:

- (a) throughout the #large-scale residential development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces# and preservation of important natural features to a greater degree than would be possible or practical for a development composed of similar types built in strict compliance with the applicable district regulations;
- (b) the public facilities and utilities in the area are adequate to meet the needs of the #large-scale residential development# or that needed additional facilities will be provided as a part of the #large-scale residential development# by the developer or owner;
- (c) the #large-scale residential development# complies with the provisions of Section 78-351 (Common open space and good site plan); and
- (d) a #large-scale residential development# having an area of four acres or more complies with the provisions of Section 78-352 (Bonus for community facility space).

If the Commission determines that a proposed #large-scale residential development# containing not more than 250 #dwelling units# does not require #community facility# space, finding (d) shall be waived and the provisions of Section 78-352 made inapplicable. In making its determination, the Commission shall give due consideration to a recommendation from the Community Board within which the proposed #large-scale residential development# is located.

If a site for a fire or police station is provided within the Community District in which a #large-scale residential development# is to be located, which site has been donated in fee to the City, selected as a site pursuant to Section 218 (Site Selection) of the New York City Charter and, if applicable, approved under the provisions of Section ~~74-67 (Fire or Police Stations)~~ 74-141 (Fire or police stations), the Commission may waive finding (d), provided that the #community facility# requirements contained in Section 78-352 are determined to be unnecessary.

Any #large-scale residential development# which qualifies for a bonus in accordance with this Section and the applicable provisions of Section 78-35 shall be eligible for any modifications permitted under Sections 78-311 (Authorizations by the City Planning Commission) or 78-312 (Special permits by the City Planning Commission) provided the findings of Section 78-313 (Findings) are satisfied.

* * *

**ARTICLE VII
ADMINISTRATION**

**Chapter 9
Special Regulations Applying to Large-Scale Community Facility Developments**

* * *

**79-40
SPECIAL PERMIT PROVISIONS**

* * *

**79-42
Special Permit for Non-profit Hospital Staff Dwelling Buildings**

[UPDATING USE REFERENCE]

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

- (a) Temporary occupancy of #dwelling units# by outpatients of the non-profit or voluntary hospital or by families visiting hospitalized patients provided the following findings are made:
 - (1) that the density and transient nature of the population housed in such #dwelling units# will not impair the essential character, future use or development of the surrounding area; or impair the security of the hospital staff residing in the #building#;
 - (2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
 - (3) that the number of such #dwelling units# so occupied is less than 50 percent of the total number of #dwelling units# in the #building#.

- (b) Ambulatory diagnostic or treatment health care facilities listed in ~~Use Group 4~~ Use group 3B on the third floor of such #buildings# in C1 Districts, provided the following findings are made:
 - (1) that such facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;

- (2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (3) that such #use# will not impair the essential character, future use or development of the surrounding area;
- (4) that such #use# will not produce any adverse effects which interfere with the appropriate use of land in the districts or in any adjacent district; and
- (5) that separate access to the outside is provided.

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

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**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Midtown District**

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**81-00
GENERAL PURPOSES**

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**81-01
Definitions**

For the purposes of this Chapter, matter in *italics* is defined in Sections 12-10, 32-301, 81-261, 81-271 or 81-613 (Definitions).

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**81-10
USE REGULATIONS**

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**81-12
Special Retail Continuity Requirements**

Special requirements for allocation of frontage to retail and service *uses* along designated *streets* are set forth in Section 81-42 (Retail Continuity Along Designated Streets).

**81-13
Special Permit Use Modifications**

[UPDATING CROSS REFERENCES]

No special permits shall be issued by the Board of Standards and Appeals for *automotive service stations* pursuant to ~~Section 73-21~~ Section 73-163, for any *zoning lots* with frontage on any of the *streets* designated in Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets).

No other special permit *use* within the *Special Midtown District* shall be granted by the Board of Standards and Appeals pursuant to Section 73-10 (SPECIAL PERMIT USES) or by the

City Planning Commission pursuant to ~~Section 74-30 (SPECIAL PERMIT USES)~~ Section 74-10 through 72-20, inclusive, without a finding that such special permit #use# will be consistent with the purposes and provisions of this Chapter.

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**81-30
OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS**

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**81-40
MANDATORY DISTRICT PLAN ELEMENTS**

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**81-42
Retail Continuity Along Designated Streets**

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

For ~~#buildings# #developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 3), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for:~~

- (a) lobby space or entrance space;
- (b) entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);
- (c) one or more of the following pedestrian circulation spaces subject to the #street wall# continuity requirements of Section 81-43 (Street Wall Continuity Along Designated Streets):
 - (1) relocated subway stairs provided in accordance with Sections 37-40 and 81-46 (Off-street Relocation or Renovation of a Subway Stair);
 - (2) through #block# connections provided in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); and

- (3) off-street improvements of access to rail mass transit facilities provided in accordance with Section 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility).

Except as provided in the following sentence, in no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed the lesser of 40 feet or 25 percent of the #building's# total #street# frontage exclusive of any frontage occupied by a relocated subway stair, a through #block# connection, an off-street improvement of access to rail mass transit facility or the entrance area to a bonused subway station improvement. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 20 feet.

Storefronts for the permitted ground floor #uses# shall be not more than 10 feet from the #street line# or, where an arcade is provided with supporting columns at the #street line#, not more than 10 feet from the supporting columns.

Access to each retail, personal service or amusement establishment required under this Section shall be provided directly from the designated retail #street#. Where more than one entrance is provided to the establishment, direct access from the designated retail #street# shall be provided via the entrance with the greatest aggregate clear opening width. At least 50 percent of the #street wall# surface of each required establishment shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#. For the purpose of this glazing requirement, the establishment's #street wall# surface shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

Special #use# regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

Special ground level and entertainment related #use# regulations apply to #zoning lots# located within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), and such #zoning lots# shall meet the ground level and entertainment related #use# requirements of Section 81-72 (Use Regulations Modified).

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 3 (Retail and Street Wall Continuity) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

Additional regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

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81-50

SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

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81-531

Special retail frontage requirements

[UPDATING TO REFLECT UNDERLYING TRANSPARENCY RULES]

The provisions of Section 81-42 (Retail Continuity Along Designated Streets) shall apply within the Penn Center Subdistrict ~~However, the requirement that at least 50 percent of the #street wall# surface of each ground floor establishment be glazed with clear, untinted, transparent material, and not more than 50 percent of such transparent surface be painted or obstructed with #signs# shall not apply to any informational #signs# or marquees provided to identify rail mass transit or subway entrances in accordance with Section 81-52 (Sign Regulations), except that any~~ underlying transparency requirement shall not apply to any informational #signs# or marquees provided to identify rail mass transit or subway entrances in accordance with Section 81-52 (Sign Regulations).

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81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

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81-62

Special Use Provisions

81-621

Location of uses in mixed buildings

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

~~For #mixed buildings# #developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential# #uses#, provided that no access exists between such #uses# at any level above the ground floor:~~

~~open or enclosed observation decks;~~

~~open or enclosed publicly accessible spaces;~~
~~eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;~~
~~bowling alleys, as listed in Use Group 8A and 12A;~~
~~theaters, as listed in Use Group 8A;~~
~~commercial art galleries, as listed in Use Group 6C;~~
~~#health and fitness establishments#, as listed in Use Groups 6C and 9A;~~
~~wedding chapels and banquet halls, as listed in Use Group 9A;~~
~~enclosed skating rinks, as listed in Use Group 12A; and~~
~~swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#.~~

For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

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**81-67
Special Mandatory District Plan Element Requirements**

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**81-674
Ground floor use provisions**

(a) Within the Vanderbilt Corridor Subarea

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(e) ~~Along #narrow streets# of #qualifying sites# in the Grand Central Core Area~~

[REMOVING TO REFLECT STREETScape PROVISIONS IN SECTION 81-42]

~~For #buildings# #developed# or, where permitted, #enlarged# on the ground floor on #qualifying sites# in the Grand Central Core Area, as shown on Map 2, a minimum of 50 percent of a #building's# ground floor level #street wall# frontage along a #narrow street# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations, but not including #uses# in Use Groups 6B, 6E,~~

~~7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Such ground floor level retail, personal services or amusement #uses# shall comply with the transparency provisions of Section 81-42.~~

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81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

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81-72
Use Regulations Modified

81-721
~~Required use allocations on street frontages~~

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

~~#Uses# located on the ground floor or entered by stairs from a sidewalk entry, except for #uses# with no #street# frontage and accessible only through a lobby, shall be limited as follows:~~

- ~~(a) On any #wide street#, at least 80 percent of any #wide street# #front lot line# ground level frontage shall be allocated to #uses# indicated in Section 81-722 (Use Group T).~~
- ~~(b) On any #narrow street#, at least 50 percent of any #narrow street# #front lot line# ground level frontage shall be allocated to #uses# indicated in Section 81-722.~~
- ~~(c) For #zoning lots# between 43rd and 50th Streets with #street# frontage on Broadway and/or Seventh Avenue, at least 50 percent of any length of #narrow street# #front lot line# ground level frontage within 100 feet of Broadway or Seventh Avenue shall be allocated to #uses# permitted only on #wide street# frontages in Section 81-722.~~

~~Where a stairway entrance into a subway is relocated onto a #zoning lot# pursuant to Section 81-46 (Off-street Relocation or Renovation of a Subway Stair), up to, but not more than, 40 feet of the #narrow street# #front lot line# ground level frontage occupied by that stairway may be excluded from the length of #narrow street# frontage to which the requirements of this Section apply.~~

81-722
Use Group T

[REMOVING TEXT TO ALIGN WITH UNDERLYING PROPOSAL]

The following ~~#uses#~~ are subject to the limitations on location and ~~#floor area#~~ of the underlying zoning district:

~~#Uses#~~ marked with an asterisk (*) are allowed only on ~~#narrow street#~~ frontages.

~~#Uses#~~ marked with double asterisks (**) are allowed only on floors other than the ground floor.

~~#Uses#~~ marked thus (***) qualify as ~~#uses#~~ satisfying the requirements of Section 81-724 (Requirements for entertainment related uses).

~~#Use#~~

~~Ambulatory diagnostic or treatment health care facilities listed in Use Group 4~~

~~Antique stores~~

~~#Apartment hotels#—lobby space is limited to 20 percent of total #zoning lot# frontage on #wide streets#~~

~~Appliance, repair shops—not permitted in C5 Districts~~

~~Appliances, sales~~

~~Art galleries, commercial~~

* ~~Art galleries, non-commercial~~

~~Art metalcraft shops~~

~~Art needlework~~

~~Artists' supply stores~~

~~Athletic goods stores~~

*** ~~Auditoriums~~

* ~~Automobile rental establishments—not permitted in C5 Districts~~

~~Bakeries~~

~~Banks—limited to 15 percent of total #zoning lot# frontage on #wide streets#~~

* ~~Banquet halls~~

** ~~Barber shops~~

** Beauty parlors

~~Bicycle stores, rental or repair— not permitted in C5 Districts~~

~~Bicycle stores, sales~~

* ~~Blueprinting establishments~~

* ~~Boarding houses~~

~~Book stores or card stores~~

* ~~Bowling alleys— not permitted in C5 Districts~~

** ~~Business machines, small shops, rental, repairs, sales~~

** ~~Business schools or colleges~~

~~Candy stores~~

~~Carpet, rug, linoleum or other floor covering stores~~

* ~~Catering establishments~~

~~Cigar stores~~

~~Clock or watch stores or repair shops~~

~~Clothing rental establishments~~

~~Clothing stores~~

* ~~Clubs, non-commercial~~

~~Coin stores~~

* ~~Colleges or universities~~

* ~~Community centers~~

* ~~Convents~~

*** ~~Costume rental establishment~~

** ~~Dance halls, public— not permitted in C5 Districts~~

~~Delicatessen stores~~

~~Dressmaking shops, custom~~

~~Drug stores~~

* ~~Dry cleaning establishments~~

~~Dry goods or fabric stores~~

~~Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less in C5 Districts, without restrictions in C6 or M1 Districts~~

*** ~~Eating or drinking places where there is entertainment or dancing in C6 Districts.~~

* ~~Fire stations~~

~~Fishing tackle or equipment, stores or rental establishments~~

~~Florist shops~~

~~Food stores, including supermarkets, grocery stores, markets or delicatessen stores~~

~~Furniture stores~~

~~Furrier shops, custom~~

~~Gift shops~~

~~Hair products for headwear~~

~~Hardware stores~~

~~#Health and fitness establishments#~~

~~Historical exhibits not permitted in C5 Districts~~

~~Hotels, where permitted pursuant to Section 32-02 (Special Provisions for Hotels) lobby space limited to 20 percent of total #zoning lot# frontage on #wide streets#~~

* ~~Household appliance repair shops not permitted in C5 Districts~~

* ~~Houses of worship~~

~~Ice cream stores~~

* ~~Institutions, philanthropic or non-profit~~

~~Interior decorating establishments~~

~~Jewelry shops~~

~~Leather goods or luggage stores~~

* ~~Libraries~~

~~Locksmith shops~~

~~Luggage stores~~

* ~~Meeting halls~~

~~Millinery shops~~

*** ~~Motion picture production studios~~

* ~~Museums~~

*** ~~Music stores~~

*** ~~Musical instruments, repair~~

~~Newsstands, enclosed~~

~~Office or business machine stores, sales or rental~~

~~Offices—only lobby space is permitted at grade on #wide street# frontages; lobby is limited to 20 percent of total #zoning lot# frontage on #wide streets#~~

~~Optician or optometrist establishments~~

~~Orthopedic stores~~

~~Paint stores~~

* ~~Parish houses~~

* ~~Parks, public or private~~

~~#Parking lots, public# and #parking garages, public#, subject to the provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS)~~

Pet shops

* ~~Phonographic repair shops — not permitted in C5 Districts~~

Photographic developing or printing establishments

Photographic equipment stores

Photographic studios

Photographic supply stores

* ~~Photostatting establishments~~

Picture framing stores

* ~~Police stations~~

* ~~Post offices~~

* ~~Printing establishments~~

* ~~Radio appliance repair — not permitted in C5 Districts~~

*** ~~Record stores~~

* ~~Recreation centers, non-commercial~~

* ~~Rectories~~

~~#Residences# — only lobby space is permitted at grade on #wide streets#; lobby space is limited to 20 percent of total #zoning lot# frontage on #wide streets#~~

* ~~Rooming houses~~

* ~~#Schools#~~

* ~~Settlement houses~~

~~Sewing machine stores, selling household machines~~

* ~~Shoe repair shops~~

Shoe stores

* ~~Sign painting shops— not permitted in C5 Districts~~

* ~~Skating rinks, indoor— not permitted in C5 Districts~~

* ~~Skating rinks, outdoor ice~~

~~Sporting goods stores~~

~~Stamp stores~~

~~Stationery stores~~

* ~~***Studios, music, dancing or theatrical~~

* ~~***Studios, radio or television~~

* ~~Table tennis halls— not permitted in C5 Districts~~

~~Tailor shops, custom~~

~~Telegraph offices~~

* ~~Television repair shops— not permitted in C5 Districts~~

~~*** Theater— 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 entrance to a public toilet— not permitted in C5 Districts~~

~~*** Ticket sales~~

~~Tobacco stores~~

~~Tour operators~~

~~Toy stores~~

* ~~Trade or other schools for adults~~

~~Travel expositions— not permitted in C5 Districts~~

~~Travel bureau— limited to 15 percent of total #zoning lot# frontage on #wide streets#~~

~~Typewriter stores~~

~~* Typewriter or other small business machine
repair stores~~

~~Variety stores~~

~~Wallpaper stores~~

~~* Wholesale establishments~~

~~* Wholesale offices or showrooms~~

81-723

81-721

Special ground floor street frontage restrictions

[REMOVING AS COVERED BY UNDERLYING STREETSCAPE PROVISIONS]

~~No single establishment shall have a #wide street# #front lot line# ground level frontage of less than 10 feet.~~

~~The following requirements apply to #wide street# #front lot line# ground level frontages and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Broadway and/or Seventh Avenue, #narrow street# #front lot line# ground level frontages within 100 feet of Broadway or Seventh Avenue:~~

[REMOVING TEXT FROM CERTAIN PARAGRAPHS WHERE STREETSCAPE REGULATIONS WILL ADDRESS]

~~(a) Any length of #front lot line# ground level #street# frontage of a #zoning lot# devoted to banks and travel bureaus shall not constitute in total more than 15 percent of any such #front lot line# ground level #street# frontage.~~

~~(b)~~

~~Each establishment along a designated #street# frontage shall be located within 10 feet of the #lot line# on which it is required to front for the full length of the frontage of that establishment, except that, where a #street wall# recess at #curb level# permitted under Section 81-43 (Street Wall Continuity Along Designated Streets) extends a greater distance from the #lot line#, the length of frontage of any establishment adjoining that recess may be located at an equal, but not greater, distance from the #lot line#.~~

~~(c) Lobby space shall not comprise more than 20 percent of any such #front lot line# ground level #street# frontage. In addition, a lobby frontage on any such #front lot line# ground level #street# frontage need not be less than 15 feet.~~

- (d) ~~#Uses# with no #street# frontage and which are accessible only through a lobby shall not be restricted to Use Group T #uses#.~~

81-724

81-722

Requirements for entertainment-related uses

[UPDATING CROSS REFERENCES & REMOVING MENTIONS OF USE GROUP T AS UNDERLYING WILL NOW APPLY]

With the exception of a #development# or #enlargement# in which more than 50 percent of the new #floor area# is allocated to #transient hotel# #use#, or all of the #floor area# of the #development# or #enlargement# is allocated to #public parking garage# #use#, a #development# or #enlargement# on a #zoning lot# with more than 50 percent of its #zoning lot# area located within the Theater Subdistrict Core shall meet the following requirements:

- (a) If the new #floor area# of the #development# or #enlargement# generated by that portion of the #zoning lot# located within the Theater Subdistrict Core exceeds 60,000 square feet, then an amount of floor space on the #zoning lot# equal to five percent of the amount by which such new #floor area# exceeds 50,000 square feet shall be allocated to #uses# listed in Section ~~81-725~~ 81-723 (Entertainment-related uses), ~~or to #front lot line# ground level #uses# designated thus (***) in Section 81-722 (Use Group T), as satisfying the requirements of this Section.~~

Except as provided in paragraphs (b), (f) and (g) of this Section, the amount of floor space specified shall be located on the same #zoning lot# as the #development# or #enlargement# for which that floor space is provided to meet the requirements of this Section.

- (b) A maximum of 75 percent of the amount of floor space specified in paragraph (a) of this Section may be located on a separate #zoning lot#, with the remainder located on the same #zoning lot# as the #development# or #enlargement#, by authorization of the City Planning Commission provided, upon examination of proposed plans, the Commission finds that:

(1) one of the following conditions exists:

- (i) more than 50 percent of the area of the separate #zoning lot# is located within the Theater Subdistrict Core;
- (ii) the separate #zoning lot# is located within the Theater Subdistrict and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, and #uses# accessory thereto, or a combination thereof, as listed in Section ~~81-725~~ 81-723, and

that the separate #zoning lot# is located within the Theater Subdistrict; or

- (iii) the separate #zoning lot# is located within an area bounded by West 42nd Street, Sixth Avenue, West 57th Street, a line 175 feet west of Ninth Avenue, West 52nd Street and a line 150 feet west of Eighth Avenue, and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto, not including administrative office space, where such floor space occupies no less than 25,000 square feet;
 - (2) the floor space located on the separate #zoning lot# is in addition to any floor space provided to meet the requirements of this Section for any other #development# or #enlargement#;
 - (3) the floor space located on the separate #zoning lot# is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the #uses# listed in Section ~~81-725~~ 81-723 at any time during the two-year period immediately prior to the date on which this authorization, as described in paragraph (b) of this Section, is granted; and
 - (4) the #use# located on the separate #zoning lot# achieves a reasonable distribution of entertainment-related #uses# and locations of such #uses#.
- (c) Except as provided in this paragraph (c), floor space allocated to entertainment-related #uses# listed in Section ~~81-725~~ 81-723, accommodating any number of occupants, shall be classified under Sections 27-254 to 27-258 (Title 27, Chapter 1, Subchapter 3, Article 8 - Occupancy Group F-Assembly) of the 1968 Building Code or Section BC 303 of the 2008 Building Code, as applicable, and shall meet all relevant requirements of Sections 27-522 to 27-549 (Title 27, Chapter 1, Subchapter 8-Places of Assembly) of the 1968 Building Code or Section BC 1024 of the 2008 Building Code, as applicable.

Alternatively, where floor space in an existing #building# is allocated to #uses# listed in Section ~~81-725~~ 81-723 in order to meet the requirements of this Section, the Commission may, by authorization, modify or waive the Code requirements of this paragraph (c) if, upon examination of proposed plans, it finds that:

- (1) the existing #building# does not otherwise require structural alteration to accommodate the entertainment-related #uses#; and
- (2) two plaques will be provided prior to the issuance of any certificate of occupancy for the floor space so allocated to be affixed, as follows:
 - (i) the first in a prominently visible location either to the exterior wall of the #building# at ground level adjacent to the main entry or in the main lobby

stating that floor space in the #building# is provided to meet the requirements of this Section; and

- (ii) the second either on or immediately adjacent to the corridor or lobby side of the main door to the space itself stating that such floor space is located within that part of the #building#.

Each plaque shall indicate in letters, not less than one inch high, the amount of entertainment-related floor space in square feet, the floor or floors on which it is located, the category of #use# under Section ~~81-725~~ 81-723 to which it is dedicated, and the name and street address of the #development# or #enlargement# for which it partially fulfills the requirements of this Section.

- (d) The certificate of occupancy for the #development# or #enlargement# shall record and specifically describe all floor space allocated to meet the requirements of this Section and shall require the permanent reservation of this space for such purposes as a condition of the certificate of occupancy.

If a portion of the amount of the specified floor space is located on a separate #zoning lot#, no certificate of occupancy for the #development# or #enlargement# shall be issued until a certificate of occupancy has been issued for that floor space provided on the separate #zoning lot# and all other floor space allocated to fulfill the requirements of this Section.

The certificate of occupancy for the #development# or #enlargement# shall identify the amount and location of such specified floor space provided on the separate #zoning lot#. The certificate of occupancy of the separate #zoning lot# shall identify the #development# or #enlargement# for which the specified floor space is provided and the amount and location of that floor space on the separate #zoning lot#. Both certificates of occupancy shall require the permanent reservation of the floor space provided on the separate #zoning lot# for #uses# which meet the requirements of this Section.

An amount of floor space allocated in an existing #building# to meet the requirements of this Section may be reallocated to another location, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict. Such reallocation shall be made provided that the Commission finds, by authorization, that all of the requirements of this Section are still met and that the Commission has received sufficient assurances that the certificates of occupancy of the #development# or #enlargement# and the #building# to which the floor space has been reallocated, will be amended within a period of time after the date of such authorization specified therein to accord with the provisions of this Section.

- (e) A written declaration shall be recorded against the #zoning lot# of the #development# or #enlargement# and against the separate #zoning lot#, which contains an agreement that the floor space provided on the separate #zoning lot# shall be used solely for

entertainment-related #uses# for the life of the #development# or #enlargement#.

If floor space allocated to entertainment-related #uses# on the separate #zoning lot# is reallocated in accordance with the provisions of paragraph (d) of this Section, the agreement contained in the written declaration shall be amended so that the #zoning lot# on which the newly allocated floor space is located complies with paragraph (d).

- (f) If a certificate of occupancy for floor space to be located on a separate #zoning lot#, pursuant to the provisions of paragraph (b) of this Section, is not reasonably anticipated to be issued prior to the date upon which the #development# or #enlargement# would otherwise be eligible for issuance of a certificate of occupancy, the Commission may also authorize the waiver of any or all of the provisions of paragraphs (b)(3), (d) and (e) of this Section, provided that:
- (1) the owner or lessee of the #development# or #enlargement#, or an affiliate thereof, will make or cause to be made a financial contribution, through payment or repayment of the costs thereof, which will facilitate on such separate #zoning lot#, the #development# of a #building# that will consist predominantly of either entertainment-related #uses# and #uses# accessory thereto or #community facility# #uses# where at least 25,000 square feet of such floor space allocated to meet the requirements of this Section shall be allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto not including administrative office space;
 - (2) the Department of City Planning has received a fully executed copy of a written declaration against such separate #zoning lot#, requiring that the floor space allocated to meet the requirements of this Section and located on the separate #zoning lot# shall be used solely for entertainment-related #uses# and #uses# #accessory# thereto for the life of the #development# or #enlargement#. Prior to the release of the financial contribution, pursuant to paragraph (f)(3) of this Section, such declaration shall be filed and duly recorded in the borough office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section;
 - (3) such financial contribution will be deposited in a trust and agency account, to be released upon a determination made in writing by the Chairperson of the City Planning Commission, made in consultation with the Commissioner of Buildings, that all work on foundations has been completed for such #building#; and
 - (4) the prospective operator of the entertainment-related #uses# in the #building# on such separate #zoning lot#:
 - (i) has made substantial financial and construction-related commitments towards the development of the #building#, including, at a minimum,

commitments for site acquisition, such as a purchase agreement, deed or ground lease, and architectural agreements for the design of the floor space; and

- (ii) has secured, or has implemented a fund-raising plan to secure, the funding necessary for the development of the #building#, other than the financial contribution by the owner or lessee of the #development# or #enlargement#.

Where the Commission makes the findings set forth in paragraphs (f)(1) through (f)(4) of this Section, inclusive, a certificate of occupancy may be issued for the #development# or #enlargement# requiring the provision of such floor space, notwithstanding that no certificate of occupancy has been issued with respect to the floor space located on the separate #zoning lot#.

- (g) In the event that all work on foundations of the #building# on the separate #zoning lot# has not been completed within three years of the grant of an authorization provided under the provisions of paragraph (f) of this Section, the owner or lessee of the #development# or #enlargement# shall, in accordance with the terms of the written declaration recorded against the #development# or #enlargement# at the time of the grant of such authorization, apply to the Commission for:

- (1) an extension of the authorization for up to one additional year for good cause shown; or
- (2) a new authorization, under paragraph (b) of this Section, for alternative floor space consisting of entertainment-related #uses# to be located on a separate #zoning lot# as necessary to meet the requirements of this Section.

In granting such authorization for alternative floor space, the Commission may waive the provisions of paragraph (b)(3) of this Section, provided the floor space was not utilized for any of the #uses# listed in Section ~~81-725~~ 81-723 at any time during the two-year period immediately prior to the date on which the authorization was originally granted under paragraph (b) of this Section.

- (h) Floor space allocated in an existing #building# on a separate #zoning lot#, pursuant to an authorization granted under paragraph (f) of this Section, may be reallocated to another location, provided that the Commission finds, by authorization, that all applicable requirements of this Section are met, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict.
- (i) All #uses# satisfying the requirements of this Section shall be subject to the locational requirements of Section 81-72 (Use Regulations Modified).

81-725

81-723

Entertainment-related uses

[UPDATING TO REFLECT NEW USE FRAMEWORK]

~~Auditoriums, with capacity limited to 2,500 seats~~

~~Dance halls, public~~

~~Eating or drinking places, where there is entertainment or dancing~~

~~Museums, upon authorization by the City Planning Commission that the contents are predominantly theater and/or entertainment related and are publicly exhibited on a continuing basis~~

~~Studios, motion picture production~~

~~Studios, music, dancing or theatrical~~

~~Studios, radio or television~~

~~Theaters~~

In the Theater Subdistrict, references to entertainment-related #uses# shall include the following #uses#:

From Use Group 3:

Museums

From Use Group 6:

Eating or drinking establishments

From Use Group 8:

Art galleries

Art, music, dancing or theatrical studios

Auditoriums

Historical exhibits

Production or entertainment studios

Theaters

81-73

Special Sign and Frontage Regulations

81-731

Special regulations for signs, transparency, banners and canopies

[UPDATING TO REFLECT STREETScape PROVISIONS IN SECTION 81-42]

Within that area of the Theater Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along #wide street# frontages. ~~Within the Theater Subdistrict Core, the following provisions also apply along #narrow street# frontages.~~

- (a) ~~At least 50 percent of the #street wall# of a #development# or ground floor #enlargement# shall be glazed at the ground floor level with clear, untinted, transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.~~

~~For the purpose of the glazing requirements, the #street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less, and shall exclude any area of #street wall# occupied by #accessory# off-street loading berths or entrances and exits to #accessory# off-street parking provided pursuant to the provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS). The provisions of Section 81-42 shall apply, except that any underlying transparency requirement shall be modified such that any~~ For the purposes of this Section, clear, unobstructed openings in the surface of a #street wall# provided for a stairway entrance into a subway relocated onto a #zoning lot# in accordance with the requirements of Section 81-46 (Off-street Relocation or Renovation of a Subway Stair) or a through #block# connection provided in accordance with the requirements of paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be treated as transparent glazed surfaces.

- (b) Canopies (as defined in the Building Code) and awnings shall not be permitted on the exterior of any #building#.

For the purposes of this Section, any #signs# which do not comply with the regulations of this Section may be continued for one year after May 13, 1982, provided that after the expiration of that period such #non-conforming# #sign# shall terminate; a #sign# which the Chairperson of the City Planning Commission certifies as an integral part of the #building# shall not be required to terminate.

* * *

81-80 SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

81-81 General Provisions

The regulations of Sections 81-82 to 81-85, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 1 in Appendix A of this Chapter. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-82 Special Regulations on Permitted and Required Uses

In order to preserve, protect and enhance the character of the Fifth Avenue Subdistrict as the showcase of New York and national retail shopping, and to allow for #uses# that are consistent with the character of the Fifth Avenue Subdistrict as a major shopping and tourist destination, the following special limitations are imposed on the location and kinds of #uses# and #signs# permitted within the Fifth Avenue Subdistrict. ~~These requirements and limitations shall apply to #developments#, #enlargements#, and #extensions# or changes of #use#.~~

[REMOVING USE GROUP F PER USE PROPOSAL AND UNDERLYING STREETSCAPE FRAMEWORK]

(a) ~~Restriction on ground floor #uses#~~

~~#Uses# within #stories# located on the ground floor level or on a floor within five feet of #curb level#, except for lobby space, shall be limited to #uses# listed in Use Group F.~~

(b)(a) Minimum retail space requirement

Any #zoning lot#, or portion thereof, located within the Fifth Avenue Subdistrict shall contain #uses# listed in Use Group 6 in Section 32-16 and #uses# listed in the Art Galleries and Studios category of Use Group 8 in Section 32-18 ~~Use Group F~~ with a #floor area ratio# of not less than 1.0. ~~When existing #uses# listed in Use Group F are retained, their #floor area# may be counted toward such requirement.~~ In order to count toward the requirement, retail or service establishments shall be located on levels up to but not exceeding a height of six #stories# or 85 feet, whichever is less, or not more than five feet below #curb level#.

(b) Lobby restriction

The provisions of Section 81-42 shall apply, except that where a #building# has #ground floor level# frontage on Fifth Avenue, and frontage on another #street#, no lobby shall be permitted on the Fifth Avenue frontage.

(e) Use Group F

~~Use Group F comprises a group of establishments selected to promote and strengthen retail business in the Fifth Avenue Subdistrict.~~

~~Antique stores~~

~~Art galleries, commercial~~

~~Artists' supply stores~~

~~*Banks~~

~~Beauty parlors~~

~~Book or card stores~~

~~Candy stores~~

~~Clothing or clothing accessory stores, with no limitation on #floor area# per establishment~~

~~Department stores~~

~~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~~

~~Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less~~

~~Florist shops~~

~~Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores~~

~~Furrier shops, custom~~

~~Gift shops~~

~~Jewelry shops~~

~~Leather goods or luggage stores~~

~~Millinery shops~~

~~Music shops~~

~~Newsstands, open or enclosed~~

~~Optician or optometrist establishments~~

~~Package liquor stores~~

~~Photographic equipment or supply stores~~

~~Record shops~~

~~Shoe stores~~

~~Sporting or athletic stores~~

~~Stamp or coin stores~~

~~Stationery stores~~

~~**Studios, television or radio~~

~~Tailor or dressmaking shops, custom~~

~~Television, radio, phonograph or household appliance stores~~

~~Toy stores~~

~~*Travel bureaus~~

~~Variety stores~~

~~Watch or clock stores or repair shops~~

~~Any #use# or #uses# marked with an asterisk (*) shall occupy, in the aggregate at the ground floor level, no more than 15 percent of the linear #street# frontage of the #zoning lot# on or within 50 feet of Fifth Avenue and no more than 10 percent of the total #lot area# of the #zoning lot# within 50 feet of Fifth Avenue.~~

~~Any #use# or #uses# marked with two asterisks (**) shall be permitted on the~~

ground floor level only if:

- (1) the #building# has frontage on Fifth Avenue; and
 - (2) all portions of the #street wall# of the #building# are set back from the #street line# of Fifth Avenue by a minimum of 40 feet.
- (d) Modification of #use# regulations on a #zoning lot# with no frontage on Fifth Avenue

[REMOVING; UNCLEAR APPLICABILITY]

For a #zoning lot# which has no frontage on Fifth Avenue, the mandatory retail #use# regulations of this Section may be modified for that portion of the #zoning lot# located more than 100 feet from the #street line# of Fifth Avenue, provided that the City Planning Commission certifies that the ground floor space is occupied by a #community facility# #use# which maintains front wall transparency up to a height of one #story# above the abutting sidewalk level generating pedestrian interest and activity, and is compatible with the character and objectives of the Fifth Avenue Subdistrict. In no event shall the #street line# frontage occupied by such #use# exceed 30 feet.

(e) (c) Sign regulations

The following special #sign# regulations apply to existing as well as new establishments or #uses#:

- (1) The aggregate area of all #signs# in ground floor store windows are restricted to not more than one-third of the window area. Below a level of 10 feet above #curb level#, #signs# shall not be permitted on the exterior of any #building#.
- (2) The display of banners or pennants from the exteriors of #buildings# is prohibited.

For the purposes of this Section, any #signs#, including banners and pennants, which do not comply with the above regulations may be continued for one year after April 28, 1983, provided that after the expiration of that period, such #non-conforming# #sign# shall terminate. A #sign# which the Chairperson of the City Planning Commission certified as an integral part of the #building# shall not be required to terminate.

* * *

81-84 Mandatory Regulations and Prohibitions

The following requirements listed in this Section shall apply to all #developments#, #enlargements#, #extensions# or changes of #use# within the Subdistrict:

(a) ~~Pedestrian access to #uses#~~Plaza location

[RELOCATING LOBBY LOCATION RESTRICTION TO 81-82]

~~No access from the Fifth Avenue #street line# or within 50 feet of the Fifth Avenue #street line# shall be permitted to lobbies for office, #residential# or hotel #uses# or to any new #use# not listed in Use Group F, except when the #zoning lot# is inaccessible from any other #street#, in which case the total amount of frontage occupied by lobby space or entrance space for such #uses# shall not exceed 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less.~~

No #public plaza#, or any part thereof, shall be permitted on or within 50 feet of the Fifth Avenue #street line#.

(b) Off-street parking regulations

No off-street parking facilities are permitted within the Fifth Avenue Subdistrict.

(c) Off-street loading regulations

In no event shall access to #accessory# off-street loading berths be permitted on or within 50 feet of the Fifth Avenue #street line#. Beyond 50 feet from the Fifth Avenue #street line#, where three or more #accessory# loading berths are required, such berths shall be located below #street# grade. Access to such berths, however, shall be permitted at #street# grade.

#Interior lots# with a frontage only on Fifth Avenue or only on a #wide street# shall not contain loading berths.

81-85

Transfer of Development Rights from Landmark Sites

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 2
Special Lincoln Square District**

**82-00
GENERAL PURPOSES**

* * *

**82-01
Definitions**

[UPDATING REFERENCES TO INCLUDE 32-301 DEFINITIONS]

For the purposes of this Chapter, matter in italics shall include those defined in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

* * *

**82-20
SPECIAL USE AND SIGN REGULATIONS**

[UPDATING TEXT TO INCLUDE DEFINED TERM]

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, ~~a limitation is imposed on the ground floor #uses# within the Special District~~ special #ground floor level# streetscape and #sign# regulations apply.

~~The provisions of this Section shall apply to a #development# or change of #use# within the Special District.~~

**82-21
~~Restrictions on Street Level Uses~~
Streetscape Regulations**

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

~~Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level#, shall be limited to those listed in Use Groups 3A, 3B, 6A, 6C, 8A, 10A and eating or drinking establishments listed in 12A or 12B. Within Use Groups 3A or 3B, #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. Within such area, lobby space, required accessory loading berths, or access to subway stations are permitted.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS) shall apply, except that #ground floor level# #street# frontages facing Broadway, Columbus Avenue or Amsterdam Avenue, or portions thereof, shall be considered #Tier C street frontages#.

82-22

**Location of Floors Occupied by Commercial Uses
Supplementary Sign Regulations**

[REMOVING UNNECESSARY TEXT,
AS LOCATION OF USE WILL BE COVERED BY THE UNDERLYING]

~~The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply to any #commercial# #use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial# #use# be located directly over any #dwelling units#.~~

[RELOCATING, UNCHANGED, FROM SECTION 82-24]

No permitted #sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

Within Subdistrict B, permitted #signs# facing upon West 65th Street shall not exceed a height of 40 feet above #curb level#, and permitted #signs# facing upon Broadway between West 65th Street and West 66th Street shall not exceed a height of 60 feet above #curb level#. However, #signs# facing in an easterly or southerly direction upon that portion of the public place designated on the City Map that is located within an area bounded by West 65th Street and the prolongation of the south side of West 64th Street shall not exceed a height of 40 feet above the level of such public place.

82-23

Street Wall Transparency

[REMOVING AS NO LONGER NECESSARY, AS RULE IS INCORPORATED INTO TIER C STREET RULE]

When the front ~~#building# wall or #street wall#~~ of any ~~#building# #developed#~~ after February 9, 1994, is located on Broadway, Columbus Avenue or Amsterdam Avenue, glazing shall be provided in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

82-24

Supplementary Sign Regulations

[RELOCATING, UNCHANGED, TO SECTION 81-22]

No permitted ~~#sign#~~ shall extend above ~~#curb level#~~ at a height greater than 20 feet or obstruct an ~~#arcade#~~.

Within Subdistrict B, permitted ~~#signs#~~ facing upon West 65th Street shall not exceed a height of 40 feet above ~~#curb level#~~, and permitted ~~#signs#~~ facing upon Broadway between West 65th Street and West 66th Street shall not exceed a height of 60 feet above ~~#curb level#~~. However, ~~#signs#~~ facing in an easterly or southerly direction upon that portion of the public place designated on the City Map that is located within an area bounded by West 65th Street and the prolongation of the south side of West 64th Street shall not exceed a height of 40 feet above the level of such public place.

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Limited Commercial District**

* * *

**83-03
Use Group "LC"**

[RELOCATING TO SECTION 83-10.
REPLACING WITH ALLOWANCES FOR C2 DISTRICT INSTEAD OF C4]

Use Group "LC" comprises ~~#residential uses#~~ listed in Use Groups 1 and 2, and a group of specially related ~~#uses#~~ selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

A. Amusements

~~Theaters, limited to a capacity of not more than 300 seats~~

B. Community Facilities

~~Ambulatory diagnostic or treatment health care facilities listed in Use Group 4~~

~~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#~~

~~Colleges or universities, including professional schools~~

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

~~Community centers or settlement houses~~

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

~~Libraries, museums, or non-commercial art galleries~~

~~#Long-term care facilities#~~

~~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# which is contiguous thereto or directly across the #street# on which such #buildings# face~~

~~Non-commercial recreation centers~~

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

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

~~Philanthropic or non-profit institutions with or without sleeping accommodations, including #long-term care facilities#, 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~~

~~Proprietary hospitals and related facilities, except animal hospitals~~

~~#Schools#~~

~~Seminaries~~

~~Welfare centers~~

C. ~~Open #Uses#~~

~~#Public parks# or playgrounds or private parks~~

~~Outdoor ice skating rinks~~

D. ~~Convenience Retail or Service Establishments~~

~~Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment~~

~~Barber shops~~

Beauty parlors

Drug stores

~~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~~

~~Eating and drinking establishments, including those which provide music for which there is no cover charge and no specified showtime~~

~~Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or less~~

~~Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores, limited to 10,000 square feet per establishment~~

Hardware stores

Laundry establishments, hand or automatic self service

Package liquor stores

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

E. Offices

~~Offices, business, professional or governmental~~

F. Public Service Establishments

Court houses

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

G. ~~Retail or Service Establishments~~

~~Antique stores~~

~~Art galleries, commercial~~

~~Artists' supply stores~~

~~Automobile supply stores, with no installation or repair services~~

~~Banks, including drive-in banks~~

~~Bicycle sales~~

~~*Blueprinting or photostatting establishments~~

~~Book stores~~

~~*Business schools or colleges~~

~~Candy or ice cream stores~~

~~Carpet, rug, linoleum, or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment~~

~~*Catering establishments~~

~~Cigar or tobacco stores~~

~~Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment~~

~~*Clothing or costume rental establishments~~

~~Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Electrolysis studios~~

~~Fishing tackle or equipment, rental or sales~~

~~Florist shops~~

~~Frozen food lockers~~

~~Furniture stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Furrier shops, custom~~

~~Gift shops~~

~~#Health and fitness establishments#~~

~~Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment~~

~~Jewelry or art metal craft shops~~

~~Leather goods or luggage stores~~

~~Loan offices~~

~~Locksmith shops~~

~~*Medical or dental laboratories for research or testing, or the custom manufacture or 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~~

~~Medical or orthopedic appliance stores~~

~~Meeting halls~~

~~Millinery shops~~

~~Music stores~~

~~*Musical instrument repair shops~~

~~Newsstands, open or enclosed~~

~~Optician or optometrist establishments~~

~~Paint stores~~

~~Pet shops~~

~~Photographic equipment or supply stores~~

~~Photographic studios~~

~~Picture framing shops~~

~~*Plumbing, heating, or ventilating equipment showrooms, without repair facilities~~

~~Record stores~~

~~Seed or garden supply stores~~

~~Sewing machine stores, selling household machines only~~

~~Shoe stores~~

~~Sporting or athletic stores~~

~~Stamp or coin stores~~

~~*Studios: art, music, dancing or theatrical~~

~~Telegraph offices~~

~~Television, radio, phonograph, or household appliance repair shops~~

~~Television, radio, phonograph, or household appliance stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Toy stores~~

~~*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~~

~~Travel bureaus~~

~~*Typewriter or other small business machine repair shops~~

~~Typewriter stores~~

~~*Umbrella repair shops~~

~~Wallpaper stores~~

~~Watch or clock stores or repair shops~~

H. ~~Transient Accommodations~~

~~#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for~~

Hotels)

I. Wholesale Establishments

Hair products for headwear, wholesaling including styling

Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

J. #Accessory Uses#

* In #Special Limited Commercial Districts#, a #use# 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

**83-04
Signs**

[RELOCATING TO SECTION 83-10.
CLARIFICATION THAT C1 REGULATIONS APPLY FOR SIGNAGE]

~~Non #illuminated signs# with total #surface area# not exceeding three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 150 feet for #interior# or #through lots# or 150 feet on each frontage for #corner lots#, are permitted. #Illuminated# non #flashing signs# with total #surface area# not exceeding three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 50 feet for #interior# or #through lots# or 50 feet on each frontage for #corner lots#, are permitted. No permitted #sign# shall extend above #curb level# at a height greater than 25 feet.~~

**83-05
Enclosure of Uses**

[RELOCATING TO SECTION 83-10]

~~All permitted #uses# shall be subject to the enclosure provisions of Section 32-411.~~

**83-06
Special Permits by the Board of Standards and Appeals in Special Limited Commercial Districts**

[RELOCATING TO SECTION 83-10]

~~For the purpose of determining the powers of the Board of Standards and Appeals in #Special Limited Commercial Districts#, such districts shall be considered equivalent to C1 Districts, and the powers of the Board, as set forth in Article VII, Chapter 3, shall be limited to those powers which the Board would have in C1 Districts.~~

~~83-07~~

~~Special Permits by the City Planning Commission in Special Limited Commercial Districts~~

[RELOCATING TO SECTION 83-10]

~~For the purpose of determining the powers of the City Planning Commission in #Special Limited Commercial Districts#, such districts shall be considered equivalent to C1 Districts, and the powers of the Commission, as set forth in Article VII, Chapter 4, shall be limited to those powers which the Commission would have in C1 Districts.~~

83-10

SPECIAL USE REGULATIONS

[CONSOLIDATING ALL PROVISIONS HERE]

Within the #Special Limited Commercial District#, the #use# regulations applicable to a C2-5 District set forth in Sections 32-10 through 32-20, inclusive, shall apply. In addition, the regulations applicable to a C1 District shall apply for the enclosure regulations of Section 32-41 (Enclosure Within Buildings), the #sign# regulations of Section 32-60 (SIGN REGULATIONS), inclusive, and the #use# allowances and modifications available by special permit of the Board of Standards and Appeals and the City Planning Commission, pursuant to Article VII, Chapters 3 and 4, respectively.

* * *

ARTICLE VIII - SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Battery Park City District

* * *

84-03 Use Regulations (For Zone A and Zone C)

The #uses# permitted shall be constructed and located so that no exhaust vents or chimneys open onto any #street# or park or onto the #Esplanade#.

84-031 ~~Special permit uses~~

[REMOVING AS THE UNDERLYING WILL APPLY]

The following #uses# ~~are permitted only by special permit of the City Planning Commission:~~

~~Electrical or gas utility substations, open or enclosed, pursuant to Section 74-61~~

~~As a condition precedent to the granting of such special permit, the Commission shall make a finding that such #use# is located so as to minimize adverse effects on existing or future development in nearby areas or on the use or enjoyment of the #Esplanade# or other public facilities.~~

The following #uses# ~~are permitted only by special permit of the Board of Standards and Appeals:~~

~~Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14~~

~~Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15~~

~~Telephone exchanges or other communications equipment structures, pursuant to Section 73-14.~~

84-032 Uses not permitted

[REMOVING AS THE UNDERLYING WILL APPLY]

The following #uses# shall not be permitted:

- A. ~~Transient Accommodations~~
~~#Hotels, transient#, except as provided in Sections 84-12 and 84-32~~
~~#Motels#, #tourist cabins#, or #boatels#~~

- B. ~~Retail or Service Establishments~~
~~Electrical-glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating~~
~~contractors' establishments~~
~~Exterminators~~
~~Funeral establishments~~
~~Lumber stores~~
~~Monument sales establishments~~
~~Moving or storage offices~~
~~Pawn shops~~
~~Printing establishments~~
~~Refreshment stands, drive-in~~
~~Sign painting shops~~
~~Taxidermist shops~~
~~Trade embalmers~~
~~Upholstering shops~~
~~Window-cleaning contractors' establishments, including floor waxing and other similar~~
~~building maintenance services~~

- C. ~~Wholesale Establishments~~
~~Wholesale establishments~~

- D. ~~Automobile Service Establishments~~
~~Automotive glass and mirror shops~~
~~Automotive seat cover or convertible top establishments~~
~~#Automotive service stations#~~
~~Tire sales establishments~~

- E. ~~Public Service Establishments~~
~~Prisons.~~

84-033

Interim uses

[REMOVING AS THE UNDERLYING WILL APPLY]

On application to and with the permission of the Battery Park City Authority, any open #use# listed in Use Groups 1 through 16, as set forth in Sections 32-11 through 32-25, is permitted if such #use# is an interim #use# which will not obstruct, interfere with, or be incompatible with the general purposes and overall development of the #Special Battery Park City District#, and if such #use# is not prohibited by the Settlement Agreement, dated June 6, 1980, between the City

of New York, the State of New York, and various agencies and instrumentalities thereof. The Authority may prescribe appropriate conditions and safeguards in order to minimize adverse effects on surrounding land #uses#.

* * *

84-12 Use Regulations

[UPDATING CROSS REFERENCES]

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in ~~Sections 84-031 (Special permit uses), 84-032 (Uses not permitted),~~ Section 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial# #uses#, ~~#residential uses# are permitted on the same #story# as a #commercial# #use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial# #uses# are not located over any #residences#. However, such #commercial# #use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial# #uses# exists within the #building#.~~ the location of #use# within #buildings# provisions applicable to a C6 District set forth in Section 32-422 shall apply.

Notwithstanding any other provisions of this Resolution, ~~the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14-6, 7 and 8 shall be limited in size and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# per establishment, with the exception of grocery and convenience retailers in Use Group 6. of any #story# and shall not be located above the first #story# ceiling, except that:~~

- (a) ~~in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and~~
- (b) ~~supermarkets are permitted with no limitation on #floor area#.~~

~~Notwithstanding any other provisions of this Resolution,~~ In addition, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel# #uses# where permitted pursuant to Section ~~32-02 32-152 (Special Provisions for Hotels Use Group 5 – uses subject to additional conditions),~~ or both #residential# and hotel #uses#.

~~In the case of hotel #uses# on this #zoning lot#:~~

- (1) ~~a #health and fitness establishment# may be permitted; and~~

(2) ~~an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a health and fitness establishment# or a non-residential# accessory use#, may be located above a story# containing residential uses#.~~

84-121

Uses along Esplanade

[UPDATING CROSS REFERENCES AND NEW USE FRAMEWORK]

~~Except as set forth in this Section and in Section 84-12 (Use Regulations), uses# Uses# fronting on the Esplanade# shall be limited to the uses# listed in Use Groups 2, 3 and 4 as set forth in Section 22-10 (USES PERMITTED AS OF RIGHT) 1, 2 and 3 as set forth in Sections 32-11 through 32-13, except that in the areas indicated as permitted commercial# locations in Appendix 2.3, in the lowest story# other than a basement# in any building#, the following additional uses# eating or drinking establishments, as listed in Use Group 6 in Section 32-16, shall be permitted:~~

~~Eating or drinking places, as listed in Use Group 6A in Section 32-15~~

84-122

Uses permitted within public open space areas

Public open space areas located between Murray Street and Warren Street, as indicated in Appendix 3.6, shall be improved at or above grade for use by the public as open areas for passive and/or active recreational uses#.

84-123

Streetscape regulations

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

In the areas indicated as permitted commercial# locations in Appendices 2.3 and 3.3, the underlying ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, for a C2 District shall apply.

* * *

84-14

Parking Regulations and Curb Cuts

* * *

84-143

Off-street loading

[UPDATING USE TERMINOLOGY]

Enclosed #accessory# off-street loading berths shall be provided in conformity with the requirements set forth in the following table and under rules and regulations promulgated by the Commissioner of Buildings for the #uses# listed in the table.

REQUIRED OFF-STREET LOADING BERTHS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths
<u>Supermarkets</u> <u>Food and beverage</u> <u>retailers</u>	First 8,000	None
	Next 17,000	1
	Next 15,000	1
	Each additional 15,000 or fraction thereof	1
<u>Hotels #Transient</u> <u>hotels#</u>	First 100,000	None
	Next 200,000	1
	Each additional 300,000 or fraction thereof	1

* * *

84-30
ZONE C

84-31
General Provisions

Zone C is designed to provide for commercial and mixed use development, parking and ancillary retail and service uses, as permitted pursuant to this Chapter. Zone C is divided into two subzones: C-1 and C-2. The location and boundaries of the subzones are shown in Appendix 3 of this Chapter. Except as expressly modified by the provisions of this Chapter, the regulations applying to a C6-6 District shall apply in Zone C of the #Special Battery Park City District#.

84-32

Use Regulations

Use regulations applicable in C6-6 Districts shall apply ~~subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted)~~. In addition, public parking facilities, subject to Section 84-341, ~~the following #uses#~~ shall be permitted:.

[REMOVING REDUNDANT USES. RETAINING PUBLIC PARKING ALLOWANCE]

~~Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided 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.~~

~~Parking facilities, public, subject to Section 84-341~~

~~Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, for a C6 District shall apply.

* * *

ARTICLE VIII - SPECIAL PURPOSE DISTRICTS

Chapter 5 Special United Nations Development District

* * *

85-03 Modifications of Use Regulations

[REMOVING USES MADE REDUNDANT BY UNDERLYING C5 CHANGES. ALSO REMOVING REDUNDANT LOCATION WITHIN BUILDINGS MODIFICATIONS]

In addition to the ~~uses~~ permitted in a C5-3 District, auditoriums, as listed in Use Group 8, shall be permitted with any capacity, and group parking facilities with a capacity of 380 parking spaces shall be permitted where accessory to residences, transient hotels, foreign missions or United Nations-related uses. ~~the uses and accessory uses set forth in this Section are hereby permitted in any development to be constructed in accordance with the general purposes and provisions of this Chapter, notwithstanding any other provision of this Resolution. All such commercial uses may be located in any mixed building and anywhere within such building without regard to Section 32-42 (Location Within Buildings).~~

- (a) Auditoriums, with unlimited capacity;
- (b) Automobile rental establishments;
- (c) ~~Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing; or~~
Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or less;
- (d) ~~Parking facilities, accessory, group, with a capacity of 380 parking spaces for automobiles solely for residences, hotels, foreign missions and United Nations related uses;~~
- (e) ~~Photographic developing or printing, without limitation on floor area per establishment;~~
- (f) ~~Printing or publishing, without limitation on floor area per establishment;~~
- (g) ~~Public parking lots, temporary, of no more than five years' duration or until such time as the development is completed, whichever is sooner;~~
- (h) Recreational uses, other;

- (i) ~~Skating rinks, indoor;~~
- (j) ~~Swimming pools, commercial;~~
- (k) ~~Tennis courts, indoor;~~
- (l) ~~Theaters, with unlimited capacity.~~

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 6
Special Forest Hills District**

* * *

**86-01
Definitions**

[UPDATING REFERENCES TO INCLUDE 32-301 DEFINITIONS]

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

* * *

**86-10
SPECIAL USE REGULATIONS**

**86-11
~~Ground Floor Uses Along Designated Streets~~
Use Modifications Along Austin Street**

[UPDATING STREETScape RULES TO REFLECT UNDERLYING FRAMEWORK AND RELOCATING TO SECTION 86-12]

~~Along the portions of Austin Street and 71st Avenue specified on the map in the Appendix to this Chapter as Retail Continuity Streets, #uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial# or #community facility# #uses# permitted by the underlying district and the provisions of Section 86-12 (Modification of Uses Along Austin Street) and shall extend to a minimum depth in accordance with the provisions set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses).~~

~~Such ground floor #street# frontage of a #development# or #enlargement# constructed after March 24, 2009, shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations and #accessory# parking spaces provided in accordance with applicable provisions of Section 37-33 (Maximum Width of Certain Uses).~~

~~The #use# regulations in the #Special Forest Hills District# shall be modified within C2 Districts fronting on Austin Street to permit #uses# in Use Groups 6 and 8 pursuant to the regulations for a C4 District.~~

86-12

Modification of Uses Along Austin Street Streetscape Regulations

[RELOCATING AUSTIN STREET MODIFICATIONS TO SECTION 86-11.]

The ~~use#~~ regulations in the ~~Special Forest Hills District#~~ shall be modified to permit Use Groups 10A, 10C, 12A, 12B, 12D and 12E within C2 Districts fronting on Austin Street.

The provisions of Section 32-423 (Limitation on ground floor location) shall not apply to ~~uses#~~ located along Austin Street.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on the District Plan map in the Appendix to this Chapter shall be considered #Tier C street frontages#.

86-13

Location of Uses in Mixed Buildings

[REMOVING AS NO LONGER NEEDED, AS LOCATION OF USE WILL BE COVERED BY THE UNDERLYING]

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~#dwelling units#~~ on the same ~~#story#~~ as ~~#commercial#~~ ~~use#~~ provided no access exists between such ~~uses#~~ at any level containing ~~#dwelling units#~~ and provided any ~~commercial#~~ ~~uses#~~ are not located directly over any ~~#dwelling units#~~.

Such ~~commercial#~~ ~~uses#~~, however, may be located over ~~#dwelling units#~~ by authorization of the City Planning Commission upon a finding that there is sufficient separation of ~~residential uses#~~ from ~~commercial#~~ ~~uses#~~ within the ~~building#~~.

86-14

Transparency Requirements

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS IN SECTION 86-12]

For ~~developments#~~ or ~~enlargements#~~ constructed after March 24, 2009, the ground floor ~~street wall#~~ bounding any ~~commercial#~~ or ~~community facility#~~ ~~use#~~, other than a ~~school#~~, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

86-20

SPECIAL BULK REGULATIONS

* * *

86-40

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

86-41

Parking Regulations for Commercial Uses

~~For all #commercial# #uses# located within the #Special Forest Hills District# in parking requirement category (PRC) A, B, B1 or C, the requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified to provide one parking space per 400 square feet of #floor area# for all such #uses#.~~

~~In the Special District, hotels (PRC-H) shall be required to provide one parking space per 12 guest rooms or suites, or one parking space per 12 persons rated capacity, whichever is greater. Places of assembly (PRC-D) shall be required to provide one parking space per 12 persons rated capacity.~~

For all #commercial# #uses# located within the #Special Forest Hills District#, the parking requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified as follows:

- (a) #uses# in parking requirement category (PRC) A shall be required to provide one parking space per 400 square feet of #floor area# for all such #uses#;
- (b) #uses# in PRC-B shall be required to provide one parking space per 12 persons rated capacity;
- (c) for #transient hotels#, the #floor area# used for sleeping accommodations (PRC-F2) shall be required to provide one parking space per 12 guest rooms or suites.

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special Harlem River Waterfront District**

* * *

**87-01
Definitions**

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, 62-11 or 64-11, or within this Section.

* * *

**87-10
SPECIAL USE REGULATIONS**

* * *

**87-11
Use Regulations Within the Core Subdistrict**

* * *

**87-111
Vehicle storage establishments**

[UPDATING USE REFERENCE]

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in ~~Use Group 16C~~ Use Group 9 shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

- (a) such #use# is the primary #use# on Parcel 5;
- (b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and
- (c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-71 (Special Public Access Provisions).

The streetscape provisions of Section 87-41, inclusive and the special height and setback regulations of Section 87-32, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

Location of commercial space

The provisions of Section ~~32-422~~ (Location of floors occupied by commercial uses) are modified to permit ~~#residential uses#~~ on the same ~~#story#~~ as a ~~#commercial# use#~~, provided no access exists between such ~~#uses#~~ at any level containing ~~#residences#~~ and provided any ~~#commercial# uses#~~ are not located directly over any ~~#residential use#~~. However, such ~~#commercial# uses#~~ may be located over a ~~#residential use#~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~#residential uses#~~ from ~~#commercial# uses#~~ exists within the ~~#building#~~.

87-113

87-112

Location of underground uses

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground ~~#uses#~~, such as parking garages, shall not be allowed in ~~#waterfront yards#~~.

87-12

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

Use Regulations in the North Subdistrict

The special ~~#use#~~ provisions of this Section, inclusive, shall apply to ~~#zoning lots#~~ within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-121

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

Modification of supplementary commercial use regulations

In the North Subdistrict, the supplementary ~~#commercial# use#~~ regulations of Section ~~32-421~~ (Limitation on floors occupied by commercial uses) shall be modified to permit ~~#commercial# uses#~~ on any ~~#story#~~, provided no access exists between such ~~#commercial#~~ and ~~#residential uses#~~ at any level containing ~~#residences#~~, and provided that such ~~#commercial# uses#~~ are not located directly over any ~~#residential use#~~.

87-20

SPECIAL FLOOR AREA REGULATIONS

* * *

87-21

Floor Area Regulations in the Core Subdistrict

* * *

87-212

Special floor area requirement for certain commercial uses

[UPDATING USE REFERENCES]

(a) For each square foot of ~~commercial~~ ~~floor area~~ in a ~~building~~ occupied by the ~~uses~~ listed in paragraph (a)(1) of this Section, an equal or greater amount of ~~residential~~, ~~community facility~~ or ~~commercial~~ ~~floor area~~ shall be provided from ~~uses~~ listed in paragraph (a)(2) of this Section.

(1) ~~Use Groups 6A and 6C, except for:~~

~~Docks for ferries, other than gambling vessels, limited to an aggregate operational passenger load, per zoning lot, of 150 passengers per half hour~~

~~Docks for water taxis with vessel capacity limited to 99 passengers~~

~~Docks or mooring facilities for non-commercial pleasure boats;~~

~~Use Group 10:~~

~~Carpet, rug, linoleum or other floor covering stores, with no limitation on floor area per establishment~~

~~Clothing or clothing accessory stores, with no limitation on floor area per establishment~~

~~Department stores~~

~~Dry goods or fabric stores, with no limitation on floor area per establishment;~~

~~Use Group 12:~~

Antique stores

Art gallery, commercial

Billiard parlor or pool halls

Book stores

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

Gift shops

Jewelry or art metal craft shops

Music stores

Photographic equipment stores

Record stores

Stationery stores

Toy stores

(2) Use Groups 1 and 2

Use Groups 3, 4A, and 4B, except cemeteries

Use Groups 5A, 6B and 8A

For each square foot of #commercial# #floor area# in a #building# occupied by #uses# listed in Use Groups 6 and 8, as set forth in Sections 32-16 and 32-18, respectively, an equal or greater

amount of permitted #residential#, #community facility# or other permitted #commercial# #floor area# shall be provided.

- (b) However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:
- (1)(a) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and publicly accessible areas;
 - (2)(b) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots and limits conflicts between curb cuts;
 - (3)(c) a design that enhances and is integrated with publicly accessible areas including provision of a public entrance fronting on a #waterfront public access area#;
 - (4)(d) a variety of retail establishments; and
 - (5)(e) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and development of adjacent areas.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on publicly accessible areas.

87-213

Maximum width of establishments

[RELOCATING TO SECTION 87-412]

~~On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.~~

87-214

Location of building entrances

[RELOCATING TO SECTION 87-412]

~~On Parcels 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, a main front entrance for at least one #building#, as the term “main front entrance” is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:~~

- (a) on Parcel 2, located no less than 95 feet from a mapped parkland; and
- (b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

* * *

**87-40
SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL**

[UPDATING TO ALIGN WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# or #ground floor level# #enlargements# within the #Special Harlem River Waterfront District#, as applicable.

**87-41
~~Streetscape Requirements in the Core and South Subdistricts~~
Streetscape Regulations**

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK]

~~In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# or #ground floor level# #enlargements#, the provisions of this Section, inclusive, shall apply.~~

~~For the purposes of applying the special streetscape regulations of this Section, inclusive, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# locations, in 50-foot increments designated on Map 2 (Designated Non-Residential Use Locations) in the Appendix of this Chapter, shall be considered #Tier C street frontages#, and all other frontages shall be considered #Tier B street frontages#.

For the purposes of applying such streetscape regulations, #shore public walkways#, mapped parkland, #supplemental public access areas#, #upland connections# and fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered #streets#, and #shore public walkways# and mapped parkland shall be considered #wide streets#.

87-411

Ground floor uses

[UPDATING TO ALIGN WITH NEW STREETSCAPE FRAMEWORK]

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level# #floor area#

At least 50 percent of the width of the #ground floor level# #street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level# #street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non #residential uses# in certain locations

The #ground floor level# #street wall# within 50 feet of the intersection of two #streets#, designated on Map 2, shall be occupied exclusively by non #residential# #floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level# #street wall# facing the #shore public walkway# shall be occupied exclusively by non #residential# #floor area#, at the locations designated on Map 2. Offices (Use Group 6B) and clubs (Use Group 6E) as listed in Section 32-15, automotive service establishments (Use Groups 8C, 7D and 12D) as listed in Sections 32-16, 32-17 and 32-21, and #group parking facilities#, including entrances and exits thereto, shall not be permitted within such locations.

Non #residential# #floor area# required pursuant to this paragraph may satisfy #ground floor level# #floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level# #floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412-87-42

Transparency requirements in the Core and South Subdistricts

Building entrances and maximum widths

[REMOVING AS WILL BE ADDRESSED BY STREETSCAPE REGULATIONS]

In the Core and South Subdistricts, for non #residential uses# located at the #ground floor level#, any portion of a #ground floor level# #street wall# that is subject to the #floor area# requirements of paragraph (b) of Section 87-411 (Ground floor uses) shall be glazed in accordance with the

transparency requirements for designated retail streets set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (a) ~~in the South Subdistrict, where the #ground floor level# #street wall# is occupied by #uses# in Use Groups 16, 17 or 18, up to 50 percent of the length of such #ground floor level# #street wall# may be exempt from such transparency requirements, provided that any #street wall# width exceeding 50 feet shall provide planting or screening in accordance with the provisions of (a)(1) or (b)(1) of Section 37-362 (Mitigation elements) pursuant to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds); and~~
- (b) ~~in #flood zones#, for #buildings# utilizing the provisions of Section 64-222 (Ground floor use), the provisions for Type 2 blank walls set forth in Section 37-361, except that only paragraph (b)(1) of Section 37-362 shall apply to such blank wall.~~

For the purposes of applying the provisions of Section 37-34, locations subject to the provisions of paragraph (b) of Section 87-411 shall be considered designated retail streets.

[RELOCATING FROM SECTIONS 87-213 & 87-214]

On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.

On Parcels 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, a main front entrance for at least one #building#, as the term “main front entrance” is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

- (a) on Parcel 2, located no less than 95 feet from a mapped parkland; and
- (b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

87-413-87-43

Parking wrap and screening requirements in the Core and South Subdistrict Open parking areas

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

[REMOVING AS WILL BE ADDRESSED BY STREETSCAPE REGULATIONS]

- (a) Design requirements for enclosed #group parking facilities#

All enclosed ~~#group parking facilities#~~ shall be located either entirely below the level of an adjacent sidewalk or any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following:

- ~~(1) #Group parking facilities# on the #ground floor level# within 30 feet of #street walls# subject to the provisions of Section 87-411 (Ground floor uses) shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, #street walls# subject to the provisions of Section 87-411 shall be considered designated retail streets.~~
- ~~(2) #Group parking facilities# along all other frontages shall either be wrapped by #floor area# or screened in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds).~~

~~(b) Open parking areas~~

Open parking areas shall be permitted only in the following locations:

- ~~(1)-(a)~~ on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the ~~#Major Deegan Expressway street line#~~;
- ~~(2)-(b)~~ on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the parcel only if a commercial or public utility vehicle storage ~~#use#~~, as listed in Use Group ~~16C 9~~, is ~~#developed#~~ or ~~#enlarged#~~ as the primary ~~#use#~~ on the parcel;
- ~~(3)-(c)~~ on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and
- ~~(4)-(d)~~ on all parcels, open, unscreened, in tandem (one behind the other), ~~#accessory#~~ off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the ~~#Major Deegan Expressway street line#~~, or, on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage ~~#use#~~ as listed in Use Group 16C, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61.

87-414

Special streetscape provisions for certain blank walls

[REMOVING AS WILL BE ADDRESSED BY STREETSCAPE REGULATIONS]

The provisions of this Section shall apply to a #ground floor level# #building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), where visual mitigation elements shall be provided in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds).

87-415

87-44

Special open area provisions

* * *

87-42

Streetscape Requirements in the North Subdistrict

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS]

For the purposes of applying the provisions of Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS) inclusive, to this Section, inclusive, in locations where non-#residential# #floor area# is provided along public access areas in accordance with the provisions of Section 87-421 (Ground floor uses in the North Subdistrict), such portions of #shore public walkways#, mapped parkland, #upland connections# or #streets# shall constitute a designated retail street.

87-421

Ground floor uses in the North Subdistrict

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS]

For #building# walls more than 50 feet in width that face a #street#, #shore public walkway#, #public park# or #upland connection#, at least 30 percent of the width of such #building# walls shall be occupied by non-#residential# #floor area# on the #ground floor level#. Such non-#residential# #floor area# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

87-422

Transparency requirements in the North Subdistrict

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS]

~~Along designated retail streets, any #building# wall shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).~~

87-423

Parking wrap and screening requirements in the North Subdistrict

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS]

~~Along designated retail streets, any off-street parking spaces shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).~~

~~In other locations, any #accessory# off-street parking space provided on the #ground floor level# of a #building# shall be wrapped by #floor area# or screened in accordance with the provisions of paragraph (b) of Section 37-35.~~

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special Hudson Square District**

**88-00
GENERAL PURPOSES**

* * *

**88-01
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).~~

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

Qualifying building

For the purposes of this Chapter, a “qualifying building” shall be any #building# that contained at least 70,000 square feet of #floor area# on March 20, 2013.

* * *

**88-10
SUPPLEMENTAL USE REGULATIONS**

All permitted #uses# in the underlying districts, as set forth in Section 42-10 (~~USES PERMITTED AS OF RIGHT~~ USE ALLOWANCES), inclusive, shall comply with the provisions set forth in this Section, inclusive.

* * *

**88-12
Community Facility Use**

The #community facility use# regulations applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In lieu thereof, all #community facility uses# listed in ~~Use Groups 3 and 4~~ Use Group 3 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.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, 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 March 20, 2013, 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 #commercial# or #manufacturing# #floor area# that existed within #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:
 - (1) #commercial# or #manufacturing# #floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count towards meeting the requirements of this certification; and
 - (2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing# #floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as #commercial# or #manufacturing# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing# #floor area# that existed within such #qualifying buildings# on March 20, 2013, 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 of #use# from #commercial# or #manufacturing# to #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.

- (e) ~~Ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 88-131.~~

**88-13
Commercial Use**

[UPDATING CROSS REFERENCES WITH NEW USE FRAMEWORK]

The #commercial# #use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

- (a) ~~food stores, including supermarkets, grocery stores or delicatessen stores~~ Food and

Beverage Retailers, as listed in Use Group 6, shall not be limited as to the size of the establishment;

- (b) ~~uses# listed in Use Group 6A, other than food stores, and Use Groups 6C, pursuant to Section 42-13, 6E, 10 and 12B, shall be limited to 10,000 square feet of #floor area# at the ground floor level, per establishment. Portions of such establishments located above or below ground floor level shall not be limited in size;~~
- (b) other #uses# in Use Group 6, as well as #uses# in Use Group 8, shall be limited to a size of 10,000 square feet of #floor area# per establishment on the #ground floor level#;
- (e) ~~ground floor #commercial# #uses# shall be subject to special streetscape provisions set forth in Section 88-131;~~
- (d)(c) ~~#commercial# #uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18 Additional conditions for certain uses), inclusive; and~~
- (e)(d) ~~#transient hotels#, as listed in Use Group 5, shall be subject to the provisions of Section 32-02 (Special Provisions for Hotels) Section 32-153 (Use Group 5 – uses subject to additional conditions) applicable to a C6 District; and~~
- (e) eating or drinking establishments, as listed in Use Group 6, where providing entertainment with cover charge or specified showtime, shall be limited to a capacity of 200 persons or fewer. A capacity of more than 200 persons may be permitted by the Board of Standards and Appeals pursuant to Section 73-162 (Eating or drinking establishments).
- (f) ~~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, pursuant to Section 73-244.~~

88-131 Streetscape provisions

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

~~For #zoning lots# with #street# frontage of 50 feet or more, the location of certain #uses# shall be subject to the following #use# requirements.~~

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

- (a) For ~~#uses#~~ located on the ground floor or within five feet of ~~#curb level#~~, ~~#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#~~, and shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).
- (b) The remainder of the ~~#street#~~ frontage of the ~~#zoning lot#~~ may be occupied by any permitted ~~#uses#~~, lobbies or entrances to parking spaces, except that lobbies shall comply with the standards for Type 2 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses).
- (c) In Subdistrict A of this Chapter, for portions of a ~~#building#~~ bounding a ~~#public park#~~, the ground floor ~~#use#~~ requirements of paragraph (a) of this Section shall apply to 100 percent of the width of the ~~#street#~~ frontage of the ~~#zoning lot#~~, and ~~#residential#~~ lobbies and ~~#schools#~~ shall be permitted ~~#uses#~~ on the ground floor for purposes of compliance with paragraph (a).

For ~~#zoning lots#~~ with ~~#street#~~ frontage of less than 50 feet, no special ground floor ~~#use#~~ requirements shall apply.

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 they are wrapped by ~~#floor area#~~ or screened in accordance with the provisions set forth in Section 37-35 (Parking Wrap and Screening Requirements).

Any ground floor ~~#street wall#~~ of a ~~#development#~~ or ~~#enlargement#~~ that contains ~~#uses#~~ listed in Use Groups 1 through 15, not including ~~#dwelling units#~~, shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

For the purposes of applying the underlying provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, to the #Special Hudson Square District#, the streetscape regulations for C6 Districts shall apply to all M1 Districts.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #wide streets# shall be considered #Tier C street frontages#.

88-14 Manufacturing Use

In the ~~#Special Hudson Square District#~~, ~~#manufacturing uses#~~ permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (~~Modification of Use Groups 16, 17 and 18~~ (Additional conditions for certain uses)), ~~inclusive~~.

88-20

SIGN REGULATIONS

In the #Special Hudson Square District#, #signs# are subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Lower Manhattan District**

**91-00
GENERAL PURPOSES**

* * *

**91-01
General Provisions**

[UPDATING CROSS REFERENCES]

Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

Requirements that apply generally throughout the District are set forth in the provisions for this Chapter. The provisions of Section 91-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify planning and urban design features that are primarily oriented toward the accommodation and well-being of pedestrians.

For requirements that are not generally applicable but are tied to specific locations within the Special District, the locations where these requirements apply are shown on District Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3), Map 3 (Street Wall Continuity Types 4 & 5), Map 4 (Designated Retail Streets) and Map 5 (Curb Cut Prohibitions) in Appendix A. Certain #sign# regulations that apply to landmark #buildings# with #street walls# fronting Broadway are set forth in Section ~~91-134~~ 91-114.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

An existing public amenity, open or enclosed, that was a mandatory requirement or received a #floor area# bonus pursuant to the provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, shall not be removed, reduced in size or in any way altered, other than pursuant to the provisions of Section 91-71 (Authorization for the Modification of Required Public Amenities).

Special regulations governing the development of three specific sites in the #Special Lower Manhattan District# are set forth in the following Sections:

Section 91-72 (Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel)

Section 91-73 (Special Provisions for Battery Park Underpass/South Street).

* * *

91-06

Applicability of Article VII Provisions

* * *

91-061

Applicability of special permits by the Board of Standards and Appeals

[UPDATING CROSS REFERENCE TO REFLECT CHANGES IN ARTICLE VII]

Within the #Special Lower Manhattan District#, the following Board of Standards and Appeals special permits shall not be applicable or shall be applicable only as modified.

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section 73-68 (Modifications of Height, Setback and Rear Yard Regulations)

The following special permits by the Board of Standards and Appeals shall be applicable as modified:

Section ~~73-21~~ 73-164 (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 or Map 4 in Appendix A

Section ~~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~~) shall also apply in C5 Districts to eating or drinking establishments with entertainment, including musical entertainment or dancing, and a capacity of more than 200 persons.

91-062

Applicability of special permits by the City Planning Commission

[UPDATING CROSS REFERENCE TO REFLECT CHANGES IN ARTICLE VII]

Within the #Special Lower Manhattan District#, the following special permits by the City Planning Commission shall not be applicable or shall be applicable within C5 Districts.

The following special permits by the City Planning Commission shall not be applicable:

Section 74-721 (Modification of Height, Setback and Yard Regulations)

Section 74-82 (Through Block Arcades)

~~The following special permits by the City Planning Commission shall be applicable also within C5 Districts:~~

~~Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions)~~

~~Section 74-46 (Indoor Interactive Entertainment Facilities).~~

* * *

91-10 SPECIAL USE REGULATIONS

91-11 Modification of Use Regulations in C5 Districts

91-111 Additional uses in C5 Districts

[REMOVING AS NOW PERMITTED UNDER NEW C5 FRAMEWORK]

In addition to the special permit #uses# cited in Section 91-06, the #use# regulations for C5 Districts within the #Special Lower Manhattan District# are modified to permit the following #uses#:

~~From Use Group 7:~~

~~Use Groups 7B and 7E~~

~~From Use Group 8:~~

~~Use Groups 8A*, 8B and 8E~~

~~From Use Group 12:~~

~~Use Groups 12A**, 12B, 12C and 12E~~

* inclusive of the waiting area requirements for theaters as listed in Use Group 8A

** except for eating or drinking establishments as listed in Use Group 12A

91-112

Eating and drinking establishments with dancing in C5 Districts

[REMOVING AS THE UNDERLYING C5 WOULD ALLOW THIS USE]

In all C5 Districts within the #Special Lower Manhattan District#, in addition to eating and drinking establishments permitted pursuant to Section 32-15 (Use Group 6), the following types of eating and drinking establishments shall be permitted:

eating or drinking establishments with entertainment, including musical entertainment or dancing, with a total capacity of 200 persons or fewer, provided that the dance floor or area, if any, does not exceed 400 square feet. The locational and waiting area requirements for eating or drinking establishments of Section 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) shall apply;

eating or drinking establishments with entertainment, including musical entertainment or dancing, with a capacity of more than 200 persons, pursuant to the provisions of Section 73-244, as modified in Section 91-061 (Applicability of special permits by the Board of Standards and Appeals).

91-113

Location of certain commercial uses

[REMOVING AS SECTION NO LONGER EXISTS PER PROPOSAL]

In C5 Districts within the #Special Lower Manhattan District#, the provisions of Section 32-423 (Limitation on ground floor location) shall not apply.

91-12

Uses on Designated Retail Streets

[RELOCATING TO SECTION 91-41 AND UPDATING TO REFLECT NEW STREETScape FRAMEWORK IN SECTION 32-30, INCLUSIVE]

On designated retail #streets#, as shown on Map 4 in Appendix A, for #buildings# #developed# or #enlarged# after August 27, 1998, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon such #streets#, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level#, shall be limited to only those #uses# permitted by the underlying regulations and Section 91-111 (Additional uses in C5 Districts), other than automobile showrooms or plumbing, heating or ventilating equipment showrooms, or any of the #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

91-13

91-11

Sign Regulations

In the #Special Lower Manhattan District#, except as modified by the provisions of this Section, inclusive, the regulations of Section 32-60, et seq., pertaining to #signs#, shall apply.

91-131

91-111

Illuminated signs in C5 Districts

In all C5 Districts within the #Special Lower Manhattan District#, not more than one #illuminated#, non-#flashing sign#, other than an #advertising sign#, with a total #surface area# not exceeding eight square feet shall be permitted for each #street# frontage of the #zoning lot#. Such #sign# may be located only within a window of a #building#.

91-132

91-112

Banner regulations

In all C5 and C6 Districts within the #Special Lower Manhattan District#, in lieu of the provisions of Section 32-652 (Permitted projection in all other Commercial Districts), banners may project across a #street line# for a maximum distance of eight feet.

In C5-3 or C5-5 Districts within the Special District, in lieu of the provisions of Section 32-655 (Height of signs in all other Commercial Districts), banners may extend above #curb level# to a maximum height of 40 feet.

91-133

91-113

Height of signs in C6-9 Districts

In C6-9 Districts within the #Special Lower Manhattan District#, the regulations of Section 32-655 (Height of signs in all other Commercial Districts) may be modified to allow a maximum height of 50 feet above #curb level#, provided the City Planning Commission certifies that the design features of the existing #building#, as they appear on May 9, 2001, would unduly obstruct the visibility of the #sign# without such modification. An application for such certification shall be filed with detailed plans showing compliance with this Section.

91-134

91-114

Signs on landmark buildings fronting Broadway in C5-5 Districts

In addition to #signs# and banners otherwise permitted pursuant to Section ~~91-13~~ 91-11, et seq., within 100 feet of Broadway in C5-5 Districts, on any #building# with a #street wall# fronting Broadway that is a landmark designated by the Landmarks Preservation Commission, the applicable #sign# regulations of Section 32-60 shall be modified according to the following provisions, provided such #signs# and any alterations to the #building# connected with such #signs# have received a certificate of appropriateness or other permit

from the Landmarks Preservation Commission.

- (a) #Illuminated# non-#flashing signs# other than #advertising signs# are permitted with a total #surface area# (in square feet) not to exceed 50 square feet along any #street# frontage.
- (b) No permitted #sign# shall extend above #curb level# at a height greater than 30 feet.
- (c) No permitted #sign# shall project across a #street line# more than 60 inches.
- (d) Permitted #signs# displayed on awnings may also include commercial copy related to the type of business, profession, commodity, service or entertainment conducted, sold or offered within such #building#.

* * *

91-20

FLOOR AREA AND DENSITY REGULATIONS

* * *

91-24

Floor Area Bonus for Public Plazas

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section 37-70 (PUBLIC PLAZAS):

- (a) A #floor area# bonus for a #public plaza# shall only be permitted for a #development# or #enlargement# that is located:
 - (1) outside the Historic and Commercial Core;
 - (2) outside the South Street Seaport Subdistrict; or
 - (3) beyond 50 feet of a #street line# of a designated #street#, except in C6-4 Districts, on which:
 - (i) retail continuity is required, pursuant to Section 91-41 (Regulations for Designated Retail Streets); or
 - (ii) #street wall# continuity is required, pursuant to the regulations for Type 1 or Type 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).
- (b) Within a C6-4 District, paragraph (a)(3) of this Section shall not apply to the location of a #development# or #enlargement#. However, a #floor area# bonus for a #public plaza# shall be permitted, provided that such #public plaza# is located beyond 50 feet of the designated #streets# referenced in paragraph (a)(3).

- (c) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Increase Regulations) may be increased, in C6-4 Districts, by six square feet, to a maximum #~~floor area# ratio~~ #floor area ratio# of 12.0 and, in C5-3, C5-5 and C6-9 Districts, by 10 square feet, to a maximum #floor area# ratio of 18.0.
- (d) When a #public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the #public plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

* * *

91-40
MANDATORY DISTRICT PLAN ELEMENTS

91-41
~~Regulations for Designated Retail Streets~~
Streetscape Regulations

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
 INCLUSIVE]

~~The #use# regulations of this Section, inclusive, shall apply to #buildings# #developed# after August 27, 1998, and to #buildings# #enlarged# on the ground floor level after August 27, 1998.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 4 (Retail and Street Wall Continuity) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

[RELOCATED, WITH UPDATED TERMINOLOGY, FROM SECTION 91-412]

Access to each permitted establishment or #use# shall be provided directly from the #Tier C street frontage#, as shown on Map 4 in Appendix A. Where there is more than one entrance to the establishment or #use# from the #Tier C street frontage#, direct access shall be provided via the entrance with the greatest aggregate clear opening width.

Defined terms in this Section include those in Section 12-10 and Section 32-301.

~~91-411~~
~~Location of required retail space~~

[CONSOLIDATING UNDER STREETSCAPE PROVISIONS IN SECTION 91-41]

~~For any #development# or #enlargement# fronting on the ground floor level of designated retail #streets#, as shown on Map 4 in Appendix A, the #street# frontage of the #building# shall be allocated exclusively to the #uses# set forth in Section 91-12 (Uses on Designated Retail Streets). However, #uses# located within lobby or entrance spaces, subway station improvements or pedestrian circulation spaces that do not front on the ground floor level of the #street# shall be in accordance with the provisions for permitted #uses# of the underlying district.~~

~~Where the #street# frontage occupied by all #building# entrances is 20 feet or more in width, the amount of #street# frontage occupied by lobby space, entrance space and #building# entrance recesses shall not exceed, in total, 40 linear feet or 25 percent of the #building's# total #street# frontage, whichever is less, exclusive of any frontage occupied by a relocated subway stair or the entrance area to a bonused subway station improvement.~~

~~Storefronts for permitted ground floor #uses# shall be no more than 10 feet from the #street line# or, where an #arcade# is provided with supporting columns at the #street line#, no more than 10 feet from the supporting columns.~~

91-412

Access and glazing of required retail space

[RELOCATING TO SECTION 91-41]

~~Access to each permitted establishment or #use# shall be provided directly from the designated retail #street#, as shown on Map 4 in Appendix A. Where there is more than one entrance to the establishment or #use# from the designated retail #street#, direct access shall be provided via the entrance with the greatest aggregate clear opening width.~~

[CONSOLIDATING GLAZING RULES UNDER STREETScape PROVISIONS IN SECTION 91-41]

~~At least 50 percent of the #street wall# surface of each permitted establishment or #use# shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.~~

~~For the purposes of this glazing requirement, the #street wall# surface of each permitted establishment shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.~~

* * *

91-50

OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

* * *

91-51

Accessory Off-street Parking for Residential Uses in Converted Buildings

#Accessory# off-street parking spaces shall be permitted for #dwelling units# in non-
#residential buildings# erected prior to January 1, 1977, or portions thereof, that are
#converted# to #residential use#, provided:

- (a) no more than 200 spaces or a number of spaces equal to 20 percent of the number of #dwelling units# in the #converted# #building#, whichever is less, shall be permitted;
- (b) no curb cut shall be permitted on any #street# where the #converted# #building# has a #street# frontage of 40 feet or less;
- (c) no portion of any such parking facility shall be more than 23 feet above #curb level#;
- (d) no exhaust vents shall open onto any #street# or #public park# or publicly accessible #open space#, and no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets# or parks; and
- (e) all such parking facilities shall be provided on the same #zoning lot# as the #residential uses# to which they are #accessory#, except as otherwise provided in Section 91-511 (Authorization for off-site parking facilities for converted buildings).

* * *

91-53

~~Waiver of Requirements for Accessory Off-street Loading Berths~~

[REMOVING CHAIR CERT AS IS NO LONGER NEEDED PER PROPOSAL CHANGE TO THE UNDERLYING]

- (a) ~~For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the conditions in paragraphs (b), (c), (d) and (e) of this Section have been met:~~
 - (1) ~~waiver of #accessory# off-street loading berths required for such department store #use#;~~
 - (2) ~~waiver of existing required #accessory# off-street loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and~~
 - (3) ~~exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section 12-10 when such floor space will be used for such improved goods receiving and in-store transport system.~~
- (b) ~~A plan for curb side deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by~~

the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and shall not interfere with the efficient functioning of nearby public transit facilities;

- (e) ~~At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;~~
- (d) ~~In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section 12-10, such floor space shall be used for the improved goods receiving and in-store transport system; and~~
- (e) ~~A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries and the site plan. Such declaration shall be filed and recorded in the Office of the City Register of the City of New York against the lots comprising the #zoning lot#. Receipt of proof of recordation in a form acceptable to the Department shall be a precondition to the issuance of this certification, and the recording information shall be included on any temporary or final certificate of occupancy for any #building# or portion thereof, issued after the recording date.~~

* * *

**91-80
PUBLIC ACCESS AREAS**

* * *

**91-83
Retail Uses Within Existing Arcades**

* * *

**91-831
Ground floor requirements**

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #publicly accessible open area# or #through block arcade# shall be considered a #street#, and a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#, and the. The provisions of this Section for new #building# walls fronting on a #publicly accessible open area# shall also apply to new #building# walls fronting on a

#through block arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

* * *

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages subject to the provisions of this Section shall be considered #Tier C street frontages#. For the purposes of applying such regulations, the #minimum qualifying depth# shall be the depth set forth in Section 32-301, or the depth of the #enlargement#, whichever is less.

Defined terms in this Section include those in Section 12-10 and Section 32-301.

(i) Retail #uses#

~~The #street# frontage or frontage along a #publicly accessible open area# of the #enlarged# portion of the ground floor level shall be allocated exclusively to indoor public spaces that are provided in accordance with the provisions of Section 91-834 or the #uses# permitted by Sections 91-111 (Additional uses in C5 Districts) and 91-12 (Uses on Designated Retail Streets) , except that Use Groups 5A, 7A, 7B, 8B, 9A, 10A, 12A, 12B, or 12C shall not be permitted. However, bicycle rental or repair shops and studios for art, music, dancing or theater shall be permitted. #Residential uses# shall be limited to lobbies permitted by paragraph (c)(2) of this Section.~~

~~All #uses# permitted by this paragraph shall occupy a height no less than that of the ground floor level, and shall occupy a depth no less than that of the #enlargement#.~~

(ii) Parking, loading and mechanical equipment

~~No garage entrances, driveways, parking spaces or loading berths shall be permitted within an #enlargement#. No exhaust vents or mechanical equipment shall be permitted on any new #building# wall unless such exhaust vents are more than 15 feet above the level of the curb.~~

(iii) Maximum #street wall# width

~~On the ground floor portion of an #enlargement# for the following Use Group 6 #uses#: the maximum #street wall# width of a bank or loan~~

office shall not exceed 30 feet; and the maximum #street wall# width of a drug store shall not exceed 50 feet.

- (2) ~~Additional #use# requirement for a #publicly accessible open area# or #through block arcade#~~

~~At least 50 percent of the total frontage of all new #building# walls fronting on a #publicly accessible open area# or #through block arcade#, excluding such frontage occupied by #building# lobbies, shall be occupied by retail or service establishments permitted by paragraph (b)(1) of this Section. As an alternative, the amount of frontage required by this paragraph for occupancy by retail or service establishments may be partially or fully located along existing #building# walls fronting on the #publicly accessible open area# or #through block arcade# and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage.~~

~~Libraries, museums and art galleries are permitted #uses# that may front on a #publicly accessible open area#. Banks shall not be a permitted #use# on any #publicly accessible open area# or #through block arcade#. #Uses# required by this paragraph shall be directly accessible from the #publicly accessible open area# or #through block arcade#.~~

- (c) Frontage Number of establishments

[UPDATING DEFINED TERMS]

- (1) Number of establishments

Along the longest #street wall# of the #ground floor level# #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the #ground floor level#. Frontage that is solely dedicated to access a #use# on a level other than the #ground floor level# shall not constitute an establishment for the purposes of this paragraph.

- (2) Access, entrances and lobbies

~~The #street wall# frontage of an #enlarged# portion of the ground floor level may be occupied by the #primary entrance# for the principal #use# of the #building#, provided that such #primary entrance# shall not exceed a #street wall# width of 50 feet along Water Street, or, along other #streets#, a #street wall# width of 40 feet, or 25 percent of the #aggregate width of street wall# along such #street# frontage, whichever is less.~~

~~For a #primary entrance# that fronts on a #publicly accessible open area#, such entrance shall occupy a minimum frontage length of 20 feet or a length equal to the distance between the two closest columns adjacent to the #publicly accessible open area#, whichever is less. A #primary entrance# for the principal #use# of the #building# may be located along a #through block arcade# or indoor public space provided in accordance with Section 91-834 (Indoor public spaces), but may only occupy a maximum frontage length of 25~~

feet.

~~Where more than 50 percent of the length of the #enlargement# is occupied by a #primary entrance# permitted by this paragraph, retail or service establishments with an aggregate frontage length equal to at least 50 percent of the length of the #enlargement# shall be required along new or existing #building# walls along the same #street# frontage as the #enlargement#, and the transparency requirements of paragraph (e)(3) of this Section shall apply to such frontage along existing #building# walls.~~

(3) ~~Transparency and flood resilience~~

~~The ground floor level #street wall# between existing columns shall be glazed with transparent materials, which may include #show windows#, transom windows or glazed portions of doors, except for certain #uses# set forth in Section 37-31 (Applicability). Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height above grade of two feet and 14 feet or the height of the ground floor ceiling, whichever is lower.~~

~~Where the #use# located within the ground floor level #enlargement# fronts on an #arcade# that remains open and accessible, the length of such frontage shall be glazed with transparent materials in accordance with the provisions of this paragraph.~~

~~Permanent fixtures for temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter and are affixed to a column may obstruct any transparent portion of a new #building# wall. Such permanent fixtures may be considered a transparent portion of a new #building# wall. Additionally, such permanent fixtures shall be encased in a decorative material. Temporary flood control devices and associated emergency egress systems shall be permitted in front of any new #building# wall for a reasonable period of time prior to and after a storm event, as determined by the Department of Buildings.~~

* * *

**91-84
Authorizations**

**91-841
Authorization for retail uses within existing arcades**

[UPDATING TO REFLECT CHANGES IN SECTION 91-831]

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

- (a) the requirements of Section 91-831 (Ground floor requirements) are met;
- (b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plazas, Section 91-834 for indoor public spaces or Section 91-835 for alternative improvements;
- (c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and
- (d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section 91-831 (~~Ground floor requirements~~).

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by finding (b) of this Section, and a certification for design changes pursuant to Section 37-625 shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section 91-831 (~~Ground floor requirements~~) shall not apply to such portion of the horizontal #enlargement#.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where the #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to this Section shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. ~~Any non-transparent portion of a #building# wall between columns that fronts on such #arcade# area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section 91-831 may apply.~~

All plans for #arcades#, #publicly accessible open areas#, required open areas and indoor public spaces, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Commission, providing notice of the authorization pursuant to this Section. The filing and recording of such instrument shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where a compensating amenity required by paragraph (b) of this Section is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the applicable legal requirements of Section 91-836 (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section 91-836 shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 2
Special Park Improvement District**

**92-00
GENERAL PURPOSES**

* * *

**92-03
Special Use Regulations**

[UPDATING STREETSCAPE PROVISION & CROSS REFERENCES]

For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Streets:

- (a) #commercial# #uses# shall only be permitted beyond 100 feet of Fifth Avenue and shall be restricted to office #uses# listed in ~~Use Group 6B~~ Use Group 7;
- (b) the underlying district #sign# regulations shall not apply. In lieu thereof, #signs# #accessory# to a #commercial# #use# shall conform with all the #sign# regulations applicable in C1 Districts, except that #illuminated signs# shall not be permitted and, within 100 feet of Fifth Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section 22-30-; and
- (c) the underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that any #ground floor level# #use# limitations shall be modified to reflect the #use# provisions of this Section.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Hudson Yards District**

**93-00
GENERAL PURPOSES**

* * *

**93-01
Definitions**

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

* * *

**93-05
Applicability of District Regulations**

* * *

**93-053
Applicability of Article VII, Chapter 3**

[UPDATING CROSS REFERENCE]

The following special permits by the Board of Standards and Appeals shall not be applicable:

Section ~~73-16~~ 73-143 (~~Public Transit, Railroad or Electric Utility Substations~~) (Electric or gas utility substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-18 (Authorization for Electrical Utility Substations)

Section 73-62 (Modification of Bulk Regulations for Buildings Containing Residences)

Section 73-63 (Enlargement of Non-residential Buildings)

Section 73-64 (Modifications for Community Facility Uses).

**93-054
Applicability of Article VII, Chapter 4**

[UPDATING CROSS REFERENCES]

- (a) The following special permits by the City Planning Commission shall not be applicable:

~~Section 74-61~~ 74-142 (~~Public Transit, Railroad or Electric Utility Substations~~)
(Electric utility substations) shall not apply to ~~electrical utility substations~~. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-18 (Authorization for Electrical Utility Substations)

~~Section 74-68~~
Section 74-61 (~~Development Within or Over a Right-of-way or Yards~~)
(Development within or over a railroad or transit right-of-way or yard)

Section 74-72 (Bulk Modification)

Section 74-74 (Large-scale General Development) shall be inapplicable in the Large-scale Plan Subdistrict A

Section 74-831 (Court houses)

Section 74-841 (Development in certain Commercial Districts)

Section 74-852 (Height and setback regulations for zoning lots divided by district boundaries)

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas)

Section 74-95 (Modifications of Housing Quality Special Permits).

- (b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

~~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) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# and #public parking garages# granted prior to April 14, 2010.

Section 74-79 (Transfer of Development Rights From Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B, such section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4). Furthermore, the maximum

amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark #building# may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea B4 to 19.5.

Section 74-82

(Through Block Arcades) shall apply to any #development# or #enlargement# for which a #through block arcade# would not otherwise be permitted pursuant to this Chapter, except that no #floor area# bonus shall be permitted.

* * *

93-10 USE REGULATIONS

* * *

93-101 ERY Culture, Festival and Exhibit Facility

[UPDATING USE GROUP REFERENCE]

For purposes of this Chapter, all references to #community facility#, #community facility use# or #uses# in ~~Use Groups 3 or 4~~ Use Group 3 in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an #ERY Culture, Festival and Exhibit Facility#.

93-11 Air Space Over a Railroad or Transit Right-of-way or Yard

[UPDATING CROSS REFERENCES]

The provisions for the use of air space over railroad or transit right-of-ways or yards set forth in Sections ~~22-41, 32-44 and 42-462~~ 22-21, 32-51 and 42-31 shall not apply. In lieu thereof, all #developments# or #enlargements# within such air space shall comply with the provisions of this Chapter.

93-12 Special Residential Use Regulations

* * *

93-123 ~~Location of residential use within buildings~~

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

The provisions of Section ~~32-422~~ (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial# #use# provided

no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #story# occupied in whole or in part by #dwelling units#. However, such #commercial# #uses# may be located over such a #story# occupied by #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

93-124

93-123

Restrictions on conversions of residential use

* * *

93-13

Special Commercial Use Regulations

93-131

Certification for office use

[UPDATING USE REFERENCES]

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

- (a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes ~~Use Group 6B~~ Use Group 7 offices #developed# or #enlarged# after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:
 - (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-154 (Inclusionary Housing) or 96-25 (Floor Area Bonus for New Theater Use); or
 - (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-154, 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25, and will not result in a total amount of ~~Use Group 6B~~ Use Group 7 office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

- (b) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of ~~Use Group 6B~~ Use Group 7 office #floor area# #developed# or

#enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes ~~Use Group 6B~~ Use Group 7 offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:

- (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-154, 93-30, inclusive, or 96-25; or
- (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-154, 93-30, inclusive, or 96-25, and will not result in a total amount of ~~Use Group 6B~~ Use Group 7 office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

However, if such #developments# or #enlargements# fail to comply with the provisions of Section 11-331 with respect to completion of foundations within one year of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new Chairperson's certification pursuant to this Section.

- (c) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of ~~Use Group 6B~~ Use Group 7 office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-154, 93-30, inclusive, or 96-25, such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

However, no such authorization shall be required for #developments# or #enlargements# utilizing the Inclusionary Housing Program within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, or in the 42nd Street Perimeter Area of the #Special Clinton District#, where the total #floor area ratio# for such #developments# or #enlargements# does not exceed 12.0.

93-132

Authorization for office use

[UPDATING USE REFERENCES]

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

Where the amount of ~~Use Group 6B~~ Use Group 7 office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to Sections 23-154 (Inclusionary Housing), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

- (a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;
- (b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and
- (c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

93-133

Vehicle storage establishments

[UPDATING USE REFERENCES]

Within Subdistrict G, Use Group ~~46C~~ 9 commercial or public utility vehicle storage, open or enclosed, ~~including #accessory# motor fuel pumps~~ shall be permitted as-of-right. The #floor area# of a #building# shall not include floor space used for public utility vehicle storage provided in any #story# located not more than 56 feet above #curb level#.

93-14

Ground Floor Level Requirements

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, ~~except that the provisions of this Section shall not apply in Subdistrict G and along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Mandatory

Ground Floor Retail) in Appendix A of this Chapter, shall be considered #Tier C street frontages#.

[RELOCATING EXISTING LOBBY EXCEPTIONS]

However, the lobby limitations for #Tier C street frontages# shall be modified as follows: within the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, for a #development# occupying a full #block# with frontage on Hudson Boulevard East and Tenth Avenue and having two million or more square feet of #floor area#, the width of lobbies located on the Hudson Boulevard East #street# frontage or the Tenth Avenue #street# frontage may occupy up to 70 feet of the #building# wall width of the #building# located on each such frontage.

[ESTABLISHING STREET-LIKE OPEN SPACES IN SUBDISTRICT F TO MAKE FRONTAGES SUBJECT TO TIER B RULES]

In addition, for the purposes of applying such provisions to Sites 1, 2 and 6 in the Western Rail Yard Subdistrict F, West 31st and West 32nd Street Extension, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B of this Chapter, shall be considered #streets#.

- (a) ~~Retail continuity along designated streets in Subdistricts A, B, C, D and E~~

~~Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building's# #street# frontage, as indicated on Map 2.~~

~~#Uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial# #uses# permitted by the underlying district, not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).~~

[RELOCATING PUBLIC ACCESS AREAS RULES TO PARAGRAPH (K) OF SECTION 93-71]

~~A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:~~

- (1) ~~for #building# walls facing the outdoor plaza described in Section 93-71, paragraph (b); the through block connection described in Section 93-71, paragraph (d), and the connection to the public plaza described in Section 93-71, paragraph (e);~~

- (2) for ~~#building# walls facing the through block connection described in Section 93-71, paragraph (d); the outdoor plaza described in Section 93-71, paragraph (b);~~
- (3) for ~~#building# walls facing the connection to the #public plaza# described in Section 93-71, paragraph (e); the outdoor plaza described in Section 93-71, paragraph (b) and the public plaza described in Section 93-71, paragraph (e); or~~
- (4) ~~a combination of retail #uses# and public access areas so as to satisfy such depth requirement for retail continuity.~~

[RELOCATING EASTERN RAIL YARD LOBBY PROVISIONS TO PARAGRAH
(K) IN SECTION 93-71 & RELOCATING REMAINING LOBBY
PROVISIONS UNDER RULES ABOVE]

The length of ~~#street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section 37-33 (Maximum Width of Certain Uses), except within the Eastern Rail Yard Subarea A1, where the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less, and within the Four Corners Subarea A2 of the Large Scale Plan Subdistrict A, for a #development# occupying a full #block# with frontage on Hudson Boulevard East and Tenth Avenue and having two million or more square feet of #floor area#, the width of lobbies located on the Hudson Boulevard East #street# frontage or the Tenth Avenue #street# frontage may occupy up to 70 feet of the #building# wall width of the #building# located on each such frontage.~~

- (b) Retail continuity along designated streets in Subdistrict F

[CONSOLIDATING ALL RULES ABOVE]

Map 4 (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B specifies locations where the special ground floor ~~#use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's# #street# frontage, as indicated for each location on Map 4.~~

- (1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor ~~#street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.~~

- (2) ~~Along designated streets other than Eleventh Avenue~~

In addition to the ~~uses~~ listed in paragraph (a) of this Section, the following ~~community facility uses~~ from Use Groups 3 and 4 as well as the following ~~commercial use~~ from Use Group 6B shall be permitted within a ~~story~~ that has a floor level within five feet of ~~curb level~~ for frontages along designated ~~streets~~, as shown on Map 4, other than Eleventh Avenue.

~~From Use Group 3:~~

~~Art galleries, non-commercial~~

~~Libraries~~

~~Museums~~

~~Nursery, kindergarten, elementary or secondary schools (with no living or sleeping accommodations)~~

~~From Use Group 4:~~

~~Ambulatory diagnostic and treatment health care facilities~~

~~Community centers~~

~~Houses of worship~~

~~Recreation centers, non-commercial~~

~~From Use Group 6B:~~

~~Veterinary medicine, limited to small animals.~~

A minimum of 70 percent of the ~~aggregate width of street wall~~ shall be occupied by ~~uses~~ permitted in this Section. A minimum of 50 percent of the ~~street~~ frontage of a ~~building~~ shall be allocated exclusively to ~~uses~~ listed in paragraph (a) and Use Group 3 ~~uses~~ listed in this paragraph, (b)(2). In addition, a maximum of 20 percent of the ~~street~~ frontage of a ~~building~~ shall be permitted to provide the Use Group 4 and 6B ~~uses~~ listed in this paragraph, (b)(2). However, if a ~~street~~ frontage is occupied by a bank, as listed in Use Group 6, such ~~street~~ frontage shall not exceed a ~~street wall~~ width, in total, of 25 feet.

The remaining portion of the ~~street wall~~ may be occupied by ~~uses~~ listed in this Section, or by lobby space, mechanical space or entrances to ~~accessory~~ parking garages, provided that:

- (i) the maximum width of a single lobby frontage shall comply with the provisions for Type 2 lobbies set forth in Section 37-33. A maximum of two such lobbies shall be permitted along a single ~~street wall~~ frontage, provided that the minimum distance between such lobbies shall not be less than 120 feet; and

- (ii) ~~the maximum width of a #street wall# occupied by an entrance to #accessory# parking spaces shall not exceed 35 feet.~~
- (e) ~~Transparency requirements along designated streets in Subdistricts A, B, C, D, E and F~~

~~For any #development# or ground floor #enlargement# fronting on #streets# designated on Map 2 in Appendix A of this Chapter, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.~~

~~Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section, shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).~~

~~For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, the Hudson Boulevard #street wall# of such #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this Section to be met upon demolition of the #buildings# within such #street# bed or #public park# and, within six months of such demolition, such glazing requirements shall be complied with.~~

- (d) ~~Non-transparent walls within Subdistrict F~~

[REMOVING AS RULE IS INCORPORATED INTO STREETSCAPE REGULATIONS]

~~Within Subdistrict F, any non-transparent area of a new or existing wall with a width in excess of 40 feet and a height in excess of five feet fronting upon a public sidewalk or publicly accessible open space shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be required to a height of 15 feet above the level of the public sidewalk or publicly accessible open space, or the height of the wall, whichever is less.~~

93-141

Certification to modify ground floor level requirements in Subdistrict F

[UPDATING CROSS REFERENCE]

Within Subdistrict F, the Chairperson of the City Planning Commission may modify the ground floor level requirements of paragraphs (b), (c) and (d) of Section 93-14 (Ground Floor Level Requirements), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is the minimum necessary to accommodate the ventilation requirements of the below-grade rail operations. Any application for such change shall include a mechanical plan that conveys the extent of the needs and required modifications, as well as a letter from the Metropolitan Transportation Authority describing the needs for such modifications.

93-15
Public Parking Facilities

[UPDATING CROSS REFERENCE]

In C2-5, C2-8 and C6 Districts, the provisions of ~~Sections 32-17 (Use Group 8) and 32-21 (Use Group 12)~~ Section 32-19 (Use Group 9 – Storage), inclusive, with respect to #public parking garages# and #public parking lots# are inapplicable and are superseded by the provisions of Section 93-80 (OFF-STREET PARKING REGULATIONS).

* * *

93-17
~~Non-conforming Uses in Large Scale Plan Subdistrict A~~

[REMOVING TO REFLECT UNDERLYING PROPOSAL]

~~In the Large Scale Plan Subdistrict A, for a period of not more than 10 years after January 19, 2005, existing automobile repair establishments listed in Use Group 16 of Section 32-25 that were conforming prior to January 19, 2005, may be #enlarged#, provided that the #floor area ratio# of any such establishment, including any #enlargement# pursuant to this Section, does not exceed 5.0.~~

93-18
93-17
Authorization for Electrical Utility Substations

Electrical utility substations shall be allowed in the #Special Hudson Yards District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission which shall be issued upon finding, with respect to a proposed site, that:

- (a) to the extent reasonably permitted by the operational needs of the substation, the architectural and landscaping treatment of such #use# will blend harmoniously with the abutting area; and
- (b) if the site proposed for such #use# is Subareas D4 or D5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, that there are difficulties in locating such #use# in other Subdistricts of the #Special Hudson Yards District#.

The Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section which are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substations shall comply therewith.

**93-20
FLOOR AREA REGULATIONS**

* * *

**93-50
SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS**

* * *

**93-51
Special Height and Setback Regulations in the Large-Scale Plan Subdistrict A**

* * *

**93-514
Eastern Rail Yard Subarea A1**

[UPDATING USE REFERENCES]

(a) Location of #buildings#

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street;
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:
 - (i) such area contains only #uses# in ~~Use Groups 3 and 4~~ Use Group 3; or
 - (ii) where such area includes #residential use#, such #residential use# shall be located only in a #building#, or portion of a #building#, located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in ~~Use Groups 3, 4, 6A and 6C~~ Use Groups 3 and 6. In addition, #uses# in ~~Use Group 3 or 4~~ Use Group 3 may be located in a #building# separate from any #building# containing #residential use#, provided that any such separate #building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.
- (4) for any #building# located at or above the elevation of the #High Line bed# which faces the #ERY High Line#, the #street wall# shall not be located closer

than five feet to the edge of the #ERY High Line# and such five foot separation shall remain unobstructed, from the level of the #High Line bed# adjacent to such #building# to the sky. Notwithstanding the foregoing, for any #building# located partly within 335 feet of the Tenth Avenue #street line#, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the #High Line bed# at a height of 60 feet or more measured from the #High Line bed#, provided such portion has a maximum width of 200 feet along the West 30th Street #street line# and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street #street line# supporting such portion of the #building# may be located within five feet of the southern edge of the #ERY High Line#, and such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the #High Line bed#. A maximum of 30 percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the level of the #High Line bed# to a height of 25 feet above the level of the #High Line bed#.

(b) Height and setback

* * *

**93-56
Special Height and Setback Regulations in Subdistrict F**

* * *

**93-565
Site 3**

[UPDATING CROSS REFERNCES]

The regulations of this Section shall apply to all #buildings# within Site 3.

All #stories# of a #building# located wholly or partially above the highest level of the adjoining public sidewalk or finished grade on Site 3 shall be considered a tower and shall comply with the provisions of this Section. Not more than one tower shall be permitted on Site 3.

(a) Ground floor

A maximum of 6,000 square feet of the ground floor shall be permitted to provide #residential uses#. The remaining portion of the ground floor shall provide an area

that is accessible to the surrounding publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F). Such space may provide ground floor #uses# pursuant to ~~Section 93-14 (Ground Floor Level Requirements)~~ paragraph (a) of Section 37-76, or may be considered part of the Central Open Space and comply with the regulations set forth in Section 93-75.

If such remaining ground floor level space provides ground floor #uses# ~~pursuant to the requirements of paragraph (b)(2) of Section 93-14~~, such #uses# shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

If such remaining ground floor level space is considered part of the Central Open Space, such space may be open or enclosed. An open space provided pursuant to this paragraph (a) shall have a clear height of at least 40 feet measured from the level of an adjoining finished grade or sidewalk. An enclosed publicly accessible space provided pursuant to this paragraph (a) shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

- (b) Maximum floor plate

* * *

**93-70
PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

* * *

**93-71
Public Access Areas in the Eastern Rail Yard Subarea A1**

[UPDATING CROSS REFERENCES & USE REFERENCES]

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

- (a) Amount of public access areas

* * *

- (b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the “outdoor plaza”), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may

extend beyond such boundaries and have necessary grade changes, and up to 10 percent of the area of such outdoor plaza may be covered by a #building or other structure#

In addition, a #building# containing eating or drinking places and #uses# listed in ~~Use Groups 6A and 6C~~ Use Group 6 may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section 93-71), provided that any such #building#:

- (1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;
- (2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;
- (3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;
- (4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (5) is located such that the maximum east-west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east-west dimension shall increase at a rate of one foot in the east-west dimension for every four feet in the north-south dimension from such line, up to a maximum east-west dimension of 60 feet; and
- (6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of paragraph (k) of this Section 93-14 (~~Ground Floor Level Requirements~~) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building#, or portion of a #building#, located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing #uses# in ~~Use Group 3 or 4~~ Use Group 3 or an #ERY Culture, Festival and Exhibit Facility#.

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a “public plaza”), shall be provided at the intersection of Tenth Avenue and West 3⁰th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 3⁰th Street. Such public plaza shall be open to the sky except that such space may be covered by the #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514, paragraph (a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 3⁰th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726, paragraph (a), as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities:

- (1) no less than 120 linear feet of fixed seating;
- (2) no less than 12 moveable tables and 48 moveable chairs; and
- (3) no less than four trees or multi-stemmed equivalents measuring at least four inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities:
 - (i) artwork;
 - (ii) water features; or
 - (iii) food service located in a retail space directly accessible from the public plaza.

The glazing requirements of paragraph (k) of this Section 93-14, ~~paragraph (e)~~, shall apply to at least 70 percent of the length of all #building# walls, other than the #building# walls of any facility operated by the Long Island Rail Road, or its successor, facing each side of the public plaza. In addition, at least 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses#

listed in ~~Use Groups 6A and 6C~~ Use Group 6 or the connection to the public plaza described in paragraph (e) of this Section.

(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet and any enclosed portion shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of paragraph (k) of this Section 93-14, ~~paragraph (a)~~; then such through block connection may: (i) have a minimum width of 24 feet; and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

The retail and glazing requirements of paragraph (k) of this Section 93-14 shall apply to at least 50 percent of the length of all #building# walls facing each side of the through block connection (or, if enclosed, the interior walls facing the through block connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the through block connection, and a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. The retail and glazing requirements of paragraph (k) of this Section 93-14 shall apply to at least 50 percent of the length of all #building# walls facing each side of such connection (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. For any portions that are enclosed, the minimum clear height shall be 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza,

provided that no portion of the connection to the public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the “connection”) shall be provided that has a minimum width, measured parallel to the High Line, of 60 feet and is located east of the Culture Facility Plaza. For a width of 60 feet measured parallel to the High Line, the clear height of the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of paragraph (k) of this Section 93-14, paragraph (e), shall apply to at least 50 percent of the length of all #building# walls facing the connection.

* * *

(j) Culture Facility Plaza

* * *

(k) Retail continuity requirements for public access areas

[RELOCATING PUBLIC ACCESS AREA RULES, WITH CHANGES, FROM PARAGRAPH (A) OF SECTION 93-14]

Within the Eastern Rail Yard Subarea A1, the retail continuity and transparency requirements of this paragraph are applicable to specified #building# walls facing certain public access areas. The applicability of retail, transparency or both provisions, are set forth in the individual provisions of this Section.

(a) Retail requirements

#Uses# on the portion of the #ground floor level# frontage along a publicly accessible open space required pursuant to this paragraph, to the minimum

depth set forth in Section 37-32, shall be limited to permitted #commercial uses#, except for lobbies, entrances and exits to off-street parking facilities and entryways to #mass transit stations#, as provided by Section 37-33. However, within the Eastern Rail Yard Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less. At least 50 percent of the frontage not otherwise occupied by excepted #uses# shall be allocated to #uses# listed in Use Group 6 or 8. All parking shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35.

(b) Glazing requirements

#Ground floor level# #street walls# shall be glazed in accordance with the provisions of Section 37-34

93-73

Public Access Areas on the Ninth Avenue Rail Yard

* * *

(a) Entry Plaza

[UPDATING CROSS REFERENCES]

(1) Location and minimum dimensions

* * *

(2) Required amenities

The entry plaza shall have the following amenities:

- (i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);
- (ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;
- (iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iv) ground floor transparency, in accordance with the provisions of ~~paragraph (c) of Section 37-34~~ 93-14 (Ground Floor Level

~~Requirements~~), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and

- (v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

[UPDATING CROSS REFERENCES]

- (1) Location and minimum dimensions

* * *

- (2) Required amenities

The central plaza shall contain the following features and amenities:

- (i) Landscaped area

* * *

- (v) Transparency

The transparency requirements of ~~paragraph (c) of Section 93-14 (Ground Floor Level Requirements) Section 37-34~~ shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

- (vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of ~~paragraph (a) of Section 93-14~~ paragraph (a) of Section 37-76 and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of ~~paragraph (a) of Section 93-14~~ paragraph (a) of Section 37-76. Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

- (vii) Pavilion

* * *

(c) Art Plaza

- (1) Location and minimum dimensions

* * *

(2) Required amenities

The art plaza shall contain the following features and amenities:

- (i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);
- (ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;
- (iii) a minimum of 45 linear feet of seating;
- (iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and
- (iv) the transparency requirements of ~~paragraph (c) of Section 93-14~~ Section 37-34 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.
- (iv) Dyer Avenue Platform

(1) Location and minimum dimensions

* * *

(2) Required amenities

The Dyer Avenue Platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue Platform located within the easement provided pursuant to paragraph (b) of Section 93-72 (Public Access Areas at 450 West 33rd Street):

- (iv) a minimum of 16 trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of 12 trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;
- (ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

- (iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street;
- (iv) the glazing requirements of ~~paragraph (c) of Section 93-14~~ Section 37-34 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue Platform; and
- (v) at least two pedestrian circulation paths with a minimum clear path of eight feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue Platform, from West 31st Street to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue Platform shall be considered a part of the Dyer Avenue Platform and not an obstruction.

(e) West 31st Street Connector

* * *

93-74

Public Access Areas in Pennsylvania Station Subarea B4

[UPDATING CROSS REFERENCES]

The provisions of this Section shall apply to any #development# in the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

(a) Public space

A publicly accessible enclosed space with a minimum area of 32,500 square feet shall be provided. Such space shall have at least 100 feet of frontage along the Eighth Avenue #street line#, and have a minimum clear height of 60 feet. The length of such space shall not exceed four times its narrowest width. Up to one-half of such space may be below- grade but shall be visually connected to the at-grade space.

Furthermore, such below-grade space shall be connected to the at-grade space by escalators on at least two sides. The retail and glazing requirements of ~~Section 93-14 (Ground Floor Level Requirements)~~ Section 37-76 shall apply to least 70 percent of the length of all #building# walls facing each side of such space. Such space shall provide direct access to the through block connection required pursuant to paragraph (b) of this Section, adjacent #building# lobbies and transit facilities.

(b) Through block connection

* * *

93-77

Design Criteria for Public Access Areas in Subdistrict F

[UPDATING USE REFERENCE]

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

* * *

(c) Interim #use#

Open #uses# ~~listed in Use Group 4B, with the exception of cemeteries and golf courses listed in Use Group 1~~ shall be permitted as interim #uses# within the designated boundary of any public access area described in Sections 93-75 or 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) with the exception of the #High Line# open space, or within the designated boundary of any development site described in Section 93-56 (Special Height and Setback Regulations in Subdistrict F). Such interim #uses# may be #developed# prior to the approval of the site and landscape plans for the public access area in which it is located, and may continue until such time as development commences on such public access area pursuant to the approved site and landscape plans. Any such interim #uses# shall be open to and usable by the public, and may include temporary structures, provided that all associated #floor area# is appurtenant to the interim #use#.

* * *

93-80

OFF-STREET PARKING REGULATIONS

* * *

93-82

Permitted Parking

* * *

93-821

Permitted parking when the reservoir surplus is greater than or equal to zero

[UPDATING USE REFERENCES]

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-

street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.

- (b) For Use Group 5 #transient hotels#, the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses) shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.
- (c) For ~~Use Group 6B~~ Use Group 7 offices, not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.
- (d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph (d):

* * *

93-822

Permitted parking when a reservoir deficit exists

[UPDATING USE REFERENCES]

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses).
- (b) The number of permitted #accessory# off-street parking spaces for ~~Use Group 6B~~ Use Group 7 offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).
- (c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:

* * *

93-823

Parking permitted by special permit

[UPDATING USE REFERENCES]

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, ~~Use Group 6B~~ Use Group 7 offices to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, provided that:

- (a) within the vicinity of the site, there are insufficient parking spaces available;
- (b) the facility will not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement;
- (c) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and
- (d) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this condition.

In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 do not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

* * *

**93-83
Use and Location of Parking Facilities**

[UPDATING USE REFERENCES]

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, all off-street parking spaces #accessory# to Use Group 5 #transient hotels# and ~~Use Group 6B~~ Use Group 7 offices may be made available for public use. 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#.
- (b) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or

- (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor# #area#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

* * *

**Appendix A
Special Hudson Yards District**

[UPDATING MAPS TO REFLECT NEW STREETScape PROVISIONS]

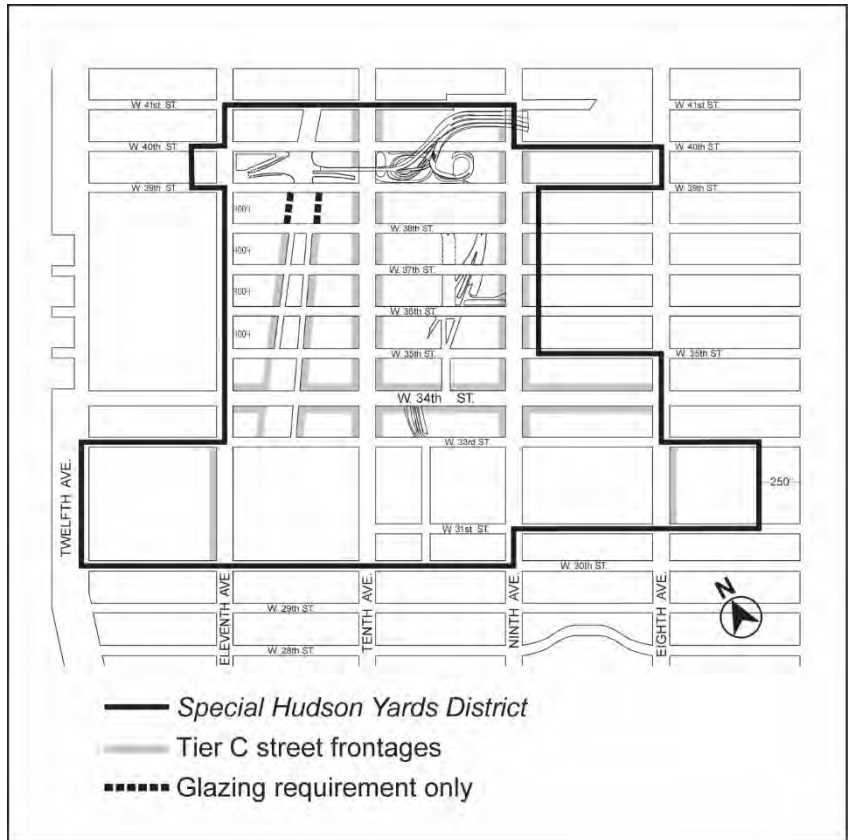
* * *

Map 2 — Mandatory Ground Floor Retail

[EXISTING MAP – TO BE REMOVED]



[UPDATED MAP]

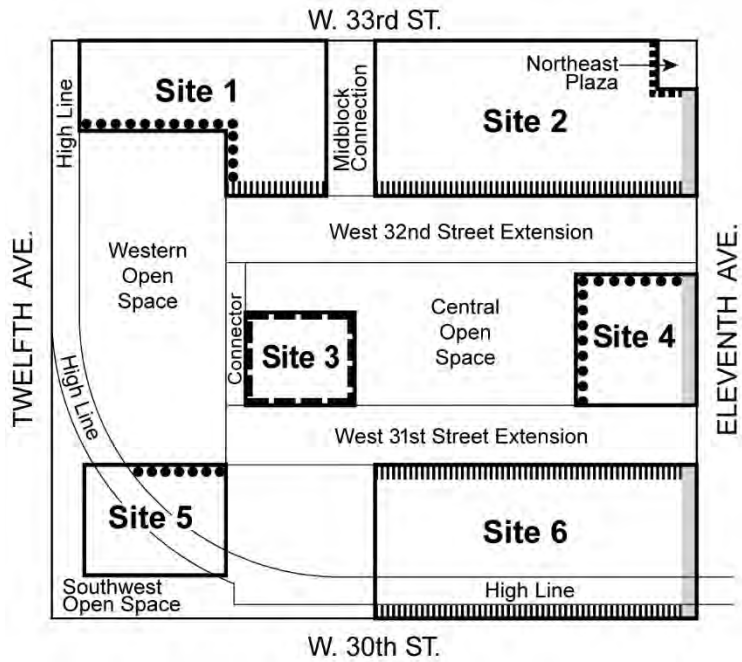


* * *

Appendix B
Special Hudson Yards Subdistricts Maps

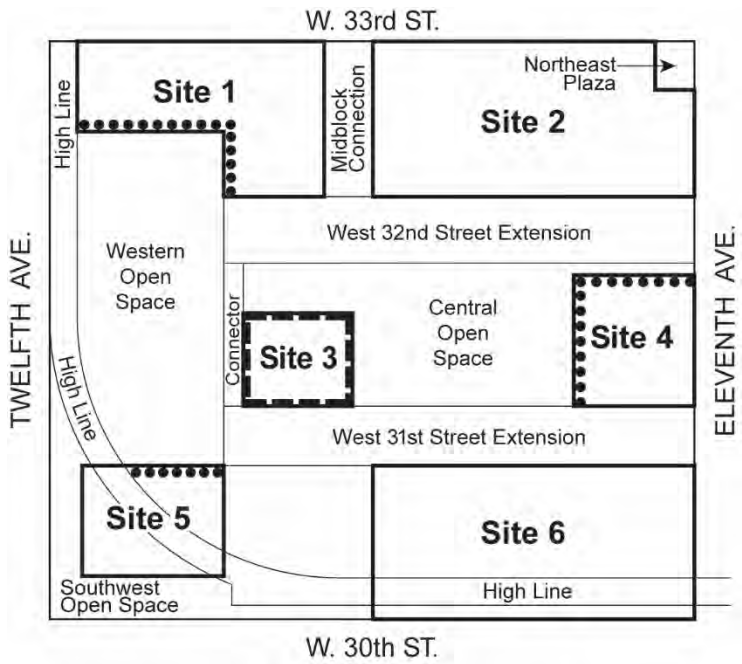
Map 4 — Subdistrict F: Mandatory Ground Floor Requirements (93-B4)

[EXISTING MAP – TO BE REMOVED]



- 100% Retail and Glazing Requirement
- ||||||| 70% Retail or Community Facility and Glazing Requirement (Section 93-14, (b) and (c))
- Public Plaza 50% Retail and Glazing Requirements (Section 37-76)
- Ground Floor Requirements (Section 93-565(a))
- 50% Glazing Requirement (Sections 93-751(d) and 93-752(e))

[UPDATED MAP]



- Ground Floor Requirements
- 50% Glazing Requirement

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 4
Special Sheepshead Bay District**

**94-00
GENERAL PURPOSES**

* * *

**94-06
Special Use Regulations**

* * *

**94-061
Permitted residential, community facility and commercial uses**

[UPDATING CROSS REFERENCES AND REMOVING UNNECESSARY TEXT TO
REFLECT NEW UNDERLYING]

A. ~~#Residential# and #community facility uses#~~

~~#Uses# listed in Use Groups 1, 2, 3 and 4 #Residential# and #community facility uses# shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).~~

B. ~~#Commercial# #uses#~~

~~In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial# #uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water Dependent (WD) uses) from Use Groups 6, 7 where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.~~

In all Areas, the underlying C2 District regulations shall apply to #commercial uses#.

~~In Area F, only #commercial# #uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14 where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14, shall be allowed within the underlying #Commercial Districts#.~~

~~In Area G, only #commercial# #uses# listed in Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall allowed within the underlying #Commercial Districts#.~~

~~In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial# #uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:~~

~~Antique stores~~

~~Art galleries, commercial~~

~~Artists' supply stores~~

~~Bicycle sales, rental or repair shops~~

~~Boat fuel sales, open or enclosed, restricted to location within 10 feet of a dock berth~~

~~Boat rentals, open or enclosed~~

~~Boat showrooms or sales~~

~~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~~

~~Book stores~~

~~Candy or ice cream stores~~

~~Cigar or tobacco stores~~

~~Coin-operated ice vending machines, 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~~

~~Docks for pleasure boats less than 100 feet in length~~

~~Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment~~

~~Fish stores, retail~~

~~Fishing tackle or equipment, rental or sales~~

~~Florist shops~~

~~Gift shops~~

~~#Health and fitness establishments#~~

~~Hardware stores, limited to marine supplies~~

~~#Hotels, transient#, #motels# or #boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)~~

~~Jewelry or art metal craft shops~~

~~Newsstands, open or enclosed~~

~~Non-commercial clubs, without restrictions on activities or facilities~~

~~Pet shops~~

~~Photographic equipment or supply stores~~

~~Picture framing shops~~

~~Sailmaking establishments~~

~~Sale or rental of sporting goods or equipment, including instructions in skiing, sailing or skin diving~~

~~Stamp or coin stores~~

~~Studios, art, music, dance or theatrical~~

~~Taxidermist shops~~

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

94-062

Use Group SB

Streetscape regulations

[REMOVING USE GROUP SB AS THE NEW UNDERLYING WILL APPLY]

In Areas A, B, C, D and E, except as stated in this Section, all ~~#commercial# #uses#~~ permitted by Use Group SB shall be limited to a maximum ~~#floor area#~~ of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any ~~#use#~~ marked with a single asterisk (*) shall not be located on the ground floor of a ~~#building#~~.

A. ~~Convenience retail or service establishments~~

~~Bakeries, limited to 750 square feet of #floor area# for production~~

~~Eating or drinking places, with no restriction on #floor area# or frontage per establishment, including those which provide outdoor table service or incidental musical entertainment~~

~~Hardware stores, limited to marine supplies~~

~~Stationery stores~~

~~Tailor or dressmaking shops, custom~~

B. ~~Offices~~

~~*———Offices, business, professional or governmental~~

C. ~~Retail or service establishments~~

~~Antique stores~~

~~Art galleries~~

~~Artists' supply stores~~

~~Bicycle, rental or sales~~

~~Boat showrooms, with no repair or preparation or boats for delivery, #floor area# limited to 5,000 square feet~~

~~Book stores~~

~~Candy or ice cream stores~~

~~Cigar or tobacco stores~~

~~Clothing stores or clothing accessory stores~~

~~Dry goods stores (fabrics)~~

~~Fishing tackle and equipment~~

~~Florists~~

Gift shop

~~#Health and fitness establishments#~~

Jewelry or art metal shops

Leather goods stores

~~*—— Meeting halls, having a rated capacity of not more than 75 people~~

Millinery shops

Music stores or repair shops

Newsstands, open or enclosed

Off track betting establishments

Pet shops

Photographic equipment or supply stores

Picture framing shops

Record stores

Shoe stores

Sporting or athletic goods stores

Stamp or coin stores

~~*—— Studios, music, dance or theatrical, with no restriction on #floor area#~~

Taxidermist shops

Toy stores

Travel bureaus

Watch or clock stores or repair shops

D. Clubs

~~*—— Clubs, non-commercial, without restrictions on activities or facilities~~

E. ~~#Accessory# #uses#~~

[ADDING STREETSCAPE PROVISIONS HERE]

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

- (a) #ground floor level# #street# frontages in Areas A, B, C and D as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter along Emmons Boulevard shall be considered #Tier C street frontages#;
- (b) #ground floor level# #street# frontages in Areas A, B, C, E and F, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, along Sheepshead Bay Road, Ocean Avenue, Bedford Avenue, Nostrand Avenue, as well as, in Areas E and F, frontages along Emmons Boulevard, shall be considered #Tier B street frontages#;
- (c) in Areas A, B, C and D, the size of #ground floor level# #commercial uses# shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at the #ground floor level# of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue, except that:
 - (1) such size limitation shall not apply to eating or drinking establishments; and
 - (2) in Areas B, grocery and convenience retailers may exceed such size limitations meeting the following criteria:
 - (i) such establishment shall be on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date;
 - (ii) only one such establishment shall be permitted on a #zoning lot#; and
 - (iii) the size of such establishment shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space.

94-063

Uses permitted by special permit

Additional sign regulations

[ALIGNING WITH NEW UNDERLYING TO APPLY C2 APPLICABILITY & RELOCATING SECTION 94-066 TO SECTION 94-063]

The City Planning Commission, by special permit, may allow the #uses# listed in Tables 1 and 2 in Areas A, B, C, D and E and the #uses# listed in Table 2 only in Area H, provided that the following findings are made:

- (a) the #use# is so located as not to impair the character of the surrounding area or its future development or cause any environmental hazards;
- (b) the principal vehicular access for such #use# is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or Bedford Avenue, except where no access is

available from another #street#, and that such #use# will not cause undue congestion in local #streets#;

- (c) ~~the #uses# listed under #manufacturing# establishments in Table 1 are #accessory# to the retail sales on the same #zoning lot# and such #uses# occupy not more than 50 percent of the #floor area# of the establishment and that such #uses# do not create objectionable noise, vibration, smoke, dust or odor; and~~
- (d) ~~any public parking facilities provide adequate reservoir space at vehicular entrances, and that sufficient vehicular entrances and exits are provided to prevent traffic congestion.~~

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Table 1

A. ~~#Manufacturing# Establishments~~

~~Art needlework, hand weaving, tapestries~~

~~Books, hand binding, tooling~~

~~Ceramics, custom~~

~~Jewelry manufacture, custom~~

~~Musical instruments (except pianos)~~

~~Printing, custom~~

~~Watchmaking~~

B. ~~Amusements~~

~~Billiard parlors or pool halls, limited to 10 tables~~

~~Golf recreation centers, indoor, limited to 5,000 square feet~~

~~Skating rinks or ice skating rinks, outdoor or indoor, limited to one rink~~

~~Theaters, having a rated capacity of 500 people or less~~

Table 2

A. ~~Automotive Service Establishments~~

~~#Parking garages#, #public#, or #parking lots#, #public#, with any capacity~~

B. Amusements

~~Historical exhibits, provided such #use# is contained mainly within a structure~~

~~Skating rinks or ice skating rinks, outdoor, may be enclosed in winter, limited to one rink~~

~~Tennis courts, outdoor, may be enclosed in winter, limited to four courts in Areas A, B, C, D and E and to eight courts in Area H~~

~~Swimming pools, commercial, limited to Area H~~

C. Service Establishments

~~Eating or drinking places, without restrictions on entertainment or dancing~~

[RELOCATING FROM SECTION 94-066]

Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect illumination. Where #signs#, other than #advertising signs#, are permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.

94-064

Supplementary use regulations

[RELOCATING TO SECTION 94-062]

~~The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District.~~

94-065

Restriction on ground-floor use

[REMOVING NO LONGER NEEDED, AS STREETScape WILL APPLY THIS]

~~In Areas A, B, C and D, the ground floor of a #building# shall not be used for #residences# except for #single# or #two family residences# or #accessory# lobbies.~~

94-066

Additional sign regulations

[RELOCATING SECTION TO SECTION 94-063]

~~Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect illumination. Where #signs#, other than #advertising signs#, are~~

~~permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.~~

* * *

**94-10
SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS**

* * *

**94-11
Special Parking Provisions**

**94-111
Curb cuts**

No curb cuts shall be permitted on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue except that where no access is available on a #zoning lot# from another #street#, one curb cut shall be permitted.

**94-112
~~Restricted location~~**

[REMOVING, REDUNDANT WITH NEW STREETSCAPE PROVISIONS]

~~In Areas A, B, C, D, E and F, no open off street parking shall be located within 30 feet of the #street lines# of Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue.~~

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Transit Land Use District**

**95-00
GENERAL PROVISIONS**

* * *

**95-04
Certification of Transit Easement Volume**

**95-041
For developments or enlargements**

[REMOVING REFERENCE OF USE GROUP T AS NO LONGER APPLICABLE]

Prior to filing any applications with the Department of Buildings for an excavation permit or building permit for a #development# or #enlargement# within the #Special Transit Land Use District#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority and the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Upon receipt of the completed application, the Commission shall furnish a copy to the affected Community Board.

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Commission shall jointly certify whether or not an easement is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the Metropolitan Transportation Authority and the Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of easement volume that would be most compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the Metropolitan Transportation Authority and the Commission. Copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

~~Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approval and certified plans.~~

* * *

95-054

Permitted uses and other constructions

[REMOVING SPECIFIC USE REFERENCES]

Areas within the easement volume not used for circulation purposes may be developed ~~only with newsstands, cigar stands, flower stands or similar stands~~, in accordance with the Metropolitan Transportation Authority specifications, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted ~~uses~~ be located within 10 feet of a pedestrian entrance to the subway at ~~curb level~~.

In addition, any portion of the transit easement volume at ~~curb level~~ not to be covered for weather protection, may contain trees, benches or any obstructions permitted in a ~~public plaza~~ area. However, such elements shall not interfere with the pedestrian movement.

The Metropolitan Transportation Authority and the City Planning Commission may permit penetration of the transit easement volume above ~~curb level~~ by a ~~building~~ lobby, including ~~building~~ columns, where such lobby space serves as a part of the pedestrian circulation system and provides from it direct public access to the subway entrance within the easement volume.

Where construction within a transit easement volume is more than five feet in height above ~~curb level~~, such construction proposal shall be submitted to the Commission for a review and certification to ensure that such construction relates harmoniously to the total development. When a transit easement volume is located within a ~~building~~, it shall be open to the general public for the same hours of operation as the subway station.

~~Building~~ columns or footings are permitted inside the transit easement volume, provided that the minimum clear distance between any columns is 12 feet and between the columns and any bounding walls of the transit easement volume is 10 feet. Where the width of an easement is greater than 20 feet, location of columns within the easement volume shall be established in consultation with the Metropolitan Transportation Authority. In all cases, the depth of columns or footings within the easement area or adjoining area shall be established in consultation with the Metropolitan Transportation Authority. Furthermore, vertical space between such columns shall be open and unobstructed from its base except for any construction permitted under the provisions of this Chapter.

* * *

95-08

Special Use Regulations

[REMOVING SPECIAL USE GROUP.

UNDERLYING AND ARTICLE VI, CHAPTER 6 WILL APPLY. MAINTAINING RES
DISTRICT ALLOWANCES THROUGH X-REF]

~~In order to promote the continued development of retail and related uses which are most appropriate for pedestrians using transit facilities, the only commercial uses permitted in the subway mezzanine level, along with the bounding walls of the transit easement volume~~

~~below the second #story#, and at the ground #story# of any #development# or #enlargement# within the Special District, shall be those #uses# listed in Use Group T in Section 95-081.~~

~~Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approved and certified plans.~~

~~In all underlying districts within the Special District, below the lowest #story# occupied by #residential uses#, Use Group T #uses# are permitted to occupy no more than two #stories# above #curb level#. However, #uses# listed in paragraphs A, C or E of Section 95-081 are permitted within the Special District only where allowed by the underlying district regulations. Location of #commercial# #uses# within a #building# shall be governed by the provisions of Section 32-42.~~

~~In the subway mezzanine, at ground #story#, and along the bounding walls of the transit easement volume below the second #story#, the frontage occupied by any #uses# shall not exceed 25 linear feet per establishment within a distance of 75 feet from the edge of the easement volume.~~

~~The underlying #use# regulations shall apply, except that for #zoning lots# with transit easements in #Residence Districts#, the special allowances of Section 66-222 may be applied around such easement volume.~~

95-081

Use Group T

[REMOVING SPECIAL USE GROUP.
UNDERLYING AND ARTICLE VI, CHAPTER 6 WILL APPLY]

~~Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.~~

~~A. — Amusements~~

~~Billiard parlors or pool halls~~

~~Model car hobby centers, including racing~~

~~Theaters~~

~~B. — Convenience Retail or Service Establishments~~

~~Bakeries, provided that no floor space is used for production~~

~~Barber shops~~

~~Beauty parlors~~

~~Drug stores~~

~~*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~~

~~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~~

~~Eating or drinking establishments, with musical entertainment, but not dancing, with a capacity of 200 persons or fewer~~

~~*Food stores, including grocery stores or delicatessen stores~~

~~*Fruit stands, including supermarkets or meat markets~~

~~Hardware stores~~

~~*Laundry establishments, hand or automatic self service~~

~~*Package liquor stores~~

~~Post offices~~

~~Shoe or hat repair shops~~

~~Stationery stores~~

~~Tailor or dressmaking shops, custom~~

~~Variety stores, limited to 10,000 square feet of #floor area# per establishment~~

~~C. — Offices~~

~~*Offices, business, professional or governmental~~

~~D. — Retail or Service Establishments~~

~~Antique stores~~

~~Art galleries, commercial~~

~~Artists' supply stores~~

~~Banks~~

~~Bicycle sales~~

~~*Blueprinting or photostatting establishments~~

Book stores

~~*Business schools or colleges~~

Candy stores or nut stores

~~*Carpet, rug, linoleum or other floor covering stores~~

Cigar or tobacco stores

Clothing or accessory stores

Clothing or costume rental establishments

Dry goods or fabric stores

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Furniture stores

Furrier shops, custom

Gift shops

~~#Health and fitness establishments#~~

~~*Ice cream stores~~

~~Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment~~

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

~~*Medical or orthopedic appliance stores~~

~~*Meeting halls~~

Millinery shops

Music stores

Musical instrument repair shops

Newsstands, open or enclosed

Optician or optometrist establishments

*Paint stores

*Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Studios, art, music, dancing or theatrical

Telegraph offices

Television, radio, phonograph or household appliance repair stores

Television, radio, phonograph or household appliance shops

Toy stores

Travel bureaus

Typewriter or other small business machine repair shops

Typewriter stores

Umbrella repair shops

Wallpaper stores

~~Watch or clock stores or repair shops~~

~~E. Other Retail or Wholesale Establishments~~

~~Department stores~~

~~*Hair products for headwear, wholesaling, including styling~~

~~*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~~

~~*Photographic developing or printing establishments, limited to 2,500 square feet of floor area per establishment~~

~~Plumbing, heating or ventilating equipment showrooms, without repair facilities~~

~~F. Clubs~~

~~All types of clubs, without restrictions on activities or facilities~~

~~G. Accessory uses~~

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 6
Special Clinton District**

* * *

**96-01
Definitions**

~~Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).~~

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

* * *

**96-10
PRESERVATION AREA**

* * *

**96-106
~~Special regulations for existing storefronts~~**

[REMOVING TEXT MADE REDUNDANT BY UNDERLYING CHANGES]

~~Any vacant ground floor store in an underlying #Residence District# may change to a conforming #use# or to a #use# listed in Use Group 6 regardless of the two year discontinuance provisions of Section 52-61.~~

**96-107
96-106
Special regulations for community facility uses**

* * *

**96-108
96-107
Demolition of buildings**

* * *

**96-109
96-108
Alterations of buildings**

* * *

96-110

96-109

Harassment and cure

* * *

96-111

96-110

Off-street parking regulations

* * *

96-20

PERIMETER AREA

* * *

96-21

Special Regulations for 42nd Street Perimeter Area

[UPDATING CROSS REFERENCES]

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

(a) Special #use# regulations

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the following special #use# regulations shall apply:

(1) Offices

Any #development# or #enlargement# that includes ~~Use Group 6B~~ Use Group 7 offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile dealers, as listed in Use Group 6, ~~automobile showrooms or sales, with vehicle storage, preparation of automobiles for delivery, and automobile repairs~~ may be permitted within a

~~#completely enclosed building#, below the level of any floor occupied by #dwelling units#, and such establishments may include repair services or preparation of automobiles for delivery provided that:~~

- ~~(i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery, and automobile repairs shall be located on West 43rd Street;~~
- ~~(ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory# parking for other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory# #group parking facility#; and~~
- ~~(iii) the portions of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.~~

~~* * *~~

(c) Retail continuity requirements

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

~~For #buildings# #developed# or portions of #buildings# #enlarged# after August 17, 1990, where the ground floor level of such #development# or the #enlarged# portion of the #building# fronts upon West 42nd Street, between Ninth and Twelfth Avenues:~~

- ~~(1) at least 50 percent of the #street# frontage of #stories# that have a floor level within five feet of #curb level# shall be limited to Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B; and~~
- ~~(2) the length of the facade of such #street wall# fronting on West 42nd Street shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along West 42nd Street, between Ninth and Twelfth Avenues shall be considered #Tier C street frontages#.

(d) #Street wall# continuity requirements

~~* * *~~

**96-30
OTHER AREAS**

* * *

**96-31
Special Regulations in R8 Districts**

* * *

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

(1) Inclusionary Housing Program

* * *

(2) Special #use# and #bulk# regulations for existing electrical utility substations

[UPDATING CROSS REFERENCES]

Electrical utility substations, as listed in Use Group 4, operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of Eleventh Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

**96-32
Special Regulations in R9 Districts**

In R9 Districts in Western Subarea C2, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

* * *

[UPDATING USE GROUPS]

- (b) #Uses# in Western Subarea C2 located within a #large-scale general development#
- (4) In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses# without any associated size limitations:

From Use Group 6:

Building material and supplies dealers

Automotive repair and maintenance #uses#

From Use Group 8:

Production or entertainment studios

From Use Group 10:

Theatrical scenery manufacturing, as contained within other miscellaneous manufacturing

~~From Use Group 8:~~

~~Lumber stores, with no limitation on #floor area#~~

~~From Use Group 10:~~

~~Photographic or motion picture production studios~~

~~From Use Group 12:~~

~~Art galleries, commercial~~

~~From Use Group 13:~~

~~Theaters~~

~~From Use Group 16:~~

~~Automotive service establishments~~

~~From Use Group 17:~~

~~Scenery construction.~~

- (2) ~~Uses permitted pursuant to paragraph (b)(1) shall be subject to the commercial bulk regulations of Article III, that are applicable to a C2-5 District mapped within an R9 District.~~
- (3) ~~The supplemental use provisions of Section 32-421 shall not apply to commercial uses located in a building with frontage on West 52nd Street.~~

(e) (b) Height and setback modification

[UPDATING CROSS REFERENCES]

For any ~~development or enlargement~~ subject to the provisions of ~~Section 74-681 (Development within or over a railroad or transit right-of-way or yard)~~ Section 74-61 (Development Within or Over a Railroad or Transit Right-of-Way or Yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section 23-892 (In R6 through R10 Districts), and the permitted obstructions in ~~rear yard or rear yard equivalent~~ regulations of Section 23-44, provided that:

- (1) such modification of height and setback regulations will:
 - (i) result in a ~~building~~ that has a maximum ~~building~~ height of 155 feet;
 - (ii) result in a better distribution of ~~bulk~~ on the ~~zoning lot~~; and
 - (iii) permit adequate access of light and air to surrounding ~~streets~~ and adjacent properties;
- (2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and the area between the ~~street wall~~ and ~~street line~~ of the ~~buildings~~ shall be improved with moveable planters; and
- (3) any obstruction permitted in a ~~rear yard or rear yard equivalent~~ pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

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

Special Regulations in M2-4 Districts

* * *

96-34

Special Regulations in Northern Subarea C1

[UPDATING USE REFERENCES]

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations set forth in this Section shall apply in Area C1-1.

* * *

(b) Special #use# regulations

In Special Use Regulations Areas C1-1 and C1-2, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

- (1) ~~automobile showrooms or sales~~ automobile dealers, as listed in Use Group 6, with preparation of automobiles for delivery; and
- (2) ~~automobile repairs~~ automotive repair and maintenance shops, as listed in Use Group 6.

* * *

96-50

REGULATIONS APPLICABLE TO ALL AREAS

* * *

96-51

Mandatory Tree Planting Provisions

[UPDATING USE REFERENCES]

In addition to the applicable underlying #street# tree planting requirements, tree planting provisions shall also apply to #extensions# or alterations, other than #incidental alterations#, involving 30 percent or more of the existing #floor area# of a #building#. Notwithstanding the provisions of Section 43-02 (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Clinton District# that include #uses# listed in ~~Use Group 17 or 18~~ Use Groups 4, 9 or 10, where such #uses# are not permitted in a C6 District, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

* * *

96-53

Conversions to Residential Use

[UPDATING USE REFERENCES]

For #conversions# to #residential use# of a #building#, predominantly occupied by #uses# listed in Use Groups ~~3, 4 or 5~~, 3 or 5 that exceeds the #residential# #floor area# permitted by the applicable district regulations, the City Planning Commission by special permit, may permit such #building# to be #converted# to #residential use# in its entirety, provided that such #building# includes social or recreational space primarily for the use of occupants of #dwelling units# or #rooming units# in the #development# and which may also be made available to the community.

* * *

96-60

SPECIAL PERMIT PROCEDURE

96-601

Requirements for applications

[UPDATING CROSS REFERENCE]

An application to the City Planning Commission for the grant of a special permit under the provisions of 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.

Notwithstanding the foregoing, in the Eighth Avenue Perimeter Area, all applications made pursuant to the #Special Midtown District# shall be subject to the guidelines and provisions of Article VIII, Chapter 1 (Special Midtown District), instead.

All applications relating to Section ~~96-111~~ 96-110 (Off-street parking regulations) shall be referred by the Commission to the Department of Transportation for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location.

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 issues referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

* * *

96-80

EXCLUDED AREAS

[UPDATING TO REFLECT UNDERLYING CHANGES]

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

- (a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-82 (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

- (1) ~~automobile showrooms with automobile sales and~~ automobile dealers, as listed in Use Group 6, with preparation of automobiles for delivery;
- (2) ~~automobile repairs~~ automotive repair and maintenance shops, as listed in Use Group 6; and
- (3) ~~New York City Police Department stables for horses, with #accessory# automobile parking~~ riding academies or stables, as listed in Use Group 8.

For a #building# that, at the time of approval by the Department of Buildings, included space designed for riding academies or stables with a stable use for New York City Police Department horses, and the ceiling height in excess of 23 feet of such stable space, as measured from the #base plane#, ~~exceeds 23 feet~~, then any floor space occupied by #accessory# parking located on the floor immediately above ~~such stable space and immediately below the level of any floor occupied by #dwelling units#~~ shall be exempted from the definition of #floor area#.

- (b) the block bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue which was the site of the former Madison Square Garden;
- (c) property bounded by West 45th Street, the easterly right-of-way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue, provided that in this area the provisions of Section 96-81 (R10 Districts) shall apply;
- (d) the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue;
- (e) property bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special 125th Street District**

**97-00
GENERAL PURPOSES**

* * *

**97-01
Definitions**

For purposes of this Chapter, matter in italics is defined in ~~Section~~ Sections 12-10 (DEFINITIONS) or 32-301 (Definitions).

**97-10
SPECIAL USE AND LOCATION REGULATIONS**

**97-11
Special Arts and Entertainment Uses**

[UPDATING TO REFLECT NEW USE FRAMEWORK]

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

(a) The following #uses# shall be designated as entertainment #uses#:

~~Auditoriums~~

~~Bookstores~~

~~Clubs, including music, dance or comedy clubs~~

~~Eating or drinking establishments, with table service only~~

~~Music stores~~

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

~~Studios, radio, television or motion picture.~~

From Use Group 6:

Eating or drinking establishments

From Use Group 8:

Auditoriums

Production or entertainment studios

(b) The following #uses# shall be designated as visual or performing arts #uses#:

~~Art galleries~~

~~Historical exhibits~~

~~Literary arts spaces~~

~~Museums~~

~~Performance spaces~~

~~Primary rehearsal spaces~~

~~Theaters~~

~~Visual/Media arts spaces.~~

From Use Group 3:

Museums

From Use Group 8:

Art galleries

Art, music, dancing or theatrical studios

Theaters

Historical exhibits

97-12

Arts and Entertainment Use Requirement

* * *

97-20

~~LOCATION AND ACCESS~~ GROUND FLOOR LEVEL REGULATIONS

[REMOVING TEXT MADE UNNECESSARY BY CHANGES TO THIS SECTION]

~~Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, shall apply.~~

~~Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section 97-21, and the provisions of Section 97-22 (Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portions thereof.~~

~~For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINITIONS) and 37-311 (Definitions).~~

97-21

Supplemental Use and Streetseape Regulations Along 125th Street

[UPDATING SECTION TITLE]

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the requirements of this Section, inclusive. However, on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211

Location of and Access to Arts and Entertainment Uses

[RELOCATING TO SECTION 97-21]

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

The designated #uses# listed in Section 97-11 may be located anywhere throughout a #building# that fronts on 125th Street, ~~subject to the following conditions:~~ provided that

- (a) any such designated #uses# within the Core Subdistrict required pursuant to Section 97-12 shall be accessed from 125th Street; ~~and,~~

[REMOVING AS LOCATION OF USE WILL BE ADDRESSED BY THE UNDERLYING]

- (b) ~~any #residential use# shall be located on a floor wholly above any #commercial# #use#; or~~

- (e) any ~~commercial use~~ may be permitted on the same ~~story~~ as a ~~residential use~~, provided that:
- (1) ~~no access exists between commercial uses and residential uses at any level; and~~
 - (2) ~~commercial uses are not located directly over any residential uses.~~

Such ~~commercial use~~, however, may be located over a ~~residential use~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~residential uses~~ from ~~commercial uses~~ exists within the ~~building~~.

97-212

Uses not permitted on the ground floor of buildings

[REMOVING AS GROUND FLOOR USES WILL BE ADDRESSED BY STREETScape REGULATIONS IN SECTION 97-22]

The following ~~uses~~ are not permitted within ~~stories~~ that have a floor level within five feet of ~~curb level~~ in ~~buildings~~ ~~developed~~ after April 30, 2008, or within ~~stories~~ that have a floor level within five feet of ~~curb level~~ within portions of ~~buildings~~ ~~enlarged~~ after April 30, 2008, where such ~~building~~ or portion of a ~~building~~ fronts upon 125th Street, or is within 100 feet from 125th Street. Entraneeways and lobby space for access to such ~~uses~~ shall be permitted at the ground floor level, pursuant to the provisions of Section 97-213 (Access to non-ground floor uses).

From Use Group 2:

All ~~uses~~.

From Use Groups 3A and 3B:

All ~~uses~~, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All ~~uses~~, except for houses of worship or playgrounds.

From Use Group 5A:

All ~~uses~~.

From Use Groups 6A, 6B, 6C and 6E:

Banks (except for automated teller machines, provided the width of ~~street~~ frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the ~~zoning lot~~, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary

~~medicine offices.~~

~~From Use Group 6D:~~

~~All #uses#.~~

~~From Use Group 7:~~

~~All #uses#, except for bicycle rental or repair shops.~~

~~From Use Groups 8A and 8B:~~

~~Automobile driving schools, ice vending machines, lumber stores or pawn shops.~~

~~From Use Groups 8C, 8D and 8E:~~

~~All #uses#.~~

~~From Use Groups 9A, 9B and 9C:~~

~~All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.~~

~~From Use Groups 10A, 10B and 10C:~~

~~Depositories for storage, and wholesale offices or showrooms.~~

~~Use Group 11:~~

~~All #uses#.~~

~~Use Groups 12A and 12B:~~

~~Trade expositions.~~

~~Use Groups 12C and 12D:~~

~~All #uses#.~~

~~Use Group 14A and 14B:~~

~~All #uses#, except for bicycle sales, rental or repair shops.~~

~~Within the Special District, for such #developments# and #enlargements# that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.~~

Access to non-ground floor uses

[CONSOLIDATING UNDER STREETScape REGULATIONS IN SECTION 97-22]

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

[RELOCATING, WITH CHANGES, TO SECTION 97-22]

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

97-214

Transparency requirements along 125th Street

[CONSOLIDATING UNDER STREETScape REGULATIONS IN SECTION 97-22]

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

97-22

Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict Streetscape regulations

[REPLACING WITH NEW STREETScape FRAMEWORK IN SECTION 32-30, INCLUSIVE]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portions thereof, that are not subject to the provisions of Section 97-21 (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETScape REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along 125th Street and the portion of Park Avenue within the Park Avenue Hub Subdistrict, shall be considered #Tier C street frontages#.

[RELOCATING, WITH CHANGES, FROM SECTION 97-213]

However, the underlying #Tier C street frontage# regulations shall be modified as follows. Within the Core Subdistrict, a lobby accessing the #residential# portion of a #building# may

be located on 125th Street only where the ~~#building#~~ does not have frontage along another ~~#street#~~.

97-221

Modification of supplemental use location regulations

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

The supplementary ~~#commercial# #use#~~ regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit ~~#commercial# #uses#~~ on any ~~#story#~~, provided that at any level containing ~~#residences#~~, no access exists between such ~~#commercial#~~ and ~~#residential uses#~~ and provided that such ~~#commercial# #uses#~~ are not located directly over any ~~#residential use#~~.

97-222

Ground floor use and streetscape regulations

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS IN SECTION 97-22]

The provisions of this Section, inclusive, shall apply to ~~#developments#~~ or ~~#ground floor level# #enlargements#~~. Any portion of a ~~#ground floor level#~~ allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the provisions of Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), any portion of a ~~#ground floor level# #street#~~ frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, as well as any ~~#narrow street#~~ frontage within 50 feet of Park Avenue, shall be considered ~~#primary street frontages#~~. A ~~#ground floor level# #street#~~ frontage along any other ~~#street#~~ shall be considered a ~~#secondary street frontage#~~.

(a) Along ~~#primary street frontages#~~

For ~~#buildings#~~, or portions thereof, with ~~#primary street frontage#~~, ~~#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 2 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). ~~#Group parking facilities#~~ 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). ~~#Ground floor level# #street walls#~~ shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along ~~#secondary street frontages#~~

For ~~#buildings#~~, or portions thereof, with ~~#secondary street frontage#~~, all ~~#uses#~~

~~permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# 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 five feet above nor lower than five feet below the as-built level of the adjoining #street#.~~

97-30 SPECIAL SIGN REGULATIONS

* * *

97-32 Location, Height and Width of Marquees and Marquee Signs

[UPDATING USE REFERENCES]

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to one of the following #uses# fronting upon 125th Street or Fifth Avenue:

From Use Group 3:

Museums

From Use Group 8:

~~Performance spaces~~ Art, music, dancing or theatrical studios

Theaters

#Marquees# shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

97-33 Vertical Distance Above Sidewalk of Marquees and Marquee Signs

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #marquee# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

**97-34
Accessory Signs for Visual or Performing Arts Uses**

[UPDATING USE REFERENCES]

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following visual or performing arts #uses# fronting on 125th Street or Fifth Avenue within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

From Use Group 3:

Museums

From Use Group 8:

~~Performance spaces~~ Art, music, dancing or theatrical studios

Theaters

#Flashing signs# shall not be permitted as #accessory# #signs# for arts #uses#.

**97-40
SPECIAL BULK REGULATIONS**

* * *

**97-43
Special Height and Setback Regulations**

* * *

**97-433
Height and setback regulations in the Park Avenue Hub Subdistrict**

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

* * *

(b) Basic maximum #building# height and setback regulations

[UPDATING CROSS REFERENCE]

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (~~LOCATION AND ACCESS~~ GROUND FLOOR LEVEL REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

* * *

97-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

97-57

Public Parking Facilities

[UPDATING CROSS REFERENCES]

Notwithstanding the special permit regulations of ~~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), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of ~~Sections 74-512 and 74-52~~ Sections 74-193 (Public parking garages or public parking lots outside high density central areas) or 74-194, as applicable.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special West Chelsea District**

**98-00
GENERAL PURPOSES**

* * *

**98-01
Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in ~~Section~~ Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

High Line

The “High Line” shall, for the purposes of this Chapter, refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The “High Line bed” is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of June 23, 2005, as shown in Diagram 7 in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

“High Line frontage” is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The “High Line Transfer Corridor” is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

* * *

**98-10
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST
CHELSEA DISTRICT**

* * *

98-12
Modification of Use Regulations in C6 Districts

* * *

98-121
In Subarea H

[UPDATING USE REFERENCES]

In Subarea H, the provisions of Section ~~32-25 (Use Group 16)~~ Section 32-19 (Use Group 9), paragraph ~~D (Heavy Service, Wholesale or Storage Establishments)~~ are modified to permit, in C6 Districts, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122
In Subarea K

[UPDATING USE REFERENCES]

In Subarea K, the provisions of Section 42-10 (~~USES PERMITTED AS OF RIGHT~~) (USE ALLOWANCES), inclusive, shall be modified as follows:

- (a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
 - (1) from ~~Use Groups 3 and 4~~ Use Group 3B, all #uses#, not otherwise permitted by the underlying regulations, ~~other than those with sleeping accommodations~~;
 - (2) from ~~Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores~~ Use Group 6, Food and Beverage Retailers, larger than 10,000 square feet;
 - (3) from ~~Use Groups 6C, 9A, and 12B~~ Use Groups 6 and 8, all #uses# not otherwise permitted by the underlying regulations; or
 - (4) from ~~Use Group 10A_6~~, all #uses#, ~~not otherwise permitted by the underlying regulations, with a size limitation, as denoted in the Use Group table with an "S"~~, shall be permitted without such limitation, provided that the floor space allocated to such #uses# does not exceed 10 percent of the total #floor area# of the #building#.

* * *

98-124
Location within buildings

[REMOVING TEXT MADE REDUNDANT BY UNDERLYING CHANGES]

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial# #uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial# #uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) #residential# lobby space below or on the same #story# as #commercial# #uses#; or
 - (2) a #commercial# #use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

98-13

Modification of Use Regulations in M1 Districts

[UPDATING USE REFERENCES]

In the #Special West Chelsea District#, the provisions of Sections ~~42-10 (USES PERMITTED AS OF RIGHT) and 42-30 (USES PERMITTED BY SPECIAL PERMIT)~~ Section 42-10 (USE ALLOWANCES) are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3 museums, as listed in Use Group 3 in Section 42-13.

98-14

Ground Floor Use and Transparency Requirements on Tenth Avenue

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

Except in Subarea J, the special ground floor #use# and glazing regulations of this Section apply to that portion of a #building or other structure# fronting on Tenth Avenue in the #Special West Chelsea District#. Ground floor #uses# in Subarea J shall be governed by the underlying #use# regulations as modified by Section 98-13 (Modification of Use Regulations in M1 Districts):

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 25 feet of the #street line#, shall be limited to #commercial# #uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or

entryways exceed, in total, 40 feet or 50 percent of the #building's# total #street# frontage, whichever is less.

For any #building# or portion of a #building# #developed# or #enlarged# after June 23, 2005, each ground floor #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not less than 50 percent of such ground floor #street wall# surface shall be glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along Tenth Avenue shall be considered #Tier C street frontages#.

**98-141
Transparency requirements within Subareas H and I**

* * *

**98-17
Modification of Parking and Loading Regulations**

* * *

**98-172
Waiver of accessory off-street loading berths in Subarea K**

[REMOVING AS WILL BE ADDRESSED BY THE UNDERLYING]

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

**98-19
Lighting**

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 9
Special Madison Avenue Preservation District**

**99-00
GENERAL PURPOSES**

* * *

**99-01
Definitions**

[UPDATING REFERENCES TO INCLUDE 32-301]

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

Development

* * *

**99-03
Special Use Regulations
Streetscape Regulations**

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

~~In order to retain the existing *residential* and retail character of the area, *commercial* *uses* shall occupy at least the first *story* that has a floor level within five feet of *curb level*. Such *commercial* *uses* shall be limited to *uses* listed in Section 99-031 (Use Group MP). Notwithstanding the provisions of Article V, Chapter 2, *non-conforming* *uses* may only be changed to *uses* listed in Section 99-031. Such *commercial* *uses* shall occupy a minimum linear frontage of 75 percent of the frontage of a *zoning lot* on Madison Avenue, except that lots with a frontage of 100 feet or less on Madison Avenue may have a *commercial* frontage of less than 75 percent in order to provide a maximum 25-foot wide entrance to the *residential* portion of the *building*.~~

The underlying *ground floor level* streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply except that *ground floor level* *street frontages* along Madison Avenue shall be considered *Tier C street frontages*.

~~The mandatory *use* regulations of this Section may be modified for a *community facility*, pursuant to the certification provisions of Section 99-032 (Modifications of use regulations for a community facility).~~

99-031

Use Group MP

[REMOVING AS NO LONGER NECESSARY AS GROUND FLOOR USES WILL BE ADDRESSED THROUGH STREETScape PROVISIONS]

~~Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial# #uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial# #uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.~~

Table A

A. ~~Transient Accommodations~~

~~#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)~~

B. ~~Retail or Service Establishments~~

~~Antique stores~~

~~Art galleries, commercial~~

~~Artist's supply stores~~

~~Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment~~

~~Banks (limited to 40 linear feet of #street# frontage)~~

~~Barber shops~~

~~Beauty shops~~

~~Bicycle sales~~

~~Book stores~~

~~Candy or ice cream stores~~

~~Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Cigar and tobacco stores~~

~~Clothing or clothing accessory stores~~

~~Clothing rental establishments~~

~~Drug stores~~

~~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~~

~~Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no charge and no specified showtime~~

~~Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer~~

~~Electrolysis studios~~

~~Fishing tackle or equipment, rental or sales~~

~~Florist shops~~

~~Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores~~

~~Furniture stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Furrier shops, custom~~

~~Gift shops~~

~~Hardware stores~~

~~#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment~~

~~Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment~~

~~Jewelry or art metal craft shops~~

~~Laundry establishments, hand or automatic self-service~~

~~Leather goods or luggage stores~~

~~Loan offices (limited to 40 linear feet of #street# frontage)~~

~~Locksmith shops~~

Medical or orthopedic appliance stores

Meeting halls

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Post offices

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

Tailor or dressmaking shops, custom

Telegraph offices

Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment

~~Toy stores~~

~~Travel bureaus~~

~~Typewriter stores~~

~~Variety stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Wallpaper stores~~

~~Watch or clock stores or repair shops~~

C. ~~Offices~~

~~*Offices, businesses, professional or governmental~~

D. ~~Public Service Establishments~~

~~*Court houses~~

~~*Clubs, non-commercial, without restrictions on activities or facilities~~

Table B

A. ~~Retail or Service Establishments~~

~~*Blueprinting or photostatting establishments~~

~~*Business schools or colleges~~

~~Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment~~

~~*Catering~~

~~*Clothing or costume rental establishments~~

~~Department stores~~

~~*Depositories for storage of office records, microfilm, or computer tapes, or for data processing~~

~~Dry goods or fabric stores, with no limitation on #floor area# per establishment~~

~~Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels~~

~~Furniture stores, with no limitation on #floor area# per establishment~~

~~#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment~~

~~*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~~

~~*Motion picture production studios~~

~~Musical instrument repair shops~~

~~Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)~~

~~Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)~~

~~*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production~~

~~Public auction rooms~~

~~*Radio or television studios~~

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

~~Television, radio, phonograph, or household appliance stores, with no limitation on #floor area# per establishment~~

~~*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~~

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

~~Umbrella repair shops~~

~~Variety stores, with no limitation on #floor area# per establishment~~

~~*Wedding chapels or banquet halls~~

B. Wholesale Establishments

~~*Hair products for headwear, wholesaling including styling~~

~~*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment~~

~~*Ship chandlers~~

~~*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment~~

~~*Wholesale offices or showrooms, with storage restricted to samples~~

C. ~~Manufacturing Establishments~~

~~*Art needle work, hand weaving, or tapestries~~

~~*Books, hand binding or tooling~~

~~*Ceramic products, custom manufacturing~~

~~*Clothing, custom manufacturing or altering for retail~~

~~*Hair products, custom manufacturing~~

~~*Jewelry manufacturing from precious metals~~

~~*Medical, dental, drafting instruments, optical goods, or similar precision instruments~~

~~*Musical instruments, except pianos and organs~~

~~*Orthopedic or medical appliances, custom manufacturing~~

~~*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production~~

~~*Watch making~~

D. ~~#Accessory# #uses#~~

~~#Uses# marked with an asterisk (*) shall not be located within #stories# that have a floor level within five feet of #curb level# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, and with no #show window# facing on the #street#~~

99-032

Modifications of use regulations for a community facility

[UPDATING TO REFLECT CF WITHOUT SLEEPING ACCOMMODATIONS ARE PERMITTED IN TIER C FRONTAGE. REMOVING AS IT IS REDUNDANT]

The mandatory #use# regulations of Section 99-03 (Special Use Regulations) may be modified for a #community facility# provided the City Planning Commission certifies that

~~the treatment of the facade preserves and enhances street life on Madison Avenue compatible with the character of the surrounding area.~~

* * *

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Downtown Brooklyn District**

**101-00
GENERAL PURPOSES**

* * *

**101-01
Definitions**

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), 32-301 (Definitions), Section 101-702 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

* * *

**101-03
District Plan and Maps**

[REMOVING UNNECESSARY MAP]

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following seven maps:

Map 1 Special Downtown Brooklyn District and Subdistricts

Map 2 Ground Floor Retail Frontage

~~Map 3 Ground Floor Transparency Requirements~~

~~Map 4~~ Map 3 Street Wall Continuity and Mandatory Sidewalk Widening

~~Map 5~~ Map 4 Curb Cut Restrictions

~~Map 6~~ Map 5 Height Limitation Areas

~~Map 7~~ Map 6 Subway Station Improvement Areas

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this

Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

* * *

101-10 SPECIAL USE REGULATIONS

101-11 Special Ground Floor Use Regulations

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

[UPDATING TO REFLECT NEW STREETScape FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

~~#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line#, shall be limited to #commercial# #uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. Libraries, museums and non-commercial art galleries shall be permitted. In addition, all non-residential #uses# permitted by the underlying district shall be permitted for buildings fronting on Myrtle Avenue between Ashland Place and the continuation of Prince Street. However, this minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate a vertical circulation core, or structural columns associated with upper #stories# of the #building#.~~

~~A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Ground Floor Retail Frontage) in Appendix E of this Chapter shall be considered #Tier C street frontages#.

~~The regulations of this Section are modified as follows:~~

However, such underlying streetscape regulations shall be modified in the Fulton Mall Subdistrict, as follows: any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(a) ~~Fulton Mall Subdistrict~~

~~For #buildings# in the Fulton Mall Subdistrict, Use Group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use Group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use Groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off-track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #building# along the #street line# of Fulton Street. Any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.~~

(b) ~~Atlantic Avenue Subdistrict~~

~~Automotive service stations are not permitted. No bank, loan office, business or professional office or individual #use# in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any #buildings# #developed# after June 28, 2004, or portions of #buildings# #enlarged# on the ground floor level after June 28, 2004, on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial# #uses# in Use Groups 6, 7 or 9, except that this requirement shall not apply to any #development# occupied entirely by #community facility use#.~~

~~In any #building# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first #story# ceiling in any #building# occupied on one of its upper #stories# by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.~~

101-12

Transparency Requirements

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS IN SECTION 101-11]

Map 3 (Ground Floor Transparency Requirements) in Appendix E of this Chapter specifies locations where the following transparency requirements apply.

For any #buildings# #developed# after June 28, 2004, or portions of #buildings# #enlarged# on the ground floor level after June 28, 2004, each ground floor #street wall# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

* * *

101-13

101-12

Sign Regulations

* * *

~~101-131~~

101-121

Permitted projection

* * *

101-20

SPECIAL BULK REGULATIONS

* * *

101-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

101-534

Special permit for public parking garages

[UPDATING CROSS REFERENCE. BASE TEXT REFLECTS
TEXT PROPOSED BY CITY OF YES FOR CARBON NEUTRALITY]

Section ~~74-52 (Parking Garages or Public Parking Lots in High Density Central Areas)~~ 74-194 (Public parking garages or public parking lots in high density central areas) shall not apply to #public parking garages#. In lieu thereof, the City Planning Commission may permit:

- (a) a #public parking garage# that does not comply with the provisions of Section 101-531 (Public parking garages), provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and
- (b) floor space on one or more #stories#, 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.

* * *

**101-60
FULTON MALL SUBDISTRICT**

* * *

**101-602
General provisions for the Fulton Mall Subdistrict**

[UPDATING CROSS REFERENCES TO SECTION 101-12, AS TRANSPARENCY REQUIREMENTS WILL BE CONSOLIDATED INTO NEW STREETScape FRAMEWORK]

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section 101-10, and the special #sign# regulations of Section 101-61, inclusive, ~~and the special transparency provisions of Section 101-12.~~

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections 101-61, inclusive, ~~and 101-12~~ and 101-62, inclusive, governing #signs#, ~~transparency~~ and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

* * *

**101-70
ATLANTIC AVENUE SUBDISTRICT**

**101-701
General purposes**

* * *

**101-73
Special Provisions**

* * *

**101-734
Special provisions for storefronts**

[UPDATING CROSS REFERENCES]

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

New storefronts installed in any existing or new #building# shall comply with ~~Section 101-12 (Transparency Requirements)~~ the #ground floor level# streetscape provisions of Section 101-11 and the following standards:

- (a) A storefront installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.

[REMOVING DOOR GLAZING AS MORE GENERAL
TRANSPARENCY REQUIREMENT APPLIES]

- (b) Storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#. ~~A minimum of 50 percent of the door area shall be transparent glazed.~~
- (c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of two feet.
- (d) All framing elements, trim elements, doors, etc., of the storefront shall be finished in an approved manner, as indicated in Appendix D.
- (e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

101-74

Modification of Accessory Off-street Parking and Loading Requirements

* * *

101-80

SPECIAL PERMITS

101-81

Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

[UPDATING TO REFLECT NEW UNDERLYING USE FRAMEWORK]

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility# #floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section 23-641 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

For the purposes of this Section, “cultural use” shall be defined as the following #uses#:

From Use Group 3:

Libraries

Museums

From Use Group 8

Art galleries

Art, music, dancing or theatrical studios

Theaters

Historical exhibits

~~public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable #uses# and space~~ Floor space occupied by such cultural #use# shall qualify as #community facility# #floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) of this Section shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

* * *

101-82

Modification of Bulk Regulations for Certain Buildings on Irregular Sites

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped after October 21, 2021, for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no ~~Use Group 5 #use#~~ #uses# listed in Use Group 5 shall be permitted in any portion of the #building# receiving such modifications, and:

- (a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;
- (b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications are limited to the minimum needed to relieve such difficulties;
- (d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

* * *

Appendix E Special Downtown Brooklyn District Maps

* * *

Map 2 — Ground Floor Retail Frontage

[UPDATING TO REFLECT STREETSCAPE REGULATIONS IN SECTION 101-11]

[EXISTING MAP – TO BE REMOVED]



-  Special Downtown Brooklyn District
-  Retail Continuity Required
-  Non-Residential Requirement
-  Subdistricts

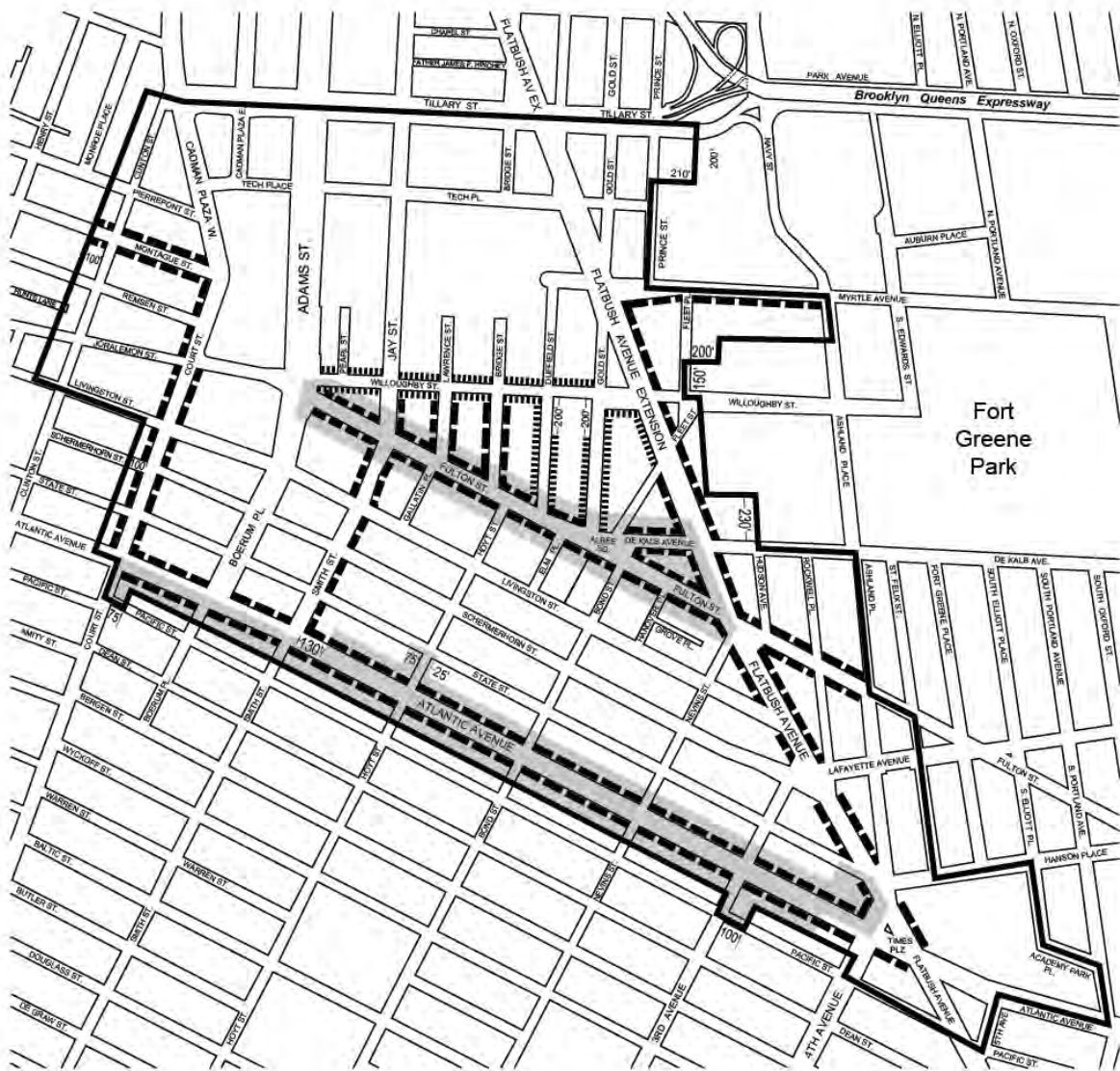
[UPDATED MAP]



- Special Downtown Brooklyn District
- - - Retail Continuity Required
- Subdistricts

Map 3 — Ground Floor Transparency Requirements

[REMOVING MAP 3. UNNECESSARY AS STREETSCAPE REGULATIONS WILL APPLY]



- Special Downtown Brooklyn District
- - -** 50% of the Area of the Ground Floor Street Wall to be Glazed
-** 70% of the Area of the Ground Floor Street Wall to be Glazed
- Subdistricts

Map 4 Map 3 — Street Wall Continuity and Mandatory Sidewalk Widening

* * *

Map 5 Map 4 — Curb Cut Restrictions

* * *

~~Map 6~~ Map 5 — Height Limitation Areas

* * *

~~Map 7~~ Map 6 — Subway Station Improvement Areas

* * *

Article X - Special Purpose Districts

Chapter 4

Special Manhattanville Mixed Use District

104-00

GENERAL PURPOSES

* * *

104-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive.

104-11

Residential Use Modifications

[UPDATING CROSS REFERENCES]

The #residential use# regulations of the underlying C6-1 District are modified, as follows.

In Subdistrict A, a #residential use# may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section ~~104-132 (Use Groups 16, 17 and 18)~~ 104-13 (Commercial and Manufacturing Use Modifications), only in accordance with the certification provisions of Section 104-14.

104-12

Community Facility Use Modifications

[UPDATING REFERENCE CHANGES MADE TO REFLECT THE UNDERLYING]

The #community facility use# regulations of the underlying C6-1 and M1-2 Districts are modified, as follows:

- (a) in Subdistrict A, a #community facility use# with sleeping accommodations, as listed ~~in this Section Use Group 3A,~~ may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section ~~104-132 (Use Groups 16, 17 and 18)~~ 104-13 (Commercial and Manufacturing Use Modifications), only in accordance with the certification provisions of Section 104-14.

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

~~#Long term care facilities#~~

~~Monasteries, convents or novitiates~~

~~Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#~~

~~Non-profit or voluntary hospitals and related facilities~~

~~Philanthropic or non-profit institutions with sleeping accommodations;~~

- (b) in Subdistrict B, ~~#uses#~~ listed in ~~Use Groups 3 and 4~~ Use Group 3 permitted in the underlying M1-2 District, pursuant to Sections 42-10 (~~USES PERMITTED AS OF RIGHT~~) (~~USE ALLOWANCES~~) and 74-921 (~~Use Groups 3A and 4A community facilities~~) 74-133 (Other community facility uses in M1 Districts), shall be limited to 5,000 square feet of ~~#floor area#~~ per establishment

104-13

Commercial and Manufacturing Use Modifications

[REORGANIZING 104-131 & 104-132 TO BE INCLUDED IN 104-13]

~~In Subdistricts A and C, the #commercial# and #manufacturing use# regulations of the underlying C6 Districts are modified as set forth in Section 104-132 (Use Groups 16, 17 and 18).~~

- (a) In Subdistricts A and C, the underlying #use# regulations of a C6 District are modified to permit the #uses# listed in Use Group 4B, 6, 9 and 10 that would be permitted in an M1 District within a #Special Mixed Use District#, as set forth in Section 123-21 (Modifications to M1 use regulations) are permitted. All such M1 #uses# shall be subject to the performance standards for an M1 District set forth in Section 42-20.

Such #uses# may locate in the same #building#, or in an #abutting# #building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14.

~~In Subdistrict B, the #commercial# #use# regulations of the underlying M1 District are modified as set forth in Section 104-131 (Use Group 6A).~~

- (b) In Subdistrict B, the #commercial# #use# regulations of the underlying M1 District are modified to permit Food and Beverage retailers, as listed in Use Group 6, without limitation as to #floor area# per establishment.

104-131

Use Group 6A

[RELOCATING REVISED TEXT FROM 104-131 TO 104-13]

In Subdistrict B, the provisions of Section 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), shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores without limitation as to #floor area# per establishment.

104-132

Use Groups 16, 17 and 18

In Subdistricts A and C, the following #uses# in Use Groups 16, 17 and 18 are permitted, subject to the performance standards for an M1 District set forth in Section 42-20.

Such #uses# may locate in the same #building#, or in an #abutting# #building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14.

From Use Group 16A:

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales, enclosed only

Carpentry, custom woodworking or custom furniture making shops

Motorcycle or motor scooter rental establishments, enclosed only

Trade schools for adults

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs

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#

From Use Group 16C:

~~Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps~~

~~Public transit yards, open or enclosed, including #accessory# motor fuel pumps~~

From Use Group 16D:

~~Moving or storage offices, with no limitation as to storage or #floor area# per establishment~~

~~Warehouses~~

~~Wholesale establishments, with no limitation on #accessory# storage~~

From Use Group 17A:

~~Produce or meat markets~~

From Use Group 17B:

~~Advertising displays~~

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

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

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

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

~~Luggage~~

~~Musical instruments, including pianos or organs~~

~~Optical equipment, clocks or similar precision instruments~~

~~Perfumes or perfumed soaps, compounding only~~

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

~~Scenery construction~~

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

Toys

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

~~From Use Group 17C:~~

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

~~From Use Group 18A:~~

~~Manufacturing of beverages, alcoholic or breweries~~

104-14 Certification Requirements

[UPDATING CROSS REFERENCES]

In Subdistrict A, a ~~#use#~~ listed in Section ~~104-132 (Use Groups 16, 17 and 18)~~ 104-13 (Commercial and Manufacturing Use Modifications) and a ~~#residential use#~~ or a ~~#community facility use#~~ with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications) may locate in the same ~~#building#~~, or in an ~~#abutting# #building#~~, only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the ~~#commercial#~~ or ~~#manufacturing use#~~:

- (a) 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
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

104-15 Ground Floor Use and Frontage Regulations

[UPDATING WITH MODIFIED STREETSCAPE FRAMEWORK]

~~For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the finished level of the adjacent sidewalk, or the adjacent #mandatory widened sidewalk#, as applicable. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and~~

frontage regulations of this Section shall apply to any ~~#development#~~ or change of ~~#use#~~ located on the ground floor level of a ~~#building or other structure#~~, or any ~~#enlargement#~~ that increases the ~~#floor area#~~ of the ground floor level of a ~~#building#~~ by more than 25 percent.

A minimum of 75 percent of the length of a ~~#street wall#~~ on the ground floor level shall be limited to ~~#uses#~~ listed in Section 104-16 (Use Group MMU) and shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). Such ~~#uses#~~ shall be located at the ~~#street wall#~~. In no event shall the length of ~~#street#~~ frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

All such ~~#developments#~~, ~~#enlargements#~~ and changes of ~~#use#~~ on the ground floor of a ~~#building or other structure#~~ (other than a change of ~~#use#~~ on the ground floor of a ~~#building#~~ located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A) shall comply with the transparency requirements of Section 104-41

The underlying #ground floor level# streetscape provisions shall apply except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition, for #buildings# along such #Tier C street frontages#, the underlying streetscape requirements shall be modified such that:

- (a) 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#, #uses# may only include colleges or universities as listed in Use Group 3B (Community Facilities without Sleeping Accommodations), where the #use# is #accessory# and open to the public;
- (b) #uses# listed in Use Group 6 with a size limitation in M1 Districts in Section 42-16, inclusive, as denoted in the Use Group table with an “S”, shall be subject to a size limit of 10,000 square feet per establishment; and
- (c) in lieu of the transparency requirements, the provisions of Section 104-41 shall apply.

104-16 **Use Group MMU**

[REMOVING AS NO LONGER NEEDED, UNDERLYING WILL APPLY]

Use Group MMU comprises a group of ~~#uses#~~ selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such ~~#uses#~~ that are ~~#accessory#~~ to a college or university and open to the public.

From Use Group 3:

~~Libraries, museums or non-commercial art galleries~~

From Use Group 4A:

~~Ambulatory diagnostic or treatment health care facilities~~

~~Community centers or settlement houses~~

~~Non-commercial recreation centers~~

From Use Group 6A:

~~Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment~~

~~Barber shops~~

~~Beauty parlors~~

~~Drug stores~~

~~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~~

~~Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time~~

~~Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores~~

~~Hardware stores~~

~~Laundry establishments, hand or automatic self-service~~

~~Liquor stores, package~~

~~Post offices~~

~~Shoe or hat repair shops~~

~~Stationery stores~~

~~Tailor or dressmaking shops, custom~~

~~Variety stores, limited to 10,000 square feet of #floor area# per establishment~~

From Use Group 6B:

~~Veterinary medicine for small animals, provided all activities are conducted within a #completely enclosed building#~~

~~From Use Group 6C:~~

~~Antique stores~~

~~Art galleries, commercial~~

~~Artists' supply stores~~

~~Automobile supply stores, with no installation or repair services~~

~~Banks~~

~~Bicycle sales~~

~~Book stores~~

~~Candy or ice cream stores~~

~~Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Cigar or tobacco stores~~

~~Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment~~

~~Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer~~

~~Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer~~

~~Electrolysis studios~~

~~Fishing tackle or equipment, rental or sales~~

~~Florist shops~~

~~Furniture stores, limited to 10,000 square feet of #floor area# per establishment~~

~~Furrier shops, custom~~

~~Gift shops~~

~~#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment~~

~~Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment~~

~~Jewelry or art metal craft shops~~

~~Leather goods or luggage stores~~

~~Loan offices~~

~~Locksmith shops~~

~~Medical or orthopedic appliance stores~~

~~Millinery shops~~

~~Music stores~~

~~Newsstands, open or enclosed~~

~~Optician or optometrist establishments~~

~~Paint stores~~

~~Pet shops~~

~~Photographic equipment or supply stores~~

~~Photographic studios~~

~~Picture framing shops~~

~~Record stores~~

~~Seed or garden supply stores~~

~~Sewing machine stores, selling household machines only~~

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Telegraph offices

Television, radio, phonograph or household appliance

stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Wallpaper stores

Watch or clock stores or repair shops

From Use Group 7B:

Bicycle rental or repair shops

Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment

Refreshment stands

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment

Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment

From Use Group 8A:

All #uses#

From Use Group 8B:

Lumber stores, limited to 5,000 square feet of #floor area# per establishment, exclusive of that #floor area# used for office and display areas, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size

~~Television, radio, phonograph or household appliance repair shops~~

~~Upholstering shops dealing directly with consumers~~

~~From Use Group 9A:~~

~~Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery~~

~~Clothing or costume rental establishments~~

~~#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment~~

~~Musical instrument repair shops~~

~~Plumbing, heating or ventilating equipment showrooms, without repair facilities~~

~~Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production~~

~~Public auction rooms~~

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

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

~~Umbrella repair shops~~

~~From Use Group 10A:~~

~~Clothing or clothing accessory stores, limited to 20,000 square feet of #floor area# per establishment~~

~~Office or business machine stores, sales or rental~~

~~Variety stores, limited to 20,000 square feet of #floor area# per establishment~~

~~From Use Group 12B:~~

~~Antique stores~~

~~Art gallery, commercial~~

~~Book stores~~

~~Candy or ice cream stores~~

~~Cigar and tobacco stores~~

~~Delicatessen stores~~

~~Drug stores~~

~~Gift shops~~

~~Jewelry or art metal craft shops~~

~~Music stores~~

~~Newsstands~~

~~Photographic equipment stores~~

~~Record stores~~

~~Stationery stores~~

~~Toy stores~~

~~From Use Group 17A:~~

~~Produce or meat markets, wholesale~~

~~From Use Group 17B:~~

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

~~#Accessory# #uses# to all the above #uses# are permitted.~~

104-17

Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)

[UPDATING CROSS REFERENCES]

The provisions of Section ~~74-48~~ 74-171 (~~Scientific Research and Development Facility~~)
(Laboratories) shall not apply in the ~~#Special Manhattanville Mixed Use District#~~.

* * *

104-22

Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0. #Lot coverage# requirements for #community facility uses# shall not apply.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

104-23

Maximum Floor Area Ratio for ~~Commercial~~ Certain Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial# #uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# ~~in Use Group 16~~ listed in Section ~~104-132 (Use Groups 16, 17 and 18)~~ 104-13 (Commercial and Manufacturing Use Modifications), shall be 2.0.

104-24

~~Maximum Floor Area Ratio for Manufacturing Uses~~

[REMOVING AS NO LONGER NEEDED]

~~In Subdistricts A and C, the maximum #floor area ratio# permitted for #manufacturing uses# shall be 2.0.~~

~~104-25~~ 104-24

Maximum Floor Area Ratio for Multiple Uses on a Zoning Lot

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on such #zoning lot# shall not exceed the maximum permitted for such #use#, as set forth in Sections 104-21 through 104-24, inclusive, provided that the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

~~104-26~~ 104-25

Change of Use

[UPDATING WITH REFERENCE CHANGES]

- (a) Change to #residential use#

Notwithstanding the provisions set forth in Section 34-222 (Change of use) and in the last paragraph of Section 35-31 (Maximum Floor Area Ratio) regarding the applicability of

#floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such #conversions# of non-#residential buildings# shall be permitted only if such #buildings# comply with all of the #bulk# regulations for #residential# or #mixed buildings#.

(b) Change to non-#residential use#

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed in ~~Use Groups 16, 17 or 18~~ Use Groups 4B, 9 or 10, and would be permitted in an M1 District but not a C6 District, that is located in a #non-complying# #building or other structure# may be changed to:

- (1) a #use# listed in ~~Section 104-132 (Use Groups 16, 17 and 18)~~ 104-13 (Commercial and Manufacturing Use Modifications), subject to the performance standards for an M1 District set forth in Section 42-20, and subject to Section 104-14 (Certification Requirements), if applicable; or
- (2) a #community facility use#, or an office #use# listed in Use Group ~~6B~~ 7.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in paragraph (b) of this Section.

The provisions of paragraph (b) of this Section shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of paragraph (b) of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40, shall apply to the changes of #use# set forth in paragraph (b) of this Section.

* * *

Article X - Special Purpose Districts

**Chapter 5
Special Natural Area District**

**105-00
GENERAL PURPOSES**

* * *

**105-94
Special Natural Area Districts Specified**

* * *

**105-944
Special Fort Totten Natural Area District-4**

* * *

(d) Special regulations

* * *

[UPDATING CROSS REFERENCES]

(9) Bay area (Area D)

In order to promote waterfront related activities, the permitted #uses# in a C3 District shall be modified as follows only the following #uses# of the C3 District shall be permitted in Area D:

- (i) #residential uses#, which #uses# are permitted only above the ground floor of those #buildings# existing prior to April 28, 1983;
- (ii) ~~all #uses# of Use Group 14, except for boat showrooms or sales, and the storage, repair, or painting of boats other than crew sculls used for intercollegiate competition;~~
- (iii) (ii) all retail or service establishment #uses# of Use Group 6 shall be permitted, except automobile supply stores Motor Vehicle and Parts Dealers.

* * *

Article X - Special Purpose Districts

Chapter 6 Special Coney Island Mixed Use District

106-00 GENERAL PURPOSES

* * *

106-01 General Provisions

[UPDATING USE REFERENCES]

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

All #residences#, #community facilities# and Use Group 4B 1 open #uses# shall be subject to all the provisions applicable in R5 Districts, except as otherwise specifically provided in this Chapter. The special regulations relating to #predominantly built-up areas#, as defined in Section 12-10 (DEFINITIONS), shall apply to all #buildings# containing #residences#, except that #front yards# shall not be required.

All #commercial# and #manufacturing uses# shall be subject to all the provisions applicable in M1-2 Districts, except as otherwise specifically provided in this Chapter.

The #use# of any #building# may be changed to another #use# listed within the same Use Group or as provided in Sections 106-12 (Special Permit Provisions for Residential Uses), 106-32 (Special Permit Provisions for Manufacturing and Commercial Uses) or 106-33 (Changes of Manufacturing or Commercial Use).

In the case of a #zoning lot# occupied partly by #residential uses# and partly by other #uses#, the maximum #floor area ratio# on the #zoning lot# shall not exceed 2.0. In no event shall the total #floor area# of #residential uses# on a #zoning lot# exceed 1.65.

In any #building# above the level of the first #story# ceiling, #residential uses# shall not be located on the same #story# as or below #manufacturing# or #commercial# #uses#, and #manufacturing uses# shall not be located on the same #story# as or above #residential uses#.

#Zoning lots# adjacent to the #Special Coney Island Mixed Use District# shall not be subject to

the provisions of Sections 42-214 (Special provisions applying along district boundaries), 42-412 (In M2 or M3 Districts), 42-42 (Enclosure or Screening of Storage), 42-44 (Limitations on Business Entrances, Show Windows or Signs), 42-56 (Special Provisions Applying Along District Boundaries), 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) or 44-583 (Restrictions on location of berths near Residence Districts).

Special regulations for #residential uses# are listed in Sections 106-11 and 106-12 of this Chapter.

Special regulations for #community facility uses# are listed in Section 106-21 of this Chapter.

Special regulations for #manufacturing# and #commercial# #uses# are listed in Sections 106-31, 106-32, and 106-33 ~~and 106-34~~ of this Chapter.

Special regulations for #buildings# containing both #residential# and #commercial# #uses# are listed in Sections 106-41 and 106-42 of this Chapter.

106-10 SPECIAL REGULATIONS FOR RESIDENTIAL USES

106-11 Special Provisions for As-of-Right Residences

[UPDATING USE REFERENCES]

#Developments# or #enlargements# containing #residences# are allowed as-of-right, provided that:

- (a) the #zoning lot# shares a common #side lot line# on at least one side with a #residential# or #community facility use#;
- (b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;
- (c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# or #land with minor improvements# whose aggregate length exceeds 60 feet;
- (d) the #zoning lot# is not located on Cropsey Avenue or on the east side of Stillwell Avenue; and
- (e) on the same #zoning lot#, there are no #manufacturing uses# or #commercial uses# that would not be permitted in a C6 District ~~no #manufacturing uses# or #uses# listed in Use Group 16 occupy the #zoning lot#.~~

* * *

106-30

SPECIAL REGULATIONS FOR MANUFACTURING OR COMMERCIAL USES

106-31

Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use with Manufacturing and Commercial Uses

[UPDATING USE REFERENCES]

New ~~#buildings# containing for #manufacturing uses# listed in Use Group M (Section 106-311)~~ or ~~#commercial# #uses# are~~ shall be allowed as-of-right, provided that:

- (a) the ~~#zoning lot#~~ shares a common ~~#side lot line#~~ with a ~~#manufacturing# or #commercial# #use#~~;
- (b) the frontage along the ~~#street line#~~ of the ~~#zoning lot#~~ shall not exceed 60 feet, but in no event shall the total area of such ~~#zoning lot#~~ exceed 7,800 square feet;
- (c) the ~~#zoning lot#~~ is not located within a continuous frontage of vacant ~~#zoning lots#~~ whose aggregate length exceeds 60 feet;
- (d) ~~such #manufacturing use# is listed in Use Group M #manufacturing uses# shall be~~ limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive;
- (e) ~~such #commercial# #use# is listed in Use Groups 6, 7, 8, 9, 11 or 16- #commercial uses#~~ shall be limited to those permitted in a C2 District, except those listed in Use Group 5, and shall be ~~and is~~ located on Neptune, Stillwell or Cropsey Avenues; and
- (f) no ~~#residential uses#~~ occupy the ~~#zoning lot#~~.

~~106-311~~

~~Use Group M~~

[REMOVING USE GROUP M IS NO LONGER NEEDED AS THE TEXT WILL MATCH THE USES LISTED IN A MX DISTRICT]

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

~~Bottling work, for non-alcoholic beverages~~

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Cork products

Cosmetics or toiletries

Electrical appliances (small), including lighting fixtures, irons, fans, toasters, toys, or similar appliances

Electrical equipment assembly (small), 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

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

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

Hosiery

Ice, dry or natural

Laboratories, research, experimental or testing except those that involve dangerous or potentially explosive activities or animals

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

Luggage

Machine tools—small parts only

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

Mattresses, including rebuilding or renovating

Musical instruments

~~Novelty products~~

~~Optical or precision instruments~~

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

~~Printing or publishing~~

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

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

~~Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing~~

~~Tobacco, including curing or tobacco products~~

~~Tools or hardware, including bolts, nuts, screws, doorknobs, drills or similar products~~

~~Toys~~

~~Umbrellas~~

~~Vehicles, children's (bicycles, etc.)~~

~~Venetian blinds, window shades or awnings~~

~~Wood products, cabinet making, pencils, baskets and other small products~~

106-32

Special Permit Provisions for Manufacturing and Commercial Uses

[UPDATING USE REFERENCES]

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

- (a) ~~#uses# listed in Section 106-311 (Use Group M) or #commercial# #uses# in #developments# not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use with Manufacturing and Commercial Uses);~~
- (b) change of #use# from a #residential use# to Use Group M a #manufacturing use#

permitted by Section 106-31 or #commercial# #use#; and

- (c) modifications in #yard# regulations for ~~Use Group M~~ or #manufacturing uses# permitted by 106-31 or #commercial# #uses# in #developments# or #enlargements#;

provided that the following findings are made:

- (1) that such #use# will comply with the regulations on performance standards of M1 Districts;
- (2) that additional truck traffic generated by such #use# or the modification of #yard# regulations will not create harmful, congested or dangerous conditions; and
- (3) that a change of #use# from #residential# to ~~Use Group M~~ a #manufacturing use# permitted by Section 106-31 or #commercial# #use# shall not displace or preempt any #building# which is essential to the functioning and growth of existing residences within the district.

The City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effect on the character of the surrounding area.

106-33
~~Changes of Manufacturing or Commercial Use~~

[REMOVING AS NO LONGER NECESSARY, WILL FOLLOW ARTICLE 5 FOR NONCONFORMANCE]

Within the ~~#Special Coney Island Mixed Use District#~~, the #use# of any #building# may be changed to another #use# listed within the same Use Group, or as follows:

From Use Group	To Use Group
5, 6, 7, 8, 9, 10, 11, 12, 13, 15	6, 7, 8, 9, 11, 14
16, 17 or Use Group M	6, 7, 8, 9, 11, 14, 16, 17 or Use Group M
18	6, 7, 8, 9, 11, 14, 16, 17, 18 or Use Group M

106-34
106-33
Special Yard Regulations

* * *

106-40
SPECIAL REGULATIONS FOR BUILDINGS CONTAINING BOTH RESIDENTIAL
AND COMMERCIAL USE

[UPDATING USE GROUP REFERENCE]

106-41
Use Regulations

#Developments# containing both #residential# and #commercial# #uses# are allowed in the #Special Coney Island Mixed Use District#, provided that the regulations of this Chapter are met. No #buildings#, however, shall contain both #residential uses# and #commercial uses# that would not be permitted in a C6 District listed in Use Group 16.

* * *

Article X - Special Purpose Districts

Chapter 7 Special South Richmond Development District

107-00 GENERAL PURPOSES

* * *

107-40 SPECIAL USE, BULK AND PARKING REGULATIONS

107-412 Special bulk regulations for certain community facility uses in lower density growth management areas

[UPDATING USE GROUP MENTIONS WITH NEW FRAMEWORK]

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in ~~Section 22-14 (Use Group 4)~~ Section 22-13 (Use Group 3), 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
- (b) 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#.

* * *

107-60 AUTHORIZATIONS

* * *

107-69 Residential Uses in Area M

[UPDATING USE GROUP MENTIONS WITH NEW FRAMEWORK]

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a disturbance of the soil, for the following:
 - (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or
 - (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial# #uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District

regulations:

- (c) In authorizing new #residential uses# and #residential# #enlargements#, the Commission shall find that:
- (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
 - (2) there are no open Sewage, Storm Water and Waste Infrastructure #uses# listed in ~~Use Group 18~~ Use Group 4B or other open #uses# listed in Use Groups 9B or 10 within 400 feet of the #zoning lot#;
 - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and
 - (4) the authorization shall 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 uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

107-70 SPECIAL PERMITS

* * *

107-77 Community Facility Buildings or Treatment Plants Permitted in Designated Open Space

[UPDATING CROSS REFERENCES]

The City Planning Commission may grant special permits for the construction of sewage disposal plants or pumping stations or #community facility uses# listed in Section 78-352 (Bonus for community facility space) in #designated open space# where such #uses# are permitted by the underlying district regulations provided the Commission finds that:

- (a) an amount of open area outside the boundary of the #designated open space#, at least equal to the coverage of any #building or other structure# permitted under this Section, shall be added to the #designated open space#, and action shall be taken to change the boundary of the #designated open space# pursuant to Section 107-76 (Boundary Adjustments in Designated Open Space);
- (b) such added open area forms a continuous part of the #open space network#, and does not interrupt or foreclose the continuity of a public pedestrian way;
- (c) such added open area shall contain natural (aquatic, botanic, geologic or topographic) features that are equal or better in quality to those displaced by the #development#; and
- (d) such sewage disposal plants and sewage pumping stations meet the requirements of ~~Section 74-73~~ Section 74-143, inclusive.

The City Planning Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

* * *

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special Hunts Point District**

**108-00
GENERAL PURPOSES**

* * *

**108-10
USE REGULATIONS**

**108-11
Use Modifications in the Special Hunts Point District**

In the #Special Hunts Point District#, #transient hotels# or #motels#, as listed in Use Group 5, shall not be permitted within the areas designated on the #Special Hunts Point District# Map in Appendix A. Within such areas, ~~Section 74-803 (Transient hotels within M1 Districts)~~ Section 74-153 (In M1 Districts) shall not be applicable.

**108-12
Use Modifications in the Residential Buffer Subdistrict**

[UPDATING TO ALIGN WITH REFERENCES IN NEW UNDERLYING & MADE
FORMATTING ADJUSTMENTS TO MATCH SECTION]

- (a) In the #Special Hunts Point District#, the #use# regulations of the underlying M1-2 District within the Residential Buffer Subdistrict shall be modified to permit the following #uses#:

From ~~Use Group 3A~~ Use Group 3:

~~Libraries, museums or non-commercial art galleries~~

From ~~Use Group 4A~~
Museums

~~Clubs~~

~~Community centers, not including settlement houses~~

Non-commercial recreational centers

~~From Use Group 6A, with no limitation as to #floor area# per establishment~~

~~Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores~~

From Use Group 6:

Food and Beverage Retailers, with no limitation as to #floor area# per establishment

Other #uses# denoted with an “S” in the table in Section 42-16 (Use Group 6 - Retail and Services), inclusive, up to a size limit of 40,000 square feet of #floor area# per establishment within 500 feet of the center line of Garrison Avenue

~~From Use Group 10A, with a limitation of 40,000 square feet of #floor area# per establishment within 500 feet of the center line of Garrison Avenue~~

~~Carpet, rug, linoleum or other floor covering stores~~

~~Clothing or clothing accessory stores~~

~~Department stores~~

~~Dry goods or fabric stores~~

~~Furniture stores~~

~~Television, radio, phonograph or household appliance stores~~

~~Variety stores.~~

- (b) ~~In the #Special Hunts Point District#, District#, Use Group 18 #uses# shall not be permitted in the underlying M1-2 District within the Residential Buffer Subdistrict, except that breweries, limited to 10,000 square feet of #floor area# per establishment, shall be permitted. #uses# listed in Use Groups 4B, 9 and 10 shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive.~~

108-13

Use Modifications in the Food Industry Subdistrict

[REMOVING TO APPLY THE UNDERLYING USE FRAMEWORK]

In the #Special Hunts Point District#, in the underlying M1-2 District within the Food Industry Subdistrict, #uses# listed in Use Groups 4B and 9 shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive, except that refrigerating plants, as listed in Use Group 9, shall be permitted. ~~listed in Section 42-15 (Use Group 18) shall not be permitted, except for the following:~~

~~From Use Group 18A:~~

~~Beverages, alcoholic or breweries~~

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

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

~~Plastic, raw~~

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

~~From Use Group 18B:~~

~~Refrigerating plants.~~

108-14

Enclosure Regulations

In the #Special Hunts Point District#, all #uses# listed in Use Groups 16, 17 and 18 #commercial uses# not permitted in a C6 District, along with #manufacturing uses# shall be located within completely enclosed #buildings#, except that building materials or contractors' yards, listed in Use Group 17 Use Group 9, may be open or enclosed.

108-15

Applicability of Article V, Chapter 2 (Non-conforming Uses)

[UPDATING REFERENCES TO MATCH UNDERLYING]

In the #Special Hunts Point District#, a #non-conforming# #use# may be changed only to a #conforming# #use#.

The following sections pertaining to #non-conforming# #uses# in the #Special Hunts Point District# shall not apply:

- Section 52-32 (Land With Minor Improvements)
- Section 52-33 (Manufacturing or Related Uses in Residence Districts), inclusive
- Section 52-34 (Commercial Uses in Residence Districts)
- Section 52-35 (Manufacturing or Related Uses in Commercial Districts)
- Section 52-36 (Non-conforming Commercial Uses in Commercial Districts)
- Section 52-37 (Non-conforming Commercial Uses in Manufacturing Districts)
- ~~Section 52-43 (C1 or C4 Districts)~~
- Section ~~52-44~~ 52-43 (Residence Districts Except R1 and R2 Districts)
- Section ~~52-45~~ 52-44 (Non-conforming Residential Uses in M1 Districts)
- Section ~~52-46~~ 52-45 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts)
- Section 52-54 (Buildings Designed for Residential Use in Residence Districts)
- Section 52-56 (Multiple Dwellings in M1-1D Through M1-5D Districts)
- Section 52-62 (Buildings Containing Residences in M1-1D Through M1-5D Districts)
- Section 52-72 (Land with Minor Improvements)
- Section 52-731 (Advertising signs)
- Section 52-732 (Signs on awnings or canopies)
- Section 52-74 (Uses Objectionable in Residence Districts)
- Section 52-75 (Certain Types of Uses Involving Open Storage or Salvage).

108-20

MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT

In the Residential Buffer Subdistrict, parking shall be provided at the rate of one space per 300 square feet of #floor area# for food stores, including supermarkets, grocery stores, meat markets or delicatessen stores. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces and #accessory# off-street loading berths.

108-30

MODIFICATION OF STREET TREE REQUIREMENTS

[UPDATING USE REFERENCES]

Notwithstanding the provisions of Section 43-02 (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Hunts Point District# that include #uses# listed in ~~Use Group 17 or 18~~ Use Groups 4B, 9B or 10 shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). 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 17 or 18~~ Use Groups 4B, 9B or 10.

* * *

Article X - Special Purpose Districts

Chapter 9 Special Little Italy District

109-00 GENERAL PURPOSES

* * *

109-01 Definitions

For the purposes of this Chapter, matter in *italics* is defined in Section 12-10 (DEFINITIONS), Section 32-301 (Definitions), or Section 109-01 (Definitions).

Open recreation space

"Open recreation space" is that part of a zoning lot, including courts, yards and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 109-14, 109-34 and 109-42.

* * *

109-10 PRESERVATION AREA (Area A)

* * *

109-11 Special Use Regulations

109-111 Special regulations for existing commercial or manufacturing uses

The continuation, *#extension#* or change of *#use#* of existing *#commercial#* or *#manufacturing uses#* within Area A shall be governed by the underlying district *#use#* regulations.

109-112 Special use regulations for developments

[UPDATING TO REFLECT NEW USE FRAMEWORK]

For any ~~building~~ or portion of a ~~building~~ ~~developed~~ or ~~enlarged~~ after February 3, 1977, within Area A, ~~uses~~ listed in the underlying district regulations are permitted except ~~that such uses~~ shall not include those listed in Use Groups 6D, 8C, 10, and 12D for the following uses:

From Use Group 4B

All uses

From Use Group 6

Uses subject to a size limitation of 10,000 square feet of floor area per establishment in a C2 District shall not be permitted a size beyond such threshold

From Use Group 9

Vehicle storage uses

109-113

Streetscape provisions

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

The underlying ground floor level streetscape provisions shall apply. However, along Tier B street frontages where the alternate ground floor level provisions are able to be applied, in accordance with Section 32-322, the following transparency requirements shall be applied in addition to the provisions of such Section:

[RELOCATING PROVISIONS FROM SECTION 109-131]

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 25 percent of the surface area of such ground floor level street wall, up to a height of 12 feet above curb level, or the height of the ground floor ceiling, whichever is higher. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet.

* * *

109-13

Special Front Wall Regulations

109-131
Building facades

[RELOCATING, UNCHANGED, TO SECTION 109-13]

The front #building# wall of any #building# shall extend along the full length of its #front lot line# not occupied by existing #buildings# to remain and shall rise without setback up to a height of six #stories# or 65 feet, or the height of the #building#, whichever is less. Above that height, the front #building# wall shall set back at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#. The exterior #building# materials of the front wall shall be predominantly of masonry.

109-132
Treatment of the ground level wall

[REMOVING AS WILL BE ADDRESSED BY STREETSCAPE REGULATIONS]

~~For #buildings# #developed# after February 3, 1977, and for #buildings# #enlarged# on the ground floor level after February 3, 1977, at least 25 percent of the total surface area of the entire front wall of a #development# or the #enlarged# portion, up to a height of 12 feet above #curb level# or to the ceiling of the ground #story#, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet. In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent areas at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.~~

* * *

109-20
MULBERRY STREET REGIONAL SPINE (AREA A1)

* * *

109-21
Use Regulations

[RELOCATING SIZE LIMITS FROM 109-211 & UPDATING LOBBY RULES TO REFLECT
NEW STREETSCAPE FRAMEWORK]

The provisions of Section 109-11 (Special Use Regulations) shall apply, ~~except that all #uses# subject to a size limitation of 10,000 square feet of #floor area# per establishment in Use Group 6 shall be further limited to a maximum size of 5,000 square feet of #floor area# per establishment,~~ ~~except that in order to retain the existing retail character of the area, the ground floor of any #building# shall be limited to #uses# listed in Section 109-211 (Use Group LI). Any #street# frontage occupied by entrances to other #uses# such as #residential# lobbies shall be no wider than 25 feet. A change of #use# on the ground floor of a #building# shall be subject to the provisions of this Section.~~

109-211 **Use Group LI**

[REMOVING. APPLYING UNIFIED GF USE REGULATIONS]

~~Use Group LI comprises a group of specially selected #uses# to strengthen the existing #commercial# character of the area.~~

~~A. Convenience Retail Establishments~~

~~Bakeries~~

~~Barber shops~~

~~Beauty parlors~~

~~Drug stores~~

~~Dry cleaning or clothes pressing establishments, limited to 2,500 square feet of #floor area# per establishment on the ground floor~~

~~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~~

~~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~~

~~Food stores, including supermarkets, grocery stores, meat markets, delicatessen stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor~~

~~Hardware stores~~

~~Package liquor stores~~

~~Post offices~~

~~Stationery stores~~

~~Tailor or dressmaking shops, custom~~

~~Variety stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor~~

B. ~~Retail or Service Establishments~~

~~Antique stores~~

~~Appliance stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor~~

~~Art galleries~~

~~Artist supply stores~~

~~Bicycle sales and rental establishments~~

~~Book stores~~

~~Candy or ice cream stores~~

~~Carpet or rug stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor~~

~~Cigar or tobacco stores~~

~~Clothing or clothing accessory stores, limited to 5,000 square feet of #floor area# per establishment~~

~~Clothing rental~~

~~Clubs, non-commercial, without restrictions on activities or facilities, limited to 2,500 square feet of #floor area# per establishment on the ground floor~~

~~Dry goods or fabric stores, limited to 5,000 square feet on the ground floor~~

~~Florist shops~~

~~Furniture stores, limited to 5,000 square feet of #floor area# per establishment on the~~

ground floor

Furrier shops, custom

Gift shops

Interior decorating establishments, limited to 750 square feet of #floor area# per establishment on the ground floor

Jewelry or art metal craft shops

Leather goods, crafts or luggage stores

Locksmiths shops

*Meeting halls, limited to 25-foot frontage

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Shoe stores

Stamp or coin stores

Telegraph offices

*Theaters, limited to 25-foot frontage

Toy stores

Travel bureaus

~~Watch or clock stores or repair shops~~

* A change of #use# in a #building# constructed prior to February 3, 1977, which does not comply with the frontage requirements, is permitted provided the degree of #non-compliance# of the frontage is not increased

109-211 **Streetscape regulations**

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated in Area A1 (Mulberry Street Regional Spine) as shown on the District Map in Appendix A of this Chapter shall be considered #Tier C street frontages#.

[RELOCATING UNIQUE TRANSPARENCY PROVISIONS, WITH PARAGRAPH (A)
REMOVED, FROM SECTION 109-23]

In addition to the glazing requirements for #Tier C street frontages#, the following shall apply:

- (a) the maximum horizontal width of a transparent area shall not exceed 10 feet in width, and shall be separated by a mullion of no less than six inches in width; and
- (b) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.

* * *

109-212 **Sign regulations**

[RELOCATING FROM SECTION 109-24]

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

- (a) #signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;

(b) all permitted signs which project from the front building wall shall be located not less than 10 feet above curb level; and

(c) signs may not cover columns, cornices or sills.

* * *

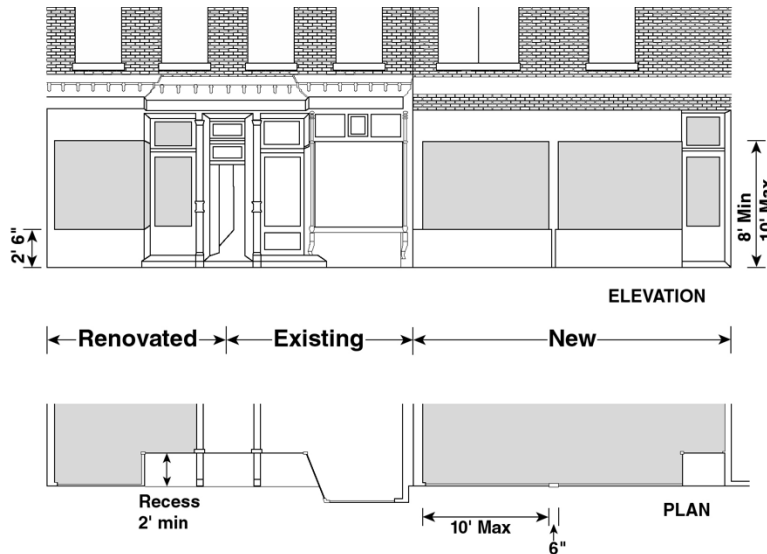
109-23

Storefronts in New Buildings and Alterations of Existing Storefronts

[RELOCATING, WITH PARAGRAPH (A) REMOVED, TO SECTION 109-211]

Storefronts in buildings developed after February 3, 1977, in portions of buildings located on the ground floor that are enlarged after February 3, 1977, and any existing storefronts that are altered, shall comply with the following standards:

- (a) show windows shall have a sill height of not more than 2 feet, 6 inches above curb level and extend to a maximum height of between eight feet and 10 feet above curb level;
- (b) the storefront shall have transparent areas no more than 10 feet in width, measured horizontally, and which transparent areas shall be separated by a mullion of no less than six inches in width; and
- (c) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the show windows.



STOREFRONT ILLUSTRATION

**109-24
Sign Regulations**

[RELOCATING, UNCHANGED, TO SECTION 109-212]

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

- (a) ~~#signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;~~
- (b) ~~all permitted #signs# which project from the front #building# wall shall be located not less than 10 feet above #curb level#; and~~
- (c) ~~#signs# may not cover columns, cornices or sills.~~

* * *

**109-30
HOUSTON STREET CORRIDOR (Area B)**

* * *

**109-31
Special Use Regulations**

**109-311
Special regulations for existing commercial or manufacturing uses**

* * *

**109-312
Special use regulations for new development**

[UPDATING TO REFLECT NEW USE FRAMEWORK]

For any #building# or portion of a #building# #developed# or #enlarged# ~~after February 3, 1977,~~ within Area B, #uses# listed in the underlying district regulations are permitted, except ~~that such~~ #uses# shall not include those listed in Use Groups ~~6D, 8C and 12D~~ for the following #uses#.

From Use Group 4B

All #uses#

From Use Group 9

Vehicle storage #uses#

109-313

Streetscape provisions

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

The underlying #ground floor level# streetscape provisions shall apply. However, along #Tier B street frontages# where the alternate #ground floor level# provisions are able to be applied, in accordance with Section 32-322, the following transparency requirements shall be applied in addition to the provisions of such Section:

[RELOCATING PROVISIONS FROM SECTION 109-332]

#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 25 percent of the surface area of such #ground floor level# #street wall#, up to a height of 12 feet above #curb level#, or the height of the ground floor ceiling, whichever is higher. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet.

* * *

109-33

Special Front Wall Regulations

109-331

Building facades

[RELOCATING TO SECTION 109-33]

For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

109-332

Treatment of the ground level wall

[RELOCATING TO SECTION 109-313]

For a #building# wall facing a #narrow street#, at least 25 percent of the total surface area of such #building# wall up to a height of 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50 (SPECIAL REVIEW PROVISIONS). Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of two feet.

[REMOVING BLANK WALL PROVISIONS AS RULE IS ADDRESSED BY
STREETSCAPE REGULATIONS]

In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent area at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

109-34
Open Recreation Space and Landscaping Requirements

* * *

109-40
BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)

* * *

109-43
Additional Requirements

[UPDATING CROSS REFERENCES]

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in ~~Sections 109-211 (Use Group LI) Section 109-21 (Use Regulations), inclusive, 109-23 (Storefronts in New Buildings and Alterations of Existing Storefronts) and 109-24 (Sign Regulations).~~

* * *

Article XI - Special Purpose Districts

Chapter 1 Special Tribeca Mixed Use District

* * *

111-10 SPECIAL USE REGULATIONS

111-11 Residential Use Modification

(a) Loft dwellings

[CHANGING INDENT]

#Loft dwellings# created prior to October 13, 2010, shall be governed by the provisions for #loft dwellings# in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after October 13, 2010, except as the result of a subdivision of a #loft dwelling# existing prior to October 13, 2010.

[REMOVING PROVISION MADE REDUNDANT BY PROPOSAL]

(b) Home occupations

~~A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), as an #accessory# #use# pursuant to Section 15-13 (Special Home Occupation Provision), except that:~~

- ~~(1) businesses operated as #home occupations# may have up to three non-#residential# employees; and~~
- ~~(2) notwithstanding the limitation on #uses# listed in the definition of #home occupation# in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#.~~

111-12 Ground Floor Use Restrictions

In all areas except Area A2, ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.

~~111-13~~

~~111-12~~

~~Additional Use Regulations~~

(a) Areas A1 and A3

- (1) ~~#Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited:~~

~~within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;~~

~~all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;~~

~~all Use Group 16C #uses#;~~

~~within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;~~

~~within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and~~

~~all Use Group 17C #uses#, except agriculture.~~

#Uses# permitted in a C6 District are applicable in Areas A1 and A3, except that #uses# listed in Use Group 9A (General Storage) in Section 32-191 shall be permitted to the applicability of a C8 District.

- (2) ~~The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway:~~

~~all Use Group 8A #uses#;~~

~~all Use Group 8D #uses#;~~

~~all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or television studios; and~~

~~all Use Group 12A #uses#.~~

~~(3)~~(2) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, ~~the following #uses#~~ #uses# listed in Use Groups 6 or 8 shall be limited to 20,000-square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section 111-32 (Special Permit for Certain Large Commercial Establishments):

~~all #uses# in Use Groups 6A and 6C;~~

~~all #uses# in Use Group 10 with parking categories B or B1; and~~

~~the above #uses# when listed in other use groups.~~

~~Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Groups 6A, 6C or all #uses# with parking categories B or B1 in Use Group 10.~~

(3) In addition, in #buildings# not fronting on the #streets#, listed in paragraph (a)~~(3)~~ (2) of this Section, #uses# listed in ~~Use Groups 6A and 6C~~ Use Group 6 or 8 shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allocated to such #uses#, except as otherwise provided in Section 111-32.

(b) Areas A4, A5, A6 and A7

(1) ~~All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted;~~

(2) ~~The following #uses# listed in Use Group 16 shall be permitted:~~

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

~~Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.~~

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

~~Machinery rental or sales establishments.~~

(3) ~~All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:~~

~~Building materials or contractors' yards, open or enclosed~~

~~Produce or meat markets, wholesale~~

~~Adhesives, including manufacture of basic components~~

~~Food products, including slaughtering of meat or preparation of fish for packing~~

~~Laboratories, research, experimental or testing~~

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

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

~~Pharmaceutical products~~

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

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

~~Shoddy~~

~~Soap or detergents.~~

- (1) #Uses# permitted in a C6 District are applicable in Areas A4, A5, A6 and A7, except that:
- (i) automotive repair and maintenance and dry cleaning and laundry services, as listed in Use Group 6 in Section 32-16, shall be permitted to the applicability of a C8 District; and
 - (ii) #uses# listed in Use Groups 9A and 9C shall be permitted to the applicability of a C8 District.
- (4)(2) For establishments with frontage on #wide streets#, #uses# listed in ~~Use Groups 6A, 6C and 10~~ Use Group 6 shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section 111-32.

(c) ~~Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, providing entertainment with cover charge or specified showtime with a capacity of more than 200 persons, as listed in Use Group 12A 6, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244 73-162 (Eating or drinking establishments) or the City Planning Commission as provided in Section 74-161 (Retail and service uses), as applicable. The Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A 6, that primary ingress and egress for such #uses# may only be located on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the #streets# listed in this paragraph (c). Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.~~

(d) Environmental conditions for Area A2

(1) ~~All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.~~

(2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with OER's authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy.

* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B)

* * *

111-30 SPECIAL PERMITS

111-32

111-31

Special Permit for Certain Large Commercial Establishments

[UPDATING SECTION NUMBER]

The City Planning Commission may permit the total #floor area# of large #commercial# establishments to exceed the underlying #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4), including the #floor area# requirements for #cellar# space, provided the Commission finds that:

- (a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and
- (b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

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

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 2
Special City Island District**

**112-00
GENERAL PURPOSES**

* * *

**112-01
Definitions**

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

* * *

**112-07
Special Use Regulations**

Within the Special District, and notwithstanding the provisions of Article V, Chapter 2, where *#commercial#* or *#manufacturing uses#* are permitted by the underlying district regulations, such *#commercial#* or *#manufacturing uses#* shall be limited to those *#uses#* set forth in this Section. This Section shall apply to a new *#use#* in a *#development#* and to a change of *#use#* in an existing *#building#* to another *#use#* listed in the same or another Use Group.

**112-071
Uses permitted in C1 and C2 Districts**

[UPDATING CROSS REFERENCES]

~~Within a C1 District, all *#uses#* permitted in Use Groups 1, 2, 3, 4, 5 and 6, as listed in Sections 32-11 to 32-15, are permitted, except:~~

~~Court houses~~

~~Electric and gas substations~~

~~Public utility stations~~

~~Telephone exchanges.~~

Additional permitted #uses# are:

~~Custom manufacturing and sale of jewelry, ceramics, art and needlework, limited to 10,000 square feet per establishment.~~

Within C1 and C2 Districts, the underlying #use# provisions shall apply, except that:

- (a) #uses# listed in Use Group 4B shall not be permitted; and
- (b) #uses# listed in Use Group 10 with a size limitation in Section 32-20, inclusive, as denoted with an “S” in the Use Group table, shall not exceed 10,000 square feet of #floor area# per establishment.

112-072

Uses permitted in C2 Districts

[CONSOLIDATING WITH USES PERMITTED IN C1 DISTRICTS IN SECTION 112-071]

~~Within a C2 District, all #commercial# #uses# listed in Section 112-071 (Uses permitted in C1 Districts) are permitted as well as all #uses# permitted as of right in C2 Districts, as set forth in Section 32-10, except:~~

~~Automobile sales, including motorcycle and #trailer#~~

~~Prisons~~

~~Refreshment stands, drive in~~

~~Wholesale establishments.~~

112-073

Uses permitted in C3 Districts

[REMOVING AS THE UNDERLYING TEXT WILL PERMIT THESE USES IN A C3]

~~Within a C3 District, Use Groups 1, 2, 3 and 4 in Sections 32-11 to 32-13, and all #commercial# #uses# listed in Use Group 14 in Section 32-23, are permitted, as well as:~~

~~#Boatels#~~

~~Eating or drinking places, including those that provide outdoor table service or incidental musical entertainment.~~

112-074

Ground floor use restrictions on certain blocks

[CONSOLIDATING STREETSCAPE REGULATIONS IN SECTION 112-073]

~~For all #buildings# fronting on City Island Avenue between Bay Street and Carroll Street, only non #residential uses# shall be permitted on the ground floor level or within #stories# that have a floor level within five feet of #curb level#, except for Type 1 lobbies provided in accordance with Section 37-33 (Maximum Width of Certain Uses).~~

112-075

112-072

Uses permitted in M1 Districts

[REPLACING LIST WITH REFERENCE TO MX MODIFICATIONS]

~~Within an M1 District, all #uses# listed in Use Groups 4B, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16A and 17 are permitted, except:~~

~~Automobile sales, including motorcycle and #trailer#~~

~~Bottle works~~

~~Cotton ginning or cotton wadding or linters~~

~~Fuel, ice, coal or wood establishments with open storage~~

~~Manufacturing of autos, trucks or #trailers#, including parts~~

~~Motorcycle manufacturing, including parts~~

~~Motorcycle or motor scooter rental~~

~~Poultry or rabbit killing establishments~~

~~Prisons~~

~~Public transit or railroad substations~~

~~Public utility stations~~

~~Railroads, including rights of way~~

~~Refreshment stands, drive-in~~

Telephone exchanges

Truck weighing scales

Trucking terminals and motor freight stations.

Within M1 Districts, #uses# listed in Use Groups 4B, 9 and 10 shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive.

112-073

Streetscape regulations

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

- (a) #ground floor level# #street# frontages along City Island Avenue, between Bay Street and Carroll Street shall be considered #Tier C street frontages#, and
- (b) remaining #ground floor level# #street# frontages along City Island Avenue shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section 32-32, inclusive, the provisions for #Tier A street frontages# set forth in Section 32-312 (Ground floor level parking restrictions) may be applied.

112-074

Sign regulations

[RELOCATING, UNCHANGED, FROM SECTION 112-09]

In addition to meeting the #sign# regulations of the applicable underlying zoning district, all #signs# within the Special District shall meet the following restrictions:

- (a) #signs# attached to the #street wall# of a #building# shall have a vertical dimension of not more than three feet and shall have a horizontal dimension of not more than 75 percent of the #street# frontage; and
- (b) outdoor #signs# may be illuminated by indirect means only.

112-08

Uses Permitted by Special Permit

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSALS]

~~In C1, C2 or C3 Districts, the City Planning Commission may permit #automotive service stations#, auto repair establishments, #public parking garages# or #public parking lots#. As a condition for 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 cars or 20 percent of the spaces so provided, whichever amount is less; and~~
- ~~(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.~~

~~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 areas from #lot lines#.~~

~~112-09~~ Sign Regulations

[RELOCATING, UNCHANGED, TO SECTION 112-074]

~~In addition to meeting the #sign# regulations of the applicable underlying zoning district, all #signs# within the Special District shall meet the following restrictions:~~

- ~~(a) #signs# attached to the #street wall# of a #building# shall have a vertical dimension of not more than three feet and shall have a horizontal dimension of not more than 75 percent of the #street# frontage; and~~
- ~~(b) outdoor #signs# may be illuminated by indirect means only.~~

* * *

112-10 SPECIAL BULK REGULATIONS

* * *

112-102 Special floor area regulations for mixed buildings

[UPDATING TO REFLECT UNDERLYING PROPOSAL]

In C1, C2 and C3 Districts, for ~~#buildings#~~ containing ~~#residences#~~ with frontage on City Island Avenue, ~~not more than one up to one #story#~~ of ~~#commercial use#~~ may ~~be provided in such #buildings#~~ and such ~~#story#~~ shall be excluded from the definition of ~~#floor area#~~.

* * *

112-104

~~Special transparency requirements along City Island Avenue~~

[REMOVING TEXT MADE REDUNDANT WITH STREETSCAPE REGULATIONS IN SECTION 112-073]

~~For #buildings# with ground floor #commercial# or #community facility# #uses# fronting upon City Island Avenue, the provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to any #street wall# of such #building# facing City Island Avenue.~~

112-106

112-104

Authorization for modification of height and setback regulations

* * *

112-107

112-105

Special permit for modification of height and setback regulations

* * *

112-11

Special Parking Regulations

* * *

112-112

Accessory parking and floor area requirements for eating or drinking establishments

[UPDATING CROSS REFERENCES]

After July 10, 1985, for any ~~#development#~~, ~~#extension#~~ or change of ~~#use#~~ involving an eating or drinking establishment, as listed in Use Group 6, that, in the aggregate, results in an increase of more than 150 square feet of ~~#floor area#~~, one off-street ~~#accessory#~~ parking space shall be provided for each 150 square feet of the total of the existing and new ~~#floor area#~~.

After July 10, 1985, any reduction in the number of existing off-street #accessory# parking spaces, either on-site or off-site that lowers the ratio of off-street #accessory# parking space per #floor area# to less than one space per 150 square feet of #floor area# is prohibited.

New off-site #accessory# parking for eating or drinking establishments in C1 or C2 Districts may be located only in C1 or C2 Districts.

For the purposes of this Section, #floor area# shall also include #cellar# space, except for a room or rooms in the #cellar# used exclusively for storage, and outdoor table service areas used for eating or drinking establishments. The outdoor table service area shall be delineated and shown on the plans filed with the application for a building or work permit and used to determine the minimum requirement for #accessory# off-street parking. Such outdoor table service area shall be separated from the #accessory# off-street parking by a fence, wall, railing or planted screening.

For eating or drinking establishments, the provisions of Sections 36-23 or ~~44-23~~ 44-232 (Waiver of Requirements for Spaces Below Minimum Number) or Sections 52-41 (General Provisions), with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces) and 73-45 (Modification of Off-site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-street parking spaces are required, all such parking spaces shall be waived.

112-113

Reservoir space requirements for eating and drinking establishments

[UPDATING CROSS REFERENCES]

All #developments#, #extensions# or changes of #use# involving an eating or drinking establishment, as listed in Use Group 6, with attendant-operated parking services shall provide adequate on-site reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 10 percent of the total number of spaces, but in no event shall such reservoir space be required for more than 10 automobiles. Reservoir space shall be delineated by painted stripes or lines pursuant to the standards of the Department of Buildings.

Within one year of March 6, 1986, all existing eating or drinking establishments with attendant-operated parking services shall provide adequate reservoir space pursuant to this Section and shall file a site plan and documented evidence of compliance with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

112-114

Screening and tree planting requirements for all parking lots with 10 or more spaces

[UPDATING CROSS REFERENCES]

All new or #enlarged# parking lots with 10 or more spaces shall comply with the screening requirement provisions of this Section.

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened in accordance with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping).

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or ~~42-52~~ 42-62 (Permitted Signs).

112-115

Location of parking spaces along City Island Avenue

[UPDATING APPLICABILITY TO NON-COMMERCIAL ZONING DISTRICTS ONLY.
COMMERCIAL DISTRICTS WILL BE ADDRESSED BY STREETScape REGULATIONS
IN SECTION 112-073]

In districts not otherwise governed by the streetscape regulations of Section 112-073, No no parking shall be permitted between the #street line# of City Island Avenue and the #street wall# of any #building# or its prolongation facing City Island Avenue. However, this provision shall not apply to #waterfront zoning lots#.

* * *

Article XI - Special Purpose Districts

Chapter 3 Special Ocean Parkway District

113-00 GENERAL PURPOSES

* * *

113-50 THE SUBDISTRICT

113-501 General purposes

In order to preserve and enhance the character of the neighborhood, the Subdistrict within the Special Ocean Parkway District is established which encourages large single- or two-family detached and semi-detached residences.

113-502 Special use regulations

[UPDATING USE GROUP TO REFLECT UNDERLYING]

Within the Subdistrict, #single-# and #two-family detached# and #semi-detached residences# and #community facility uses# listed in Use Groups 3 or 4 are the only permitted #uses#. #Non-conforming single-# or #two-family residences# may be #enlarged# or #extended# pursuant to the provisions of the Subdistrict provided that a 30 foot #rear yard# is maintained. All other #non-conforming uses# shall be subject to the provisions of Article V, Chapter 2 (Non-conforming Uses).

* * *

Article XI - Special Purpose Districts

Chapter 5 Special Downtown Jamaica District

* * *

115-02 District Plan and Maps

The regulations of this Chapter implement the #Special Downtown Jamaica District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

- Map 1 Special Downtown Jamaica District
- Map 2 Ground Floor Use and Transparency and Curb Cut Restrictions
- Map 3 Street Wall Location
- Map 4 Street Wall Height
- Map 5 Maximum Building Height
- Map 6 Sidewalk Widening

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

115-10 SPECIAL USE REGULATIONS

[UPDATING CROSS REFERENCES]

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying district shall apply except as modified in this Section, inclusive. The #use# regulations of the underlying C4-5X, C6 and M1-4 Districts relating to #public parking garages# are modified in Section 115-11. The #use# regulations of the underlying C6-4 District relating to Use Group ~~4B~~ 9, are modified in Section 115-12. ~~Special ground floor #use# and transparency regulations streetscape regulations shall apply in the C4-5X and C6 Districts pursuant to Sections 115-13 (Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts) and 115-14 (Transparency Requirement in C4-5X and C6 Districts) Section 115-14.~~ The #use# regulations of the underlying M1-4 District, ~~including Use Groups 3, 4, 6, 10, 16, 17 and 18;~~ are modified as specified in Section ~~115-15-115-13.~~

115-11
Public Parking Garages

[UPDATING CROSS REFERENCE]

In the ~~#Special Downtown Jamaica District#~~, the ~~#use#~~ regulations of the underlying C4-5X, C6-2, C6-3, C6-4 and M1-4 Districts shall be modified to permit ~~#public parking garages#~~ with a capacity of 150 spaces or less, as-of-right, 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). ~~#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#~~, except as provided by the special permit provisions of Section ~~74-52 (Parking Garages or Public Parking Lots in High Density Central Areas)~~ 74-194 (Parking garages or public parking lots in high density central areas).

115-12
Use Group ~~11B 9~~ in C6-4 Districts

[UPDATING CROSS REFERENCE]

In C6-4 Districts, the ~~#uses#~~ permitted in Use Group 9, as set forth in ~~provisions of Section 32-20 (Use Group 11), paragraph B (Wholesale or Similar Establishments), Section 32-19 (Use Group 9)~~, shall be modified to allow wholesale establishments with no limitation on ~~#accessory#~~ storage.

115-13
Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts

[RELOCATING TO SECTION 115-14 & UPDATING TO REFLECT NEW
STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

~~On designated #streets#, as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, the special ground floor #use#, frontage and major #building# entrance regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.~~

~~#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, shall be limited to #community facility uses# without sleeping accommodations, as listed in Section 115-15 (Modification of Use Regulations in M1-4 Districts), and #uses# listed in Use Groups 5, 6A, 6B, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11,~~

~~12A, 12B and 12C. A #building#'s #street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with Section 37-33 (Maximum Width of Certain Uses). Such non #residential uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).~~

~~For #buildings# #developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon such designated #street#, such #development# or #enlargement# shall provide a major #building# entrance onto such #street#. However, #developments# or #enlargements# on #zoning lots# with frontage on more than one designated #street#, may provide a major #building# entrance on only one designated #street#.~~

115-14

Transparency Requirement in C4-5X and C6 Districts

[REMOVING AS WILL BE ADDRESSED BY STREETSCAPE REGULATIONS IN SECTION 115-14]

~~For #buildings# #developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, each ground floor #street wall# shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).~~

115-15

115-13

Modification of Use Regulations in M1-4 Districts

[UPDATING USE REFERENCES]

The #use# regulations of the underlying M1-4 District shall apply, except as ~~modified as follows:~~

- (a) all #uses# listed in Use Group 3B shall be permitted;
- (b) #uses# listed in Use Group 6 with a size limitation in Section 42-16, inclusive, as denoted in the Use Group table with an "S" are permitted without size limitation;
- (c) #uses# listed in Use Groups 4B, 9 and 10 shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive; and

(d) such #uses# permitted from Use Groups 4B, 9 and 10, along with #uses# listed in Use Group 6 that are permitted in a C8 District, but not in a C6 District, shall be located within a #completely enclosed building#.

~~Use Groups 3A and 4A~~

~~The following #community facility uses# as listed in Sections 22-13 (Use Group 3) and 22-14 (Use Group 4) be permitted as of right, provided that such #uses# are without sleeping accommodations:-~~

~~From Use Group 3A:~~

~~College or universities, including professional schools but excluding business colleges or trade schools~~

~~Libraries, museums or non-commercial art galleries, without limitation~~

~~#Schools#~~

~~From Use Group 4A:~~

~~Ambulatory diagnostic or treatment health care facilities, limited to public, private, for profit or not for profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, 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~~

~~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#~~

~~Community centers or settlement houses~~

~~Non-commercial recreation centers~~

~~Philanthropic or non-profit institutions, without limitation on central office functions~~

~~Rectories and parish houses~~

Seminaries

Welfare centers

Use Groups 6 and 10

All #uses# listed in Sections 32-15 (Use Group 6) and 32-19 (Use Group 10), shall be permitted and shall not be subject to the limitations specified in Section 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).

Use Groups 16, 17 and 18

The following #uses# from Sections 32-25 (Use Group 16), 42-14 (Use Group 17) and 42-15 (Use Group 18) shall be permitted, provided that such #uses# are in #completely enclosed buildings#, except as specifically modified in this Section.

From Use Group 16A (Retail or Service Establishments):

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales

Building materials sales, limited to 10,000 square feet of #lot area# per establishment

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments

Fuel, ice, oil, coal or wood sales, limited to 5,000 square feet of #lot area# per establishment

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Motorcycle or motor scooter rental establishments

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die or pattern making establishments, or similar small machine shops

Trade schools for adults

~~From Use Group 16B (Automotive Service Establishments):~~

~~#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#~~

~~From Use Group 16C (Vehicle Storage Establishments):~~

~~Commercial or public utility vehicle storage, including #accessory# motor fuel pumps~~

~~From Use Group 16D (Heavy Service, Wholesale or Storage Establishments):~~

~~Carpet cleaning establishments~~

~~Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment~~

~~Laundries, with no limitation on type of operation~~

~~Linen, towel or diaper supply establishments~~

~~Moving or storage offices, with no limitation as to storage or #floor area# per establishment~~

~~Packing or crating establishments~~

~~Photographic developing or printing, with no limitation on #floor area# per establishment~~

~~Warehouses~~

~~Wholesale establishments, with no limitation on #accessory# storage~~

~~From Use Group 17A (Service or Wholesale Establishments):~~

~~Building materials or contractors' yards, 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~~

~~Produce or meat markets, wholesale~~

~~From Use Group 17B (Manufacturing Establishments):~~

~~Advertising displays~~

~~Aircraft, including parts~~

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

~~Beverages, non-alcoholic~~

~~Bottling work, for all beverages~~

~~Brushes or brooms~~

~~Cameras or other photographic equipment, except film~~

~~Canvas or canvas products~~

~~Carpets~~

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

~~Chemicals, compounding or packaging~~

~~Cork products~~

~~Cosmetics or toiletries~~

~~Cotton ginning, or cotton wadding or linters~~

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

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

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

~~Film, photographic~~

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

~~Fur goods, not including tanning or dyeing~~

~~Glass products from previously manufactured glass~~

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

~~Hosiery~~

~~Ice, dry or natural~~

~~Ink or inked ribbon~~

~~Jute, hemp, sisal or oakum products~~

~~Laboratories, research, experimental or testing~~

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

~~Luggage~~

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

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

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

~~Mattresses, including rebuilding or renovating~~

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

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

~~Motorcycles, including parts~~

~~Musical instruments, including pianos or organs~~

~~Novelty products~~

~~Optical equipment, clocks, or similar precision instruments~~

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

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

~~Perfumes or perfumed soaps, compounding only~~

~~Pharmaceutical products~~

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

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

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

~~Scenery construction~~

~~Silverware, plate or sterling~~

~~Soap or detergents, packaging only~~

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

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

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

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

~~Tobacco, including curing or tobacco products~~

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

~~Toys~~

~~Umbrellas~~

~~Upholstering, bulk, excluding upholstering shops dealing directly with consumers~~

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

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

~~Wax products~~

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

From Use Group 17C (Miscellaneous #Uses#):

~~Public transit, railroad or electric utility substations, open or enclosed, subject to the special permit provisions of Sections 73-16 or 74-61 (Public Transit, Railroad or Electric Utility Substations)~~

~~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~~

From Use Group 18:

~~Breweries, limited to 10,000 square feet of #floor area# per establishment~~

~~#Uses# #accessory# to the preceding listed #uses#~~

115-14 **Streetscape Regulations**

[REPLACING WITH NEW STREETScape FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

The underlying #ground floor level# streetscape provisions set forth Section 32-30 (STREETScape REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition to the underlying provisions, #ground floor level# frontages on #Tier C street frontages# shall provide a major #building# entrance onto such #street#, except that where #zoning lot# has frontage on more than one #Tier C street frontage#, a major #building# entrance need only be located on one #street# frontage.

Defined terms in this Section include those in Sections 12-10 and 32-301.

115-16
Modification of Article V, Chapter 2

[REMOVING TEXT MADE REDUNANT WITH UNDERLYING PROPOSAL]

~~Within the #Special Downtown Jamaica District#, for any #zoning lot# in a C8-1 District prior to September 10, 2007, the provisions of paragraph (b) of Section 52-332 (Other buildings or structures in Residence Districts) and the provisions of paragraph (b) of Section 52-35 (Manufacturing or Related Uses in Commercial Districts) shall be modified as follows: A #non-conforming use# listed in Use Group 16 may not be changed to a #use# listed in Use Group 17.~~

115-20
SPECIAL BULK REGULATIONS

* * *

115-50
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

115-51
Parking and Loading Regulations

[UPDATING USE REFERENCES AND PRC]

Within the #Special Downtown Jamaica District#, the underlying off-street parking and loading regulations shall be modified, as follows:

- (a) #Commercial# and #manufacturing uses#.

In C4, C6 and M1 Districts, the off-street parking and loading regulations of a C4-4 District shall apply, except as modified in this Section.

- (1) For any #use# that is not allowed in a C4 District, the underlying off-street parking requirements of the applicable C6-2, C6-3, C6-4 or M1-4 District shall apply.
- (2) In C4, C6 and M1 Districts, the provisions of Sections 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory# #group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Sections 36-13 and 46-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.

- (3) In C4, C6 and M1 Districts, the provisions of Section 36-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial# or #community facility uses# shall be modified as follows: #uses# in Use Groups ~~6B (Offices), 10B (Wholesale Establishments) and 11B (Wholesale or Similar Establishments)~~7 and 9, with parking requirement category ~~B1~~ A3, shall be required to provide one parking space per 2,000 square feet of #floor area#.

* * *

Article XI – Special Purpose Districts

Chapter 6 Special Stapleton Waterfront District

* * *

116-01 Definitions

[UPDATING TO INCLUDE 32-301 DEFINITIONS]

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), 32-301 (Definitions), or in this Section.

* * *

116-10 SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

In Subareas A, B and C, the *#Esplanade#*, *#Pier Place#* and the *#Cove#*, ~~the following special #use# regulations shall apply. The #use# regulations of the underlying C4-2A District shall be modified by Sections 116-101 through 116-13, inclusive. the underlying #use# regulations shall be modified by the provisions of this Section, inclusive.~~

116-101 Use Groups ~~12 and 14~~

The *#uses#* listed in Section 32-21 (Use Group 12) shall not be permitted in Subarea C.

[REMOVING, NO LONGER NECESSARY AS THE UNDERLYING TEXT OUTLINED
IN 32-10 IS TAKING CARE OF THIS]

The *#uses#* listed in Section 32-23 (Use Group 14) ~~be permitted in Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#; boat storage, repair or painting, however, shall be allowed without restriction relating to boat length.~~

116-102 Supplementary use regulations

The provisions of Section 32-41 (Enclosure within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#.

116-11
Streetscape Regulations

[INCORPORATING NEW STREETSCAPE FRAMEWORK]

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply except that:

- (a) #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 in Appendix A of this Chapter shall be considered #Tier C street frontages#.
- (b) remaining #ground floor level# #street# frontages shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section 32-32, inclusive, the provisions for #Tier A street frontages# set forth in Section 32-312 (Ground floor level parking restrictions) may be applied. Notwithstanding the above, in Subarea B5, parking may be located between the #street wall# of the #building# and the Front Street #street line#.

116-11
116-12
Special Sign Regulations

* * *

116-12
Mandatory Ground Floor Use and Frontage Requirements

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

The provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply in Subareas A, B and C. However, on designated #streets# and #mandatory front building wall lines# in Subareas B3 and C, as shown on Map 2 in Appendix A of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building# #developed# or #enlarged# after October 25, 2006.

#Uses# located on the ground floor level or within two feet of the as built level of the adjoining sidewalk shall be exclusively limited to the permitted non-#residential uses# as modified by the special #use# provisions of this Chapter. Such ground floor #uses# shall

~~extend along the entire width of the #building#, except for lobbies or entrances to #accessory# parking spaces and shall have a depth provided in accordance with Section 37-32 (Ground Floor Depth Requirements for Certain Uses).~~

~~In no event shall lobbies and entrances to #accessory# parking spaces occupy more than 50 percent of the #building's# total frontage along such #street# or #mandatory front building wall line#, or 35 feet, whichever is less. However, the total length of such frontage occupied by such lobbies and entrances need not be less than 25 feet.~~

116-13 Transparency Requirements

[INCORPORATING INTO STREETScape FRAMEWORK]

~~In Subareas A, B and C, the transparency requirements of Section 37-34 (Minimum Transparency Requirements) shall apply to any #development# or an #enlargement# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line# and where non #residential uses# are located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk.~~

* * *

116-30 SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS FOR SUBAREAS A, B AND C

In Subareas A, B and C, the parking and loading regulations of the underlying C4-2A District shall apply, except as modified in this Section.

116-31 Modification of Required Accessory Off-Street Parking Space Regulations for Certain Commercial Uses

[REMOVING, NO LONGER NEEDED AS THE UNDERLYING IS PERMITTING THIS USE AND STIPULATES THE PRC]

The following #uses# listed in Section 32-23 (Use Group 14) shall be subject to the parking requirements applicable to a C4-2 District pursuant to Section 62-43 (Parking Requirements for Commercial Docking Facilities):

~~Boat rentals, open or enclosed [PRC-H]~~

~~Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour [PRC-H]~~

~~Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#~~

~~Docks or mooring facilities for non-#commercial# pleasure boats [PRC-H].~~

~~116-32-116-31~~

Modification of Waiver of Requirements

The provisions of Section 36-362 (In other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply.

All other waivers of parking requirements shall only apply to #zoning lots# existing both on October 25, 2006, and on the date of application for a building permit.

~~116-33~~

Modification of Location of Parking Spaces

[REMOVING THIS IT IS NO LONGER NEEDED]

~~For all #zoning lots# with frontage on Front Street, no #accessory# off street parking spaces shall be located in any open area that is between the #street wall# of the #building# and the Front Street #street line#, except that such spaces may be located between the #street wall# of the #building# and the Front Street #street line# in Subarea B5.~~

~~116-34~~

116-32

Location and Width of Curb Cuts

Curb cuts are prohibited in the locations shown on Map 4 (Restricted Curb Cut and Off-Street Loading Locations) in Appendix A of this Chapter.

In Subarea C, for #zoning lots# with access only to Front Street, only one curb cut shall be permitted along Front Street.

In Subareas A, B and C, the maximum width of curb cuts shall not exceed 25 feet, including splays.

~~116-35~~

116-33

Screening and Tree Planting Requirements for Parking Facilities

* * *

116-60
SPECIAL REGULATIONS IN SUBAREA E

The special #use#, #bulk#, #visual corridor# and #waterfront public access area# requirements of Section 116-60, inclusive, shall apply to Subarea E.

116-61
Special Use Regulations

[REMOVING AS NO LONGER NEEDED]

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

- (a) ~~the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and~~
- (b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial# #floor area# is located above a #dwelling unit#.

* * *

Article XI - Special Purpose Districts

Chapter 7 Special Long Island City Mixed Use District

117-00 GENERAL PURPOSES

* * *

117-02 General Provisions

[REMOVING REDUNDANT PROVISION]

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded 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 #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

- (a) Notwithstanding the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), when a #building# that existed on October 25, 1995, within the Hunters Point or Court Square Subdistricts, is damaged or demolished by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to the #bulk# permitted by this Chapter, whichever is greater.
- (b) For ~~#mixed use buildings#, #dwelling units# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a #commercial# or #manufacturing use#. #Commercial# or #manufacturing uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that the #commercial# or #manufacturing uses#:~~
 - (1) ~~are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and~~
 - (2) ~~are not located directly over any portion of the #building# containing #dwelling units#.~~

- (e) (b) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# within the Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), and such provisions are further modified by Section 117-54 (Off-street Parking and Loading Regulations).
- (d) (c) In the granting of special permits or authorizations within the #Special Long Island City Mixed Use District#, the City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding uses.
- (e) (d) Where references are made to #block# numbers within this Chapter, such numbers are to be found on the maps appended to this Chapter.
- (f) (e) In areas within the #Special Long Island City Mixed Use District# that are not within a Subdistrict, the regulations of the underlying zoning district shall apply.

* * *

**117-20
SPECIAL PROVISIONS IN THE DESIGNATED DISTRICTS**

**117-21
Special Provisions for Use, Bulk and Parking**

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The special #use#, #bulk# and parking provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Hunters Point Subdistrict, except where modified by the provisions of this Section, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

**117-22
Modification of Use Group 6A
Use Group 6**

[UPDATING TO REFLECT NEW USE FRAMEWORK]

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The provisions of Section 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) pertaining to Use Group 6A shall be modified as follows:

~~Food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to #floor area# per establishment.~~

In the districts indicated, Food and Beverage Retailers, as listed in Use Group 6, shall be permitted without a size limitation.

117-23
Street Wall Location in Certain Designated Districts

* * *

117-30
SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS

117-31
Special Use Regulations

[REMOVING TO CREATE CONSISTENCY WITH NEW STREETSCAPE FRAMEWORK
IN SECTION 32-30, INCLUSIVE]

~~For #buildings# containing #residences#, #uses# on the ground floor shall be limited to non-
#residential uses# and lobby space. Not more than 8,000 square feet of the ground floor shall be
devoted to #uses# listed in Use Group 6B.~~

117-32
117-31
Special Bulk Regulations

* * *

117-50
QUEENS PLAZA SUBDISTRICT

* * *

117-503
Definitions

Definitions specifically applicable to the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District# are set forth in this Section. Other defined terms are set forth in Section 117-01 (Definitions) of the #Special Long Island City Mixed Use District#, ~~and~~ Section 12-10 (DEFINITIONS) and Section 32-301 (Definitions).

Accessory use

In addition to those #accessory uses# listed in Section 12-10, for the purposes of this Section, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, pursuant to Section 117-51 (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

[REMOVING UNNECESSARY TEXT AS UNDERLYING HOME OCCUPATION PROVISIONS WOULD SUPERSEDE THOSE IN THE SPECIAL DISTRICT]

~~Home occupation~~

~~Within the Queens Plaza Subdistrict, the #home occupation# provisions of Section 12-10 shall apply, except that:~~

- ~~(a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;~~
- ~~(b) such #home occupation# may occupy more than 500 square feet of #floor area#; and~~
- ~~(c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.~~

117-51 Queens Plaza Subdistrict Special Use Regulations

The special #use# provisions of Sections 123-20 through 123-50, inclusive, of the #Special Mixed Use District# shall apply in the Queens Plaza Subdistrict except where modified by the provisions of this Section and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

117-511 Large retail establishments

[UPDATING TO REFLECT THE UNDERLYING USES]

~~The following #uses# as listed in Section 42-30 (USES PERMITTED BY SPECIAL PERMIT) shall be permitted as of right in the Queens Plaza Subdistrict with no limitation on #floor area# per establishment:~~

~~Carpet, rug, linoleum or other floor covering stores;~~

~~Clothing or clothing accessory stores;~~

~~Department stores;~~

~~Dry goods or fabric stores;~~

~~Food stores;~~

~~Furniture stores;~~

~~Television, radio, phonograph or household appliance stores;~~

~~Variety stores.~~

The underlying M1 District #use# regulations shall be modified as follows: #uses# listed in Use Group 6 with a size limitation in Section 42-16, inclusive, as denoted in the Use Group table with an "S", shall be permitted without a size limitation.

117-512

Ground floor use and frontage regulations

Streetscape regulations

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

~~On designated #streets# in the Queens Plaza Subdistrict, as shown on Map 2 in Appendix C of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.~~

~~#Uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited exclusively to permitted #commercial#, #manufacturing# or #community facility uses# as modified by the special #use# provisions of Sections 117-51 and 117-511, except for lobby space or entrance space.~~

~~In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed in total 50 percent of the #building's# total #street# frontage or 30 feet, whichever is less. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 25 feet.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 in Appendix C of this Chapter shall be considered #Tier C street frontages#.

117-513

Transparency requirement

[CONSOLIDATING UNDER STREETScape REGULATIONS IN SECTION 117-512]

~~Within the Queens Plaza Subdistrict, the transparency requirements of Section 37-34 (Minimum Transparency Requirements) shall apply to all #developments# and to #enlargements# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line#. However, the provisions establishing the maximum width of ground floor level #street wall# without transparency shall not apply. In lieu thereof, any portion of such #building# wall that is 50 feet or more in length and contains no transparent element between #curb level# and 14 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 14 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.~~

~~The transparency requirements of this Section shall not apply to any #building# where the ground floor is occupied by #uses# listed in Use Groups 16 or 17.~~

117-514

117-513

Special Sign Regulations

* * *

117-54

Off-street Parking and Loading Regulations

[REMOVING PARAGRAPH (D) TO REFLECT CHANGES MADE TO UNDERLYING SECTION]

- (a) The off-street parking provisions of Article I, Chapter 6, shall apply, except that:
 - (1) the prohibition of curb cuts accessing entrances and exits to #accessory# off-street parking facilities on certain #streets#, as set forth in paragraphs (b) and (c) of Section 16-23 (Curb Cut Restrictions), shall also apply to Northern Boulevard, Crescent Street and 23rd Street; and
 - (2) the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-residential Uses) shall be modified as follows: the maximum number of #accessory# off-street parking spaces permitted for a #development# or #enlargement# shall not exceed one space per 2,000 square feet of #floor area# or 250 spaces, whichever is less.

- (b) Curb cuts shall not be permitted within 40 feet of a #zoning lot line# that abuts the Sunnyside Yard.
- (c) #Public parking garages# shall be permitted on #Blocks# 86/72 and 403 pursuant to Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403).
- (d) ~~For #public parking garages# permitted on #Block# 420 pursuant to Section 74-50 (OFF-STREET PARKING ESTABLISHMENTS), the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level#, shall be exempt from the definition of #floor area# as set forth in Section 12-10.~~

**117-55
Mandatory Plan Elements for the Queens Plaza Subdistrict**

**117-551
General provisions**

[UPDATING USE REFERENCES]

Within the Queens Plaza Subdistrict, the provisions of Section 117-552 (Central refuse storage area) shall apply to any #development#, #enlargement#, alteration or change of #use#, except where more than 50 percent of the #floor area# of such #development#, #enlargement#, alteration or change of #use# is occupied by a #use# listed in ~~Use Groups 16 or 17~~ Use Groups 4B, 9 or 10.

The provisions of Sections 117-553 (Mandatory sidewalk widening) and 117-554 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

* * *

**117-60
DUTCH KILLS SUBDISTRICT**

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-60 through 117-64, inclusive, shall apply within the Dutch Kills Subdistrict.

* * *

**117-62
Special Use Regulations**

[UPDATING TO REFLECT THE NEW UNDERLYING USE FRAMEWORK]

~~In the Dutch Kills Subdistrict, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6E, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.~~

In the Dutch Kills Subdistrict, Food and Beverage Retailers, as listed in Use Group 6, shall be permitted without a size limitation.

* * *

**117-63
Special Bulk Regulations in the Designated Districts**

* * *

**117-631
Floor area ratio and lot coverage modifications**

* * *

(c) Maximum #floor area ratio# for certain #commercial# and #manufacturing uses#

[UPDATING PARAGRAPH (C) WITH NEW DEFINED TERM]

In M1-2 designated districts, the maximum #floor area ratio# shall be increased to 3.0 when paired with an R5B or R5D District and 4.0 when paired with an R6A District, provided that such additional #floor area# is limited to ~~the following #uses#:~~ photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults #referenced commercial and manufacturing uses#.

* * *

Article XI - Special Purpose Districts

Chapter 8 Special Union Square District

* * *

118-10 USE REGULATIONS

118-11 ~~Ground Floor Uses~~ Streetscape Regulations

[UPDATING TO REFLECT NEW STREETSCAPE PROVISIONS AS OUTLINED IN SECTION 32-30, INCLUSIVE]

~~#Uses# within #stories# that have a floor level within five feet of #curb level# along 14th Street shall be limited to the #uses# listed in this Section, except that entrances to above-grade or below-grade #uses# are permitted, subject to the regulations set forth in Section 118-41 (Entrances on 14th Street).~~

~~These regulations shall apply to #developments#, #enlargements#, #extensions# and changes of #use#.~~

~~Antique stores~~

~~Art galleries, commercial~~

~~Artists' supply stores~~

~~Automobile rental offices~~

~~Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment~~

~~Banks~~

~~Barber shops~~

~~Beauty parlors~~

~~Bicycle sales, rental or repair shops~~

~~Book stores~~

~~Candy or ice cream stores~~

~~Carpet, rug, linoleum, or other floor covering stores, with no limitation on #floor area# per establishment~~

~~Cigar or tobacco stores~~

~~Clothing or clothing accessory stores, with no limitation on #floor area# per establishment~~

~~Clothing rental establishments, limited to 10,000 square feet on #floor area# per establishment~~

~~Department stores~~

~~Drug stores~~

~~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 a total aggregate load capacity of machines shall not exceed 60 pounds~~

~~Dry goods or fabric stores, with no limitation of #floor area# per establishment~~

~~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~~

~~Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or fewer~~

~~Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or fewer~~

~~Eating or drinking places without restrictions on entertainment or dancing, but limited to locations in hotels~~

~~Fishing tackle or equipment, rental or sales~~

~~Florist shops~~

~~Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores~~

~~Furniture stores, with no limitation on #floor area# per establishment~~

~~Furrier shops, custom~~

Gift shops

Hardware stores

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Medical or orthopedic appliance stores

Millinery shops

Music stores

Newsstands, open or enclosed

Office or business machine stores with no limitations on #floor area# per establishment

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic developing or photographic printing establishments limited to 2,500 square feet per establishment

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

~~Shoe or hat repair shops~~

~~Shoe stores~~

~~Sporting or athletic stores~~

~~Stamp or coin stores~~

~~Telegraph offices~~

~~Television, radio, phonograph or household appliance stores with no limitation on #floor area# per establishment~~

~~Toy stores~~

~~Travel bureaus~~

~~Typewriter stores~~

~~Variety stores, with no limitation on #floor area# per establishment~~

~~Wallpaper stores~~

~~Watch or clock stores or repair shops~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along 14th Street, Union Square East, Union Square Wests or 17th Street, shall be considered #Tier C street frontages#.

In addition to the underlying provisions for such #Tier C street frontages#, the following shall apply:

- (a) #ground floor level# #uses# with frontage on 14th Street shall be entered directly from 14th Street; and
- (b) for #buildings# fronting on Union Square East, Union Square West, or 17th Street between Broadway and Park Avenue South, where a #use# comprises at least 40 percent of the #floor area# of a #building#, the principal entrance to such #use# shall be located on such frontages. Where multiple #uses# comprise more than 40 percent, an entrance to only one such #use# need be located on such frontages.

Defined terms in this Section include those in Sections 12-10 and 32-301.

118-12
Sign Regulations

[UPDATING CROSS REFERENCE]

On #street walls# fronting on 14th Street, no #sign# may be located more than 25 feet above #curb level#.

#Signs# on #street walls# fronting on all other #streets# within the Special District shall be subject to the provisions of ~~paragraph (e) of Section 32-435 (Ground floor use in high density Commercial Districts)~~ 32-672 (Special provisions for high density areas).

#Flashing signs# are not permitted within the Special District.

* * *

118-40
~~ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS~~

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS IN SECTION 118-11]

All #buildings# #developed# or portions of #buildings# #enlarged# after January 10, 1985, that front on 14th Street, Union Square East, Union Square West or 17th Street shall be subject to the requirements set forth below.

118-41
~~Entrances on 14th Street~~

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS IN SECTION 118-11]

Each permitted #use# within a #story# that has a floor level within five feet of #curb level# in #buildings# or portions of #buildings# with frontage on 14th Street, shall be entered directly from 14th Street. Entrances to #uses# located above or below such #stories# are permitted, provided that such entrances, in aggregate, shall not exceed 30 linear feet of #street wall# frontage on 14th Street.

118-42
~~Entrances on Union Square East, Union Square West and 17th Street~~

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS IN SECTION 118-11]

If a #use# occupies at least 40 percent of the #floor area# of a #building# or portion of a #building#, as applicable, pursuant to Section 118-40 (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS), that fronts on Union Square East, Union Square West

or 17th Street between Broadway and Park Avenue South, then the principal entrance to that #use# shall be located on such #street#. However, if more than one #use# meets these criteria, the principal entrance to only one of them is required to be so located.

118-43

Street Wall Transparency

[CONSOLIDATING UNDER STREETSCAPE REGULATIONS IN SECTION 118-11]

When the #street wall# of any #development# or #enlargement# is located on 14th Street, Union Square East, Union Square West or 17th Street, such #street wall# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

* * *

118-50

118-40

OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

* * *

Article XII - Special Purpose Districts

Chapter 1 Special Garment Center District

* * *

121-10 SPECIAL USE REGULATIONS

The #use# regulations of the applicable underlying district shall apply except as set forth in this Section.

121-11 Transient Hotels and Offices

[UPDATING CROSS REFERENCES]

For a #building# subject to the provisions of Section 121-60 (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit pursuant to ~~Section 74-802 (Transient hotels within Commercial Districts)~~ Section 74-152 (In Commercial Districts) shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions Within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory# #uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

In Subdistrict A-2, any #development# or #enlargement# that includes offices, ~~Section 32-15 (Use Group 6B)~~ as listed in Use Group 7 in Section 32-17 #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

121-12 C6-4M Districts in Subdistrict A-2

[UPDATING TO REFLECT UNDERLYING]

In the C6-4M District located within Subdistrict A-2, for #buildings# existing on January 19, 2005, the #use# regulations of the underlying district shall be modified as follows:

- (a) For #buildings# with less than 70,000 square feet of #floor area#, the provisions of Section 15-20 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS), inclusive, shall not apply to the #conversion# of non-#residential# #floor area# to #residences#. In lieu thereof, Section 15-10 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS), inclusive, shall apply; and
- (b) for #buildings# with 70,000 square feet or more of #floor area#, the #conversion# of non-#residential# #floor area# to #residences#, or to college or school student dormitories and fraternity or sorority student houses shall not be permitted.
- (c) The following #uses# and #uses# #accessory# to such #uses# shall be allowed:

~~(1) From Use Group 16A:~~

~~Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units~~

~~Tool, die or pattern making establishments or similar small machine shops~~

~~(2) From Use Group 16D:~~

~~Packing or crating establishments~~

~~Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment~~

~~Warehouses~~

~~Wholesale establishments, with no limitation on #accessory# storage~~

~~(3) From Use Group 17B:~~

~~All #uses#~~

From Use Group 9:

All General Storage #uses# permitted in a C8 District

From Use Group 10:

All #uses# permitted in a C8 District

121-13

M1-6 District in Subdistrict A-1

[UPDATING TO REFLECT UNDERLYING]

In the M1-6 District located within Subdistrict A-1, ~~#uses# listed in Use Group 18 shall not be permitted~~ #manufacturing uses# shall be limited to Use Groups 4, 9 and 10, as set forth in Section 123-21 (Modifications to M1 use regulations), inclusive.

* * *

Article XII - Special Purpose Districts

Chapter 2

Special Grand Concourse Preservation District

122-00

GENERAL PURPOSES

* * *

122-10

SPECIAL USE REGULATIONS

[UPDATING CROSS REFERENCES AND TO REFLECT NEW USE GROUPS]

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified, as follows:

- (a) Within the Limited Commercial Areas, ~~#commercial# #uses# listed in Section 32-15~~ #uses# listed in Use Group 6 that would be permitted in a C2 District, or offices, as listed in Use Group 7, shall be ~~are~~ permitted, provided they are located only on the ground floor of an existing or new #building# containing #residential# or #community facility uses#. All existing or new #commercial# #uses# shall be directly accessible only from the #street#. Any existing #commercial# #use# which fails to provide direct access from a #street# shall be terminated one year after September 28, 1989.
- (b) On a cross-street within the Commercial Extension Areas, ~~#commercial# #uses# listed in Section 32-15~~ #uses# listed in Use Group 6 that would be permitted in a C2 District, or offices, as listed in Use Group 7, shall be ~~are~~ permitted to occupy the ground floor of an existing or new #building# containing #residential# or #community facility uses#. Such ground floor #commercial# #uses# may be permitted to #extend# up to the Grand Concourse on the #basement# level of a #building#, provided that such #commercial# #uses# are accessible only from a cross-street which intersects the Grand Concourse. No direct or indirect access to such #commercial# #uses# is permitted from the Grand Concourse.
- (c) Any #commercial# #use# which lawfully existed on or before July 1, 1981, on any Commercial Infill Site listed in Table A, shall be considered conforming and may be changed to a Use Group 6 #use# that would be permitted in a C2 District, or to an office, as listed in Use Group 7, or to a #use# which previously occupied the space lawfully on or before July 1, 1981, except that expansion or re-occupancy of #floor area# to a retail #use# in ~~Use Group 6A or 6C~~ Use Group 6 shall be ~~is~~ restricted to the ground floor of the #building#.

However, if a #building# on a Commercial Infill Site contains an entrance from the

Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed in Use Group 6 if they were in existence prior to July 1, 1981, as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to ~~business, professional or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A or Use Group 6B,~~ offices, as listed in Use Group 7. regardless of the locational restrictions in Use Group 4.

TABLE A
COMMERCIAL INFILL SITES

Tax Block Number	Tax Lot Number	Address	Type of #Building#
2468	1	851 Grand Concourse	Courthouse
2821	11	1526 Grand Concourse	1 #story# #commercial#
2821	13	1540 Grand Concourse	Vacant lot
2822	27	1775 Grand Concourse	Telephone Co. #building#
2795	14	1780 Grand Concourse	Office #building#/garage
2805	23	1845 Grand Concourse	1 #story# #commercial#
2801	7	1850 Grand Concourse	2 #story# #commercial#
2808	44	1963 Grand Concourse	Funeral home
2808	82	2029-2043 Grand Concourse	1 #story# #commercial#
3161	25	2101 Grand Concourse	1 #story# #commercial#
3157	32	2202-2206 Grand Concourse	1 #story# #commercial#
3163	40	2231-2233 Grand Concourse	1 #story# #commercial#
3158	16	2262-2268 Grand Concourse	1 #story# #commercial#
3163	38	2235-2239 Grand Concourse	1 #story# #commercial#

3307	68	3000 Grand Concourse	Funeral home
3315	51	2833-2843 Grand Concourse	1 #story# #commercial#
2808	82	148 E. Burnside Avenue	1 #story# #commercial#

- (d) For the purposes of this Chapter, any non-#residential uses# permitted pursuant to paragraphs (a) through (c) of this Section shall be located only on a #story# below the lowest #story# occupied by a #residential use#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling.

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Mixed Use District (MX)**

* * *

**123-10
GENERAL PROVISIONS**

* * *

**123-12
Special provisions for applying certain underlying regulations to MX Districts**

[CLARIFYING MX DISTRICT APPLICABILITY FOR ADJACENCY REGULATIONS]

For the purposes of determining the applicability of underlying adjacency regulations to #zoning lots# adjoining or within close proximity to district boundaries, M1 Districts paired with #Residence Districts# shall be considered #Commercial Districts#.

* * *

**123-20
SPECIAL USE REGULATIONS**

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section, ~~inclusive, and provided that #signs# shall comply with the requirements of Section 123-40 (SIGN REGULATIONS).~~

**123-21
Modifications to M1 use regulations**

[UPDATING STANDARDS TO REFLECT UNDERLYING USE CHANGES]

In #Special Mixed Use Districts#, the regulations for M1 Districts are modified as follows:

(a) Use Group 4

In lieu of the allowances for #commercial uses# in Use Group 4B for an M1 District set forth in Section 42-14 (Use Group 4 – Public Service Facilities and Infrastructure), the

allowances for #commercial uses# in a C6 District pursuant to Section 32-14 (Use Group 4 – Public Service Facilities and Infrastructure), inclusive, shall apply.

(b) Use Group 6

The retail and service #uses# of Use Group 6 in an M1 District shall apply, except that for any #use# that is permitted in an M1 District set forth in Section 42-16 (Use Group 6 – Retail and Services), but not permitted in a C6-1 District pursuant to the provisions of Section 32-16 (Use Group 6 – Retail and Services), the provisions of Section 123-22 shall apply.

(c) Use Group 9

Any specialized storage #use# listed in use Group 9 shall not be permitted. In addition, the storage of substances in quantities required to file a Risk Management Plan for Extremely Hazardous Substances shall be subject to the provisions of Section 123-22.

(d) Use Group 10

In lieu of the allowances for #manufacturing uses# in Use Group 10 for an M1 District set forth in Section 42-20 (Use Group 10 – Production Uses), the allowances for #manufacturing uses# in a C6 District set forth in Section 32-20 (Use Group 10 – Production Uses), inclusive, shall apply, except that:

- (1) the size limitations on the ground floor shall not apply; and
- (2) the additional conditions shall be superseded by the provisions of Section 123-22.

123-22

Additional conditions for certain uses

[UPDATING STANDARDS TO REFLECT UNDERLYING USE CHANGES]

The following shall apply to #commercial# and #manufacturing uses# subject to the provisions of this Section pursuant to Section 123-21.

(a) Performance standards

All applicable #commercial# and #manufacturing uses# 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.

(b) Additional standards for #buildings# containing #residences# or certain community facility #uses#

All applicable #commercial# and #manufacturing uses# may only locate in the same #building# as, or share a common wall with a #building# containing a #residence# or a #community facility use# with sleeping accommodations:

- (1) where such #commercial# or #manufacturing use#:
 - (i) 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
 - (ii) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances; or
- (2) In MX-19, upon the submission to the Department of Buildings of a copy of a restrictive declaration, in a form acceptable to the Department of Environmental Protection, that has been executed and recorded in the Office of the City Register against all tax lots with such #use#, binding the owners, successors, and assigns to provide any building design requirements consistent with the underlying zoning as may be approved by the Department of Environmental Protection to protect residents of such #building# from air contaminants, odors, vibrations, or noise.

123-21

Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories and fraternity or sorority student houses, #long-term care facilities#, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial# #use#:

- (a) ~~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~~
- (b) ~~is not required, under the City Right-to-Know Law, to file a Risk Management Plan for~~

Extremely Hazardous Substances.

123-22

Modification of Use Groups 16, 17 and 18

The ~~uses~~ in Use Groups 16, 17 and 18 shall be permitted in the ~~Special Mixed Use District~~ in accordance with the applicable district ~~use~~ regulations, subject to the modifications of Sections 123-221 (Uses permitted as of right), 123-222 (Uses permitted with restrictions) and 123-223 (Excluded uses).

123-221

Uses permitted as of right

From Use Group 16A:

~~Automobile, motorcycle, trailer or boat sales, open or enclosed~~

~~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~~

~~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~~

~~Glass cutting shops~~

~~Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units~~

~~Ice or wood sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment~~

~~Machinery rental or sales establishments~~

~~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~~

~~Trade schools for adults, except those using substances in quantities required under the~~

City Right to Know Law to file a Risk Management Plan for Extremely Hazardous Substances

~~From Use Group 16B:~~

~~Automobile, truck, motorcycle or #trailer# repairs, excluding body repair~~

~~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#~~

~~From Use Group 16C:~~

~~Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps~~

~~Dead storage of motor vehicles~~

~~From Use Group 16D:~~

~~Diaper supply establishments~~

~~Laundries, except medical or laboratory~~

~~Linen or towel supply establishments, where cleaning is done on a separate #zoning lot#~~

~~Moving or storage offices, with no limitation as to storage or #floor area# per establishment~~

~~Packing or crating establishments, except for the packing or crating of substances in quantities required under the City Right to Know Law to file a Risk Management Plan for Extremely Hazardous Substances~~

~~Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment~~

~~Warehouses, except for the warehousing of substances in quantities required under the City Right to Know Law to file a Risk Management Plan for Extremely Hazardous Substances~~

~~Wholesale establishments, with no limitation on #accessory# storage, except for wholesale establishments selling, as part of their stock, substances in quantities required under the City Right to Know Law to file a Risk Management Plan for Extremely~~

~~Hazardous Substances, if they are stored on the same #zoning lot#~~

~~From Use Group 17A:~~

~~Building materials or contractor's 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~~

~~From Use Group 17B (Manufacturing Establishments):~~

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

~~Bottling work, for all beverages~~

~~Canvas products, not involving the manufacturing of canvas~~

~~Cork products~~

~~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, natural~~

~~Jute, hemp, sisal or oakum products~~

~~Mattresses, including rebuilding or renovating~~

~~Scenery construction~~

~~Shoddy~~

~~Soap or detergents, packaging only~~

~~Textiles, spinning, weaving, manufacturing, knit goods, yarn, thread or cordage, not involving printing or dyeing~~

~~Upholstering, bulk, excluding upholstering shops dealing directly with consumers~~

~~Wax products~~

From Use Group 17C:

~~Agriculture, including greenhouses, nurseries or truck gardens~~

~~Docks for passenger ocean vessels~~

~~Docks for sightseeing, excursion or sport fishing vessels, with no limitation on vessel or dock capacity~~

~~Docks for vessels not otherwise listed~~

~~Public transit, railroad or electric utility substations, open or enclosed, with no limitations 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~~

From Use Group 18:

~~Breweries, limited to 10,000 square feet of #floor area# per establishment~~

~~#Uses# #accessory# to the preceding listed #uses#~~

~~123-222~~

~~Uses permitted with restrictions~~

~~The following #uses# from Use Groups 16 and 17 are permitted in #Special Mixed Use Districts# subject to the certification requirements and locational restrictions of this Section:~~

From Use Group 16A:

~~Animal hospitals or kennels~~

~~Blacksmith shops~~

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

~~Fuel, oil, or coal sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment~~

~~Mirror silvering shops~~

~~Sign painting shops, with no limitation on #floor area# per establishment~~

~~Silver plating shops, custom~~

~~Soldering or welding shops~~

~~Tool, die, or pattern making establishments, or similar small machine shops~~

~~Trade schools for adults, that use substances in quantities required under the City Right to Know Law to file a Risk Management Plan for Extremely Hazardous Substances~~

From Use Group 16B:

~~Automobile, truck, motorcycle or #trailer# body repairs, provided such #use# is conducted within a #completely enclosed building#~~

From Use Group 16D:

~~Carpet cleaning establishments~~

~~Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment~~

~~Laundries, medical or laboratory~~

~~Linen or towel supply establishments, where cleaning is done on the same #zoning lot#~~

~~Packing or crating establishments for substances in quantities required under the City Right to Know Law to file a Risk Management Plan for Extremely Hazardous Substances~~

~~Photographic developing or printing, with no limitation on #floor area# per establishment~~

~~Warehouses for substances in quantities required under the City Right to Know Law to file a Risk Management Plan for Extremely Hazardous Substances~~

~~Wholesale establishments selling, as part of their stock, substances in quantities required~~

~~under the City Right to Know Law to file a Risk Management Plan for Extremely Hazardous Substances, with no limitation on #accessory# storage~~

~~From Use Group 17B (Manufacturing Establishments):~~

~~Adhesives, excluding manufacture of basic components~~

~~Advertising displays~~

~~Aircraft, including parts~~

~~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~~

~~Brushes or brooms~~

~~Cameras or other photographic equipment, except film~~

~~Canvas~~

~~Carpets~~

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

~~Chemicals, compounding or packaging~~

~~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 packaging

Ice, dry

Ink or inked ribbon

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

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

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

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

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

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

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

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

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

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

~~Silverware, plate or sterling~~

~~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, dyeing or printing~~

~~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~~

~~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~~

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

~~#Uses accessory# to the preceding listed #uses#~~

~~Any #use# from Use Group 16 or 17, listed in this Section, may only locate in a #building# #enlarged# or #developed# after December 10, 1997, containing a #use# listed in Section 123-21 (Modification of Use Groups 2, 3 and 4), or share a common wall with such #building#:~~

~~(a) upon certification by a licensed architect or engineer to the Department of Buildings that~~

any such ~~#use#~~ listed in Use Group 16 or 17:

- (1) 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) is not required, under the City Right to Know Law, to file a Risk Management Plan for Extremely Hazardous Substances; or
- (b) in MX-19, upon the submission to the Department of Buildings of a copy of a restrictive declaration, in a form acceptable to the Department of Environmental Protection, that has been executed and recorded in the Office of the City Register against all tax lots with such ~~#use#~~, binding the owners, successors, and assigns to provide any building design requirements consistent with the underlying zoning as may be approved by the Department of Environmental Protection to protect residents of such ~~#building#~~ from air contaminants, odors, vibrations, or noise.

123-223

Excluded uses

The following ~~#uses#~~ listed in Use Groups 16 and 18 shall not be allowed in ~~#Special Mixed Use Districts#~~:

From Use Group 16A:

~~Animal pounds or crematoriums~~

~~Crematoriums, human~~

From Use Group 16C:

~~Public transit yards, open or enclosed, including accessory motor fuel pumps~~

From Use Group 18:

~~Any #use# listed in Use Group 18, except that breweries limited to 10,000 square feet of #floor-area# shall be permitted as of right~~

~~#Uses accessory# to the preceding listed #uses#~~

123-23

Modification of Special Permit Requirements

In the event that provisions of this Resolution permit a #use# by special permit, authorization or certification in both designated M1 and #Residence Districts#, no more than one special permit, authorization or certification is required to permit any such #use# in the #Special Mixed Use District#.

In the event that a provision of this Resolution permits a #use# by special permit, authorization or certification in either a designated M1 or #Residence District# and another provision permits such #use# without a special permit, authorization or certification in the other designated district, no special permit, certification or authorization shall be required in the #Special Mixed Use District#. In such case, the #bulk# regulations of the district allowing the #use# as-of-right shall control.

123-30 SUPPLEMENTARY USE REGULATIONS

123-31 Provisions Regulating Location of Uses in Mixed Use Buildings

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, #commercial# or #manufacturing uses# may be located only on a #story# below the lowest #story# occupied by #dwelling units#, except that this limitation shall not preclude the:

- (a) extension of a permitted business #sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#;
- (b) location of #commercial# or #manufacturing uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to paragraph (a) of Section 123-67 (Residential Conversion), or were previously so #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings); or
- (c) location of #commercial# or #manufacturing uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that the #commercial# or #manufacturing uses# are:
 - (1) located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) ~~not~~ if located directly over any portion of a #building# containing #dwelling

units#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply.

* * *

123-33 Health and Fitness Establishments

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the ~~following additional~~ enclosure and environmental conditions for a C6-1 District set forth in Section 32-16, inclusive. :

- (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 high intensity #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.~~

* * *

123-50 MODIFICATION OF ARTICLE V, CHAPTER 2 (NON-CONFORMING USES)

[UPDATING CROSS REFERENCE]

In #Special Mixed Use Districts#, a #non-conforming use# may be changed only to a conforming #use#.

The following Sections of Article V, Chapter 2 (Non-conforming Uses), shall not apply: Sections 52-32 through 52-37, inclusive; Sections 52-43 through ~~52-46~~ 52-45, inclusive; Sections 52-54, 52-56, 52-62, 52-72, 52-731, 52-732, 52-74, and 52-75.

* * *

Article XII - Special Purpose Districts

**Chapter 4
Special Willets Point District**

**124-00
GENERAL PURPOSES**

* * *

**124-02
Definitions**

[UPDATING TO INCLUDE CROSS REFERENCES TO DEFINITIONS SECTIONS]

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, or within this Section.

For the purposes of establishing #blocks# and applying the #use#, #signage#, #street# tree, height and setback, #court#, publicly accessible open space and curb cut regulations of this Chapter, #connector streets#, the #eastern perimeter street#, the #primary retail street#, #residential streets#, #retail streets# and #service streets# shall be considered #streets#, and their boundaries shall be treated as #street lines#.

* * *

**124-04
Applicability of District Regulations**

* * *

**124-042
Applicability of Article VII, Chapter 3**

[UPDATING CROSS REFERENCES]

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section ~~73-16-73-143~~ (~~Public Transit, Railroad or Electric Utility Substations~~) (Electric or gas utility substation) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

124-043

Applicability of Article VII, Chapter 4

The following special permit by the City Planning Commission shall not be applicable:

Section ~~74-61-74-142~~ (~~Public Transit, Railroad or Electric Utility Substations~~) (Electric utility substation) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

* * *

124-10

SPECIAL USE REGULATIONS

* * *

124-11

Regulation of Residential Uses

124-111

~~Location of residential use within buildings~~

[REMOVING TEXT MADE REDUNDANT BY UNDERLYING CHANGES]

The provisions of Section ~~32-422~~ (~~Location of floors occupied by commercial uses~~) shall be modified to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

124-112

~~Residential entrances on residential streets~~

[RELOCATING TO SECTION 124-11]

Each ground floor #dwelling unit# on a #residential street# shall be directly accessible from such #residential street#. No more than one entrance to a #residential street# shall be required for any one ground floor #dwelling unit#.

* * *

124-13

Uses Permitted As-of-Right

[UPDATING CROSS REFERENCES]

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

Section ~~74-41~~ ~~74-182~~ (Arenas, Auditoriums, Stadiums or Trade Expositions) shall not apply for trade expositions with a capacity in excess of 2,500 persons, provided that the facility has a #floor area# of no more than 400,000 square feet;

Section ~~73-482~~ ~~73-472~~ (In Commercial or Manufacturing Districts) shall not apply for group parking facilities exceeding 225 spaces, provided such facilities comply with the regulations set forth in Section 124-50 (OFF-STREET PARKING REGULATIONS), inclusive.

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section ~~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) ~~73-162~~ (Eating or drinking establishments) and ~~74-161~~ (Retail and service uses) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section ~~73-35~~ (Amusement Arcades)

Section ~~74-46~~ (Indoor Interactive Entertainment Facilities)

Section ~~74-47~~ (Amusement Arcades)

124-14

Retail Continuity

Streetscape Regulations

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

The following regulations shall apply within Area A, as shown on Map 1 in the Appendix to this Chapter, to all portions of #buildings# with frontage on 126th Street, the #primary retail street#, #retail streets#, #connector streets# and, in the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, along the frontage of the publicly accessible open space required by paragraph (d) of Section 124-42.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, on #primary retail streets#, #retail streets# and #connector streets# in Area A, as shown on Map 1 in the Appendix to this Chapter shall be considered #Tier C street frontages#. All remaining #street# frontages shall be considered #Tier B street frontages#.

In addition to the underlying provisions for #Tier C street frontages#, the following shall apply:

- (a) The length of #ground floor level# #street# frontage occupied by any establishment shall not exceed 110 feet along 126th Street and 65 feet along the #primary retail street#. However, such limitations shall not apply within 300 feet of Northern Boulevard; and
- (b) Access to each #ground floor level# establishment shall be provided directly from a #street#.

[INCORPORATING PARAGRAPHS (A), (B) AND (C) INTO UPDATED STREETSCAPE REGULATIONS. REMOVING PARAGRAPH (D) TRANSPARENCY AS RULE WILL BE ADDRESSED BY STREETSCAPE FRAMEWORK.]

- (a) Ground floor #uses#

~~#Uses# within #stories# on the ground floor or with a floor level within five feet of the #base plane# shall be limited to #commercial# #uses# permitted by the underlying district, except #uses# listed in Use Groups 6B, 6E, 8C, 8D, 9B, 10B or 12D. A #building's# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space or entryways, provided in accordance with Section 37-33 (Maximum Width of Certain Uses), parking pursuant to Section 124-50, inclusive, and vehicular access pursuant to Section 124-53 (Curb Cut Restrictions). Such #uses# shall have a minimum depth of 50 feet measured from any #street wall# facing 126th Street, the #primary retail street# or #connector streets#.~~

- (b) Maximum length of establishments facing 126th Street and the #primary retail street#

~~The length of ground floor frontage occupied by any establishment shall not exceed 110 feet along 126th Street and 65 feet along the #primary retail street#. Such maximum lengths shall apply within 50 feet of any #street wall# facing 126th Street and the #primary retail street#. However, the provisions of this paragraph, (b), shall not apply within 300 feet of Northern Boulevard.~~

- (c) Access

~~Access to each ground floor establishment shall be provided directly from a #street#.~~

- (d) Transparency

For any #building#, or portion thereof, #developed# or #enlarged# after November 13, 2008, each ground floor #street wall# shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

124-15 Modification of Sign Regulations

* * *

124-19 Location and Other Requirements for Specific Uses

124-191 Convention center

[UPDATING USE REFERENCES & REMOVING TRANSPARENCY RULE AS WILL BE ADDRESSED BY NEW STREETScape FRAMEWORK.]

A trade exposition ~~center~~, as listed in Use Group 8, hereinafter referred to as a convention center, is permitted in the #Special Willets Point District# only in accordance with this Section and shall be located on a #connector street#. A convention center may only be located in the area as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter, being entirely within 650 feet of Northern Boulevard.

Furthermore, a convention center may not be located within 200 feet of 126th Street, and any portion of a convention center located between 200 feet and 450 feet of 126th Street shall be limited to no more than 50,000 square feet of #floor area#.

~~Section 124-14 (Retail Continuity) shall not be applicable to a convention center. In lieu thereof, the transparency requirements of this Section shall apply to the #street wall# of a convention center facing a #connector street#. Such #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of such #street wall#, measured to a height of 15 feet above the level of the adjoining sidewalk or public access area. Not less than 40 percent of such area shall be glazed with transparent materials.~~

The main entrance(s) of such convention center shall be on a #connector street#.

* * *

124-193 Location of office uses in towers

[UPDATING CROSS REFERENCE]

Use Group ~~6B-7~~ office #uses#, pursuant to Section ~~32-15~~ 32-17, located on any #story# entirely above 120 feet in height shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

* * *

124-40

PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS

* * *

124-42

Types and Standards of Publicly Accessible Open Space

[UPDATING PARAGRAPH (D) WITH GROUND FLOOR LEVEL RULES FOR PLAZA FRONTAGES]

The following types and standards of publicly accessible open space shall apply:

* * *

(d) #Block# at Roosevelt Avenue and 126th Street

In the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, the following improvements shall be provided:

- (1) an entry plaza of at least 7,000 square feet shall be provided adjacent to the intersection of 126th Street and Roosevelt Avenue, as follows:
 - (i) the plaza shall include no less than 60 feet and no more than 80 feet of frontage along 126th Street;
 - (ii) each #use# or establishment with frontage on the plaza shall include at least one entrance to such plaza;
 - (iii) at least two amenities shall be provided from among those listed in Section 37-748, except that a kiosk that provides information instead of food service shall also be permitted; and
 - (iv) the area of such plaza shall not overlap with the requirements of paragraph (c) of this Section for Roosevelt Avenue;
- (2) a central plaza of at least 20,000 square feet shall be provided, as follows:

- (i) the plaza shall have at least 100 feet of frontage on a #connector street#;
 - (ii) the prolongation of the centerline of the #primary retail street# shall intersect with such plaza;
 - (iii) such plaza shall meet the pedestrian amenity standards of paragraph (b)(4) of this Section for 126th Street; and
 - (iv) a minimum of 15 percent of such plaza shall be planted; and
- (3) a pedestrian corridor area shall be provided linking the entry plaza required pursuant to paragraph (d)(1) of this Section and the central plaza required pursuant to paragraph (d)(2) of this Section, as follows:
- (i) such corridor shall be at least 60 feet in width and include, within such width, a 40 foot utility easement;
 - (ii) such corridor shall be at least 150 feet in length;
 - (iii) each #use# or establishment with frontage on such corridor shall include at least one entrance to such corridor; and
 - (iv) each side of such corridor area shall be planted with #street# trees of not less than three-inch caliper at the time of planting for the entire length of such corridor, at a rate of one tree for every 25 feet of the length of each side of such corridor.
- (4) #uses# on the portion of the #ground floor level# frontage along a publicly accessible open space required pursuant to this paragraph, to the minimum depth set forth in Section 37-32, shall be limited to those #commercial uses# permitted by the underlying districts, except for lobbies, entrances and exits to off-street parking facilities and entryways to #mass transit stations#, as provided by Section 37-33. #Ground floor level# #street walls# shall be glazed in accordance with the provisions of Section 37-34.

(e) Northern Boulevard

* * *

**124-50
OFF-STREET PARKING REGULATIONS**

Off-street parking shall be provided for all required parking spaces and loading berths as specified by the underlying district, except as modified by the special regulations of this Section, inclusive.

124-51

Use and Location of Parking Facilities

[CONSOLIDATING PARKING WRAP AND SCREENING RULES INTO PARAGRAPH (A)(3)]

The provisions of this Section shall apply to all off-street parking spaces within the #Special Willets Point District#.

Floor space used for parking shall be exempt from the definition of #floor area#.

Parking facilities with over 225 parking spaces shall provide adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided in such facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

- (a) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are located:
 - (1) entirely below the level of any #street# or publicly accessible open space upon which such facility, or portion thereof, fronts;
 - (2) in a #cellar# no more than four feet above grade within Area B, as shown on Map 1 in the Appendix to this Chapter, provided that the #street wall# is set back at least four feet from the #street line# except for projections permitted pursuant to Section 124-22, paragraph (a)(3), and planted areas are provided pursuant to Section 124-22, paragraph (a)(5), and further provided that 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials;
 - (3) above grade, and either wrapped by #floor area# or screened, as follows:
 - (i) parking spaces fronting along publicly accessible open spaces shall be wrapped by #floor area# accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements);
 - (ii) parking spaces fronting locations where parking wrap or screening is not otherwise required pursuant to Section 124-14 (Streetscape Regulations) or this Section, parking spaces shall either be wrapped or screened in accordance with the provisions of Section 37-35.
- ~~(3) at every level above grade, wrapped by #floor area# provided in accordance with paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements); or~~

- (4) ~~above-grade and adjacent to a #street wall# or public access area, and screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35. A parking structure so screened shall be permitted only in the following locations:~~
- (i) ~~except within #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue, a parking facility may be located adjacent to a #street wall# facing 126th Street above a height of 35 feet and limited to a height of 85 feet. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from any other adjacent #street#;~~
 - (ii) ~~a parking facility may be located adjacent to a #street wall# limited to a height of 85 feet on a #block# that bounds the intersection of 126th Street and Northern Boulevard, provided that such #street wall# is on Northern Boulevard and is more than 100 feet from 126th Street. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from adjacent #residential#, #connector# or #primary retail streets#;~~
 - (iii) ~~a parking facility not on a #block# that bounds the intersection of 126th Street and Northern Boulevard may be located adjacent to a #street wall# limited to a height of 40 feet facing Northern Boulevard, provided that such #street wall# with adjacent parking spaces is on Northern Boulevard and is more than 100 feet from 126th Street. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from any other adjacent #street#;~~
 - (iv) ~~a parking facility may be located adjacent to a #street wall# on a #block# that bounds the intersection of 126th Street and Roosevelt Avenue, provided that such #street wall# with adjacent parking spaces is more than 100 feet from 126th Street, Roosevelt Avenue and at least 30 feet from any #connector street#;~~
 - (v) ~~a parking facility may be located adjacent to a #street wall# limited to a height of 40 feet facing the eastern boundary of the #Special Willets Point District#, within 200 feet of such eastern boundary, so that such parking facility is not visible from a #connector street#. At least 30 feet of permitted #floor area# containing #uses# shall separate such parking spaces from adjacent #residential# and #connector streets#; and~~
 - (vi) ~~a parking facility may be located adjacent to a #street wall# where such #street wall# is on a #service street#, provided that at least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from adjacent #residential#, #connector#, #retail# or #primary retail streets#.~~

~~(b)~~ All parking facilities with parking spaces adjacent to an exterior #building# wall that is not a #street wall# shall provide screening in accordance with the provisions set forth in paragraphs ~~(b)(1) through (b)(3)~~ of Section ~~37-35~~.

~~(e)~~(b) All parking facilities shall not be open to the sky, and all parking facilities shall have a roof that meets the design requirements of Section 124-34.

~~(d)~~(c) 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 therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #block#, all such spaces shall be located within the same parking facility.

~~(e)~~(d) All #accessory# off-street parking spaces may be provided within parking facilities in #buildings# other than the same #building# as the #uses# to which they are #accessory#, provided that:

- (1) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #building#; and
- (2) such parking facilities are located within the #Special Willets Point District#; or
- (3) such parking facilities are located within distances specified by Sections 36-421 (Maximum distance from zoning lot) and 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable.

* * *

Article XII - Special Purpose Districts

Chapter 5 Special Southern Hunters Point District

125-00 GENERAL PURPOSES

* * *

125-10 USE REGULATIONS

125-11 ~~Ground Floor Use Along Designated Streets~~ Streetscape Regulations

[UPDATING TO ACCOUNT FOR STREETSCAPE FRAMEWORK]

Map 2 (Special Ground Floor Use Regulations), in Appendix A of this Chapter, specifies locations where the special ground floor ~~use~~ regulations of this Section apply. Such regulations shall apply along the entire ~~street~~ frontage of the ~~building~~, as indicated on Map 2.

~~Uses~~ located on the ground floor level or within five feet of ~~curb level~~, and within 30 feet of the ~~street wall~~, shall be limited to ~~commercial~~ or ~~community facility uses~~ permitted by the underlying district. A ~~building's~~ ~~street~~ frontage shall be allocated exclusively to such ~~uses~~, except for lobby space. In no event shall the length of ~~street~~ frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the ~~building's~~ total ~~street~~ frontage, whichever is less, except that the length of lobby frontage need not be less than 20 feet.

The underlying ~~ground floor level~~ streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that ~~ground floor level~~ ~~street~~ frontages along ~~streets~~, or portions thereof, designated on Map 2 (Special Ground Floor Use Regulations) in Appendix A of this Chapter shall be considered ~~Tier C street frontages~~. In addition, for the purposes of applying the underlying streetscape regulations, any ~~street~~ that ~~abuts~~ the park space designated on Map 1 shall be considered a ~~wide street~~.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

125-12 ~~Transparency Requirements~~

[UPDATING TO ACCOUNT FOR STREETSCAPE FRAMEWORK]

~~The ground floor #street wall# bounding any #community facility use# other than a #school# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area, and the maximum sill height of all #show windows# shall be 2 feet, 6 inches above the adjoining sidewalk or public access area.~~

~~The ground floor #street wall# bounding any #commercial# #use# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. Furthermore, the maximum sill level of all #show windows# shall be 2 feet, 6 inches above the adjoining sidewalk or public access area.~~

125-13

Location of Uses in Mixed Buildings

[REMOVING AS NO LONGER NEEDED PER PROPOSAL]

~~The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as a #commercial# #use#, provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.~~

* * *

125-40

DISTRICT PLAN ELEMENTS

* * *

125-46

Newtown Creek Waterfront Access Plan

Map 9, in Appendix A of this Chapter, shows the boundaries of the area comprising the Newtown Creek Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area consists of Block 11, Lot 1, as established on November 13, 2008.

(a) Modification of #use# requirements

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, ~~listed in Section 32-16 (Use Group 6)~~ as listed in Use Group 4 in Section 32-14, shall be permitted #uses# within the Newtown Creek Waterfront Access Plan.

(b) Area-wide modifications

The requirements for #waterfront public access area#, as defined in Section 62-11, pursuant to Sections 62-53 through 62-57, inclusive, are modified at the following designated locations:

(1) #Upland connection#

An #upland connection#, as defined in Section 62-11, shall be provided through Block 11, Lot 1, abutting the prolongation of 5th Street and extending from the #shore public walkway#, as defined in Section 62-11, northerly to 54th Avenue.

(2) #Supplemental public access area#

#Supplemental public access areas#, as defined in Section 62-11, shall be provided as indicated on Map 9.

* * *

**125-50
PARKING REGULATIONS**

* * *

**125-51
General Regulations**

For the purposes of Section 125-50 (PARKING REGULATIONS), inclusive, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#.

No #public parking garages# or #public parking lots# shall be permitted.

**125-52
Location of Off-street Parking Spaces
Rooftop Landscaping**

[REMOVING AS PARKING WRAP ADDRESSED BY STREETSCAPE]

(a) Enclosure of spaces

~~All off street parking spaces shall be located within facilities that, except for entrances and exits, are entirely below the level of any #street# or #publicly accessible open area# upon which such facility or portion thereof fronts, or shall be located, at every level above grade, behind #commercial#, #community facility# or #residential# #floor area# so that no portion of such parking facility is visible from adjoining #streets# or #publicly accessible open areas#. Such #floor area# shall have a minimum depth of 30 feet.~~

(b) Rooftop landscaping

Any roof area of a parking garage not otherwise covered by a #building# and larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational #use# of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area. #Schools# shall be exempt from the provisions of this paragraph (b).

* * *

Article XII - Special Purpose Districts

Chapter 6 Special College Point District

126-00 GENERAL PURPOSES

* * *

126-10 SPECIAL USE REGULATIONS

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-11 Recreational Uses

[UPDATING CROSS REFERENCES TO REFLECT NEW UNDERLYING]

The regulations of Section 42-10 (~~USES PERMITTED AS OF RIGHT~~) (USE ALLOWANCES), shall be modified to allow the following #uses# as-of-right within the #Special College Point District#:

~~From Use Group 4A:~~

~~Non-commercial recreation centers~~

From Use Group ~~4B~~ 1:

Golf courses

~~Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residences#~~

Outdoor racket courts

Outdoor skating rinks

#Public parks#, playgrounds or private parks

~~From Use Group 4C:~~

~~#Accessory# #uses#~~

From Use Group 3:

Non-commercial recreation centers

126-12

Performance Standards

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the ~~#Special College Point District#~~.

126-13

Enclosure Regulations

[UPDATING CROSS REFERENCES]

The following provisions supersede Sections ~~42-41~~ 42-51 (Enclosure of Commercial or Manufacturing Activities) and ~~42-42~~ 42-52 (Enclosure or Screening of Storage).

All ~~#commercial#~~ or ~~#manufacturing uses#~~ established by a ~~#development#~~, ~~#enlargement#~~, ~~#extension#~~, or change of ~~#use#~~, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the ~~#enlargement#~~ or ~~#extension#~~ of an existing ~~#use#~~ or storage of materials or products, such provisions shall apply to the ~~#enlarged#~~ or ~~#extended#~~ portion of such ~~#use#~~ or storage. 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.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths).

126-131

Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

[UPDATING TO REFLECT NEW USE GROUPS]

The following ~~#uses#~~, including all storage of materials or products, shall be located within a ~~#completely enclosed building#~~:

~~From Use Group 17 A:~~

~~Produce or meat markets, wholesale.~~

~~From Use Group 18A:~~

~~Incineration or reduction of garbage, offal or dead animals~~

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

~~Sewage disposal plants~~

~~Stock yards or slaughtering of animals or poultry.~~

~~From Use Group 18B:~~

~~Dumps, marine transfer stations for garbage or slag piles~~

~~Electric power or steam generating plants~~

~~Explosives storage, when not prohibited by other ordinances~~

~~Junk or salvage establishments, including auto wrecking or similar establishments~~

~~Scrap metal, junk, paper or rags storage, sorting, or baling.~~

From Use Group 4:

Electric power or steam generating plants

Incineration or reduction of garbage, offal or dead animals

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

Sewage disposal plants

Dumps, marine transfer stations for garbage or slag piles

From Use Group 9:

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Wholesale establishments that include produce or meat markets

Scrap metal, junk, paper or rags storage, sorting, or baling

From Use Group 10

Animal slaughtering and processing

All #commercial# or #manufacturing uses# specified in this Section shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than

45 days prior to such certification.

126-132

Enclosure regulations in M1-1 Districts

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #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#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133

Enclosure regulations in M2-1 Districts near Residence Districts

Within 300 feet of a #Residence District# boundary, all #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#. However, #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#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134

Enclosure of storage in M1-1 Districts near Residence Districts

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135

Screening of storage in M2-1 Districts near Residence Districts

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.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard# ;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Sections 42-52 (Permitted Signs), and 126-14 (Sign Regulations), inclusive.

126-136

Screening of storage

- (a) At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:
- (1) 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
 - (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) In addition, such screening provided pursuant to paragraphs (a)(1) or (a)(2) of this Section:
- (1) shall not be located within a #front yard# ;
 - (2) shall be maintained in good condition at all times;
 - (3) may be interrupted by normal entrances or exits; and
 - (4) shall have no #signs# hung or attached thereto other than those permitted in Sections ~~42-52~~ 42-62 (Permitted Signs) and 126-14 (Sign Regulations).

126-14

Sign Regulations

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section ~~32-67~~ 32-671 (~~Special Provisions Applying Along District Boundaries~~) (Special provisions applying along district boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

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#, and no #signs# shall be permitted on the roof of any #building#.

126-141

Special sign regulations in M2-1 Districts

In M2-1 Districts, only non-illuminated signs and signs with indirect illumination are permitted. The surface area of all signs on a zoning lot shall be limited to:

- (a) one sign displayed from the wall of a building limited to 1.5 square feet of surface area for each linear foot of street wall or 150 square feet, whichever is less, and further provided that such signs shall not exceed a height of eight feet, and shall not extend to a height greater than 20 feet above curb level ; and
- (b) one sign not affixed to a building limited to one square foot of surface area for each 200 square feet of street wall or 30 square feet, whichever is less, and further provided that such signs shall not exceed a height of five feet above curb level.

* * *

126-30

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31

Parking Regulations

[UPDATING USE AND CROSS REFERENCES]

- (a) Accessory off-street parking shall not be permitted within a required front yard.
- (b) The provisions of Section 44-21 (General Provisions) pertaining to accessory off-street parking spaces for commercial uses shall be modified as follows:

Transient hotels Hotels, for the floor area used for sleeping accommodations, shall be required to provide one parking space per two guest rooms or suites and, for the floor area used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios, shall be required to provide one parking space per four persons-rated capacity

~~Places of Assembly, for~~ For uses with-in parking requirement category ~~D-B1 in~~ Use Group 6, 8, 9, 10 or 12-, or when permitted by special permit, shall be required to provide one parking space per four persons-rated capacity

- (c) For commercial uses within the commercial areas identified on the Special College Point District Map, the parking requirements of a C4-1 District shall apply.

- (d) Section 37-90 (PARKING LOTS), inclusive, shall apply to all open parking areas #accessory# to #manufacturing uses# listed in Use Group ~~17~~ 10. Perimeter landscaping, required pursuant to Section 37-921, may overlap with required #yards#, pursuant to Section 126-231.
- (e) The provisions of Section ~~44-23~~ 44-232 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on July 29, 2009, and on the date of application for a building permit.

126-32

Loading Regulations

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.
- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section ~~44-585~~ 44-564 (Screening).

* * *

Article XII - Special Purpose Districts

Chapter 7 Special Flushing Waterfront District

127-00 GENERAL PURPOSES

* * *

127-04 Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 32-301 (Definitions) and within this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

* * *

127-10 SPECIAL USE REGULATIONS

Within the #Special Flushing Waterfront District#, the #use# regulations of the underlying zoning districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

~~127-11~~ ~~Location of Residential Use Within Buildings~~

[REMOVING TO REFLECT UNDERLYING PROPOSAL]

~~The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.~~

~~127-12~~ 127-11 Sign Regulations

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply for any #signs#.

127-20
SPECIAL BULK REGULATIONS

* * *

127-22
Special Yard Regulations

[UPDATING USE REFERENCES]

On #waterfront zoning lots#, the #waterfront yard# provisions of Section 62-33 (Special Yard Regulations on Waterfront Blocks) and grading requirements of paragraph (a) of Section 64-82 (Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor) shall apply, except as modified as follows:

- (a) for all #waterfront zoning lots#, as defined in Section 62-11 (Definitions), whose #developments# are comprised #predominantly#, as defined in Section 62-11, of #uses# in ~~Use Groups 16, 17 and 18~~ Use Groups 4B, 9 or 10, a #waterfront yard#, as also defined in Section 62-11, shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards); and
- (b) the grading requirements of paragraph (a) of Section 64-82 may be modified pursuant to a certification by the Chairperson of the City Planning Commission as set forth in Section 127-61 (Certification for Interim Grading Conditions).

On #zoning lots# that are not #waterfront zoning lots#, no #yard# regulations shall apply.

* * *

127-30
SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

* * *

127-31
Accessory Off-street Parking Regulations

[UPDATING CROSS REFERENCES]

The underlying parking regulations shall be modified as follows:

- (a) In M1 Districts paired with a #Residence District# in Subdistrict A, the following shall apply:
- (1) #Commercial# and #manufacturing uses# shall provide either one parking space for every 1,000 square feet of #floor area#, or shall provide parking spaces at the rate required for M1-2 Districts pursuant to Section 44-21 (General Provisions), whichever requires a smaller number of spaces.
- In addition, the provisions of ~~Section 44-23~~ Sections 44-232 (Waiver of Requirements for Spaces Below Minimum Number) and ~~paragraph (a) and (b) of Section 44-231~~ (Exceptions to application of waiver provisions) shall not apply to #manufacturing uses#. In lieu thereof, #accessory# off-street parking spaces may be waived for #manufacturing# and #commercial# #uses# if the number of spaces for all applicable uses is at or below 40 spaces.
- (2) #Residential# and #community facility uses# shall be subject to the parking requirements of R7-1 Districts, as set forth in Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations).
- (b) In C4-2 Districts within Subdistricts B and C, the parking requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.

**127-32
Loading Regulations**

[REMOVING UNNECESSARY TEXT]

The provisions of the underlying loading regulations shall be modified as follows:

- (a) in C4-2 Districts, the loading requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.
- (b) ~~the requirement of Sections 36-60 (OFF-STREET LOADING REGULATIONS), inclusive, and 44-50 (OFF-STREET LOADING REGULATIONS), inclusive, shall not apply to changes of uses;~~
- (c) ~~the provisions of Sections 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses), 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) shall not apply; and~~
- (d) ~~the minimum length requirements for loading berths #accessory# to #commercial#~~

~~#uses#, other than funeral establishments, and wholesale, manufacturing or storage #uses#, as set forth in Sections 36-681 (Size of required berths), and 44-581 (Size of required loading berths), shall be 37 feet.~~

127-40 DISTRICT PLAN ELEMENTS

[RELOCATING CLARIFYING RULES TO STREETScape SECTION]

Within Subdistrict A and Subdistrict B, the district plan element provisions of this Section shall apply. ~~For the purpose of applying the provisions of this Section, inclusive, all #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets# shall be considered #streets# and their boundaries shall be considered a #street line#.~~

127-41 Special Streetscape Regulations

[UPDATING TO REFLECT NEW STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

~~For the purposes of applying the special streetscape provisions of Section 37-30 to this Chapter, any portion of a #ground floor level# #street# frontage along primary #street# frontages designated on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter shall be considered #primary street frontages#, and a #ground floor level# #street# frontage along secondary #street# frontages on Map 3 shall be considered a #secondary street frontage#. In addition, defined terms shall include those in Sections 12-10 and 37-311.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETScape REGULATIONS), inclusive, shall apply except that #ground floor level# #street frontages# within the 50 feet of the intersection of two primary #street# frontages, as shown on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter shall be considered #Tier C street frontages#.

For the purpose of applying such streetscape regulations, #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets# shall be considered #streets# and #shore public walkways# shall be considered #wide streets#.

127-411 Special provisions for frontages along streets and the shoreline

[CONSOLIDATING UNDER STREETScape PROVISIONS IN SECTION 127-41]

The provisions of this Section shall apply to ~~#developments# or #ground floor level# #enlargements#.~~

(a) ~~At the intersection of #primary street frontages#~~

~~For #ground floor level# #street walls# within 50 feet of the intersection of two #primary street frontages#, as shown on Map 3 in the Appendix to this Chapter:~~

- ~~(1) #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 lobbies.~~
- ~~(2) #Group parking facilities# located on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements), and above the #ground floor level#, such parking facilities shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35.~~
- ~~(3) #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).~~

(b) ~~Along other #street# frontages~~

~~For portions of #buildings# along the remainder of #primary street frontages#, and for #buildings# with #secondary street frontages#, as shown on Map 3, #group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35. However, for portions of #buildings# facing the #shoreline#, #group parking facilities# at all levels shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35.~~

127-412

Special provisions for blank walls

[CONSOLIDATING UNDER STREETScape PROVISIONS IN SECTION 127-41]

~~The blank wall provisions of paragraph (a)(7)(ii) of Section 62-655 (Planting and trees) shall not apply. In lieu thereof, the visual mitigation elements shall be provided in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds).~~

* * *

127-43

Publicly Accessible Area

[UPDATING TRANSPARENCY REFERENCES]

Where a tower rises sheer in accordance with the provisions of paragraph (c)(2) of Section 127-233 (Base heights and setback regulations), no #building# permit shall be issued by the Department of Buildings until the Chairperson of the City Planning Commission certifies a site plan demonstrating that a publicly accessible area, in compliance with the following requirements, will be provided.

(a) Minimum size and location

* * *

(b) Design requirements

All publicly accessible areas shall comply with the following provisions:

- (1) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least two feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;
- (2) one linear foot of seating shall be provided for each 60 square feet of publicly accessible area. For the purposes of such calculation, moveable seating or chairs may be credited as 24 inches of linear seating per chair;
- (3) permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);
- (4) the provisions of Section 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps);
- (5) entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems); and
- (6) all ground floor level #building# walls located within a distance of 150 feet from and facing a publicly accessible area provided on the same #zoning lot# shall either ~~comply with the provisions of paragraph (a) of Section 127-411 (Special provisions for frontages along streets and the shoreline), or the provisions of paragraph (e) of Section 127-412 (Special provisions for blank walls) glazed with transparency in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements) or provide visual mitigation elements in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall~~

thresholds).

(c) Design changes

* * *

127-50

FLUSHING WATERFRONT ACCESS PLAN

* * *

127-51

Modified Applicability for Visual Corridors and Waterfront Public Access Areas

The applicability provisions for visual corridors pursuant to Section 62-51 (Applicability of Visual Corridor Requirements) and waterfront public access areas pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall apply, except as modified as follows:

- (a) developments comprised predominantly of uses in ~~Use Groups 16, 17 or 18, Use Groups 4B, 9 or 10, except for docks, except for docking facilities serving passenger vessels or sightseeing, excursion or sport fishing vessels,~~ are subject to the special requirements for visual corridors set forth in Section 127-52; and
- (b) developments comprised predominantly of uses in ~~Use Groups 16, 17 or 18~~ Use Groups 4B, 9 or 10 shall provide a minimum amount of waterfront public access area in accordance with the provisions of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments). Within such waterfront public access area, a circulation path shall be provided with a minimum clear width of at least 10 feet and shall connect with either an adjoining shore public walkway or additional circulation paths on adjoining zoning lots.

* * *

127-53

Special Requirements for Waterfront Public Access Areas

* * *

127-532

Upland connections

[UPDATING USE REFERENCES]

For developments within Parcels 1, 2, 3, 4, 5 and 7, upland connections shall be provided as specified on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this

Chapter. The applicable provisions of Section 62-56 (Requirements for Upland Connections) and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply except as modified in this Section.

(a) Flexible location zone

For #developments# on Parcels 1, 2 and 3, a single #upland connection# shall be provided pursuant to the following provisions:

* * *

(3) If Parcel 3 #develops# before Parcels 1 or 2:

- (i) where a #development# is comprised predominantly of ~~Use Groups 1 through 15 inclusive~~ #uses# other than those in Use Groups 4B, 9 or 10, an #upland connection# shall be provided on Parcel 3 pursuant to the requirements of Section 62-561 and Section 62-64. If such #upland connection# is provided along the northerly boundary of such Parcel, the required 20-foot-wide open area pursuant to paragraph (a)(2) of Section 62-561 shall be satisfied on Parcels 1 and 2, along the southerly boundary, at the time these parcels #develop#. However, in any event, the required open area shall abut such required upland connection;
- (ii) where a #development# is comprised predominantly of #uses# in ~~either Use Groups 16, 17 or 18~~ Use Groups 4B, 9 or 10, a Type 1 #upland connection# shall be provided with a minimum width of 20 feet. The requirements of paragraph (a)(2) of Section 62-561 shall not apply and the minimum planting area requirements shall be reduced to 25 percent; or

* * *

**127-54
Special Review Provisions**

The applicable provisions of Section 62-80 (SPECIAL REVIEW PROVISIONS), inclusive, shall apply, except as specifically modified or supplemented by the provisions of this Section, inclusive.

**127-541
Applicability**

[UPDATING USE REFERENCES]

The provisions of Section 62-81, inclusive, shall apply to #zoning lots# containing predominantly #uses# in ~~Use Groups 16, 17, or 18~~ Use Groups 4B, 9 or 10, subject to the

modified #waterfront public access area# provisions of Section 127-50 (FLUSHING WATERFRONT ACCESS PLAN), inclusive.

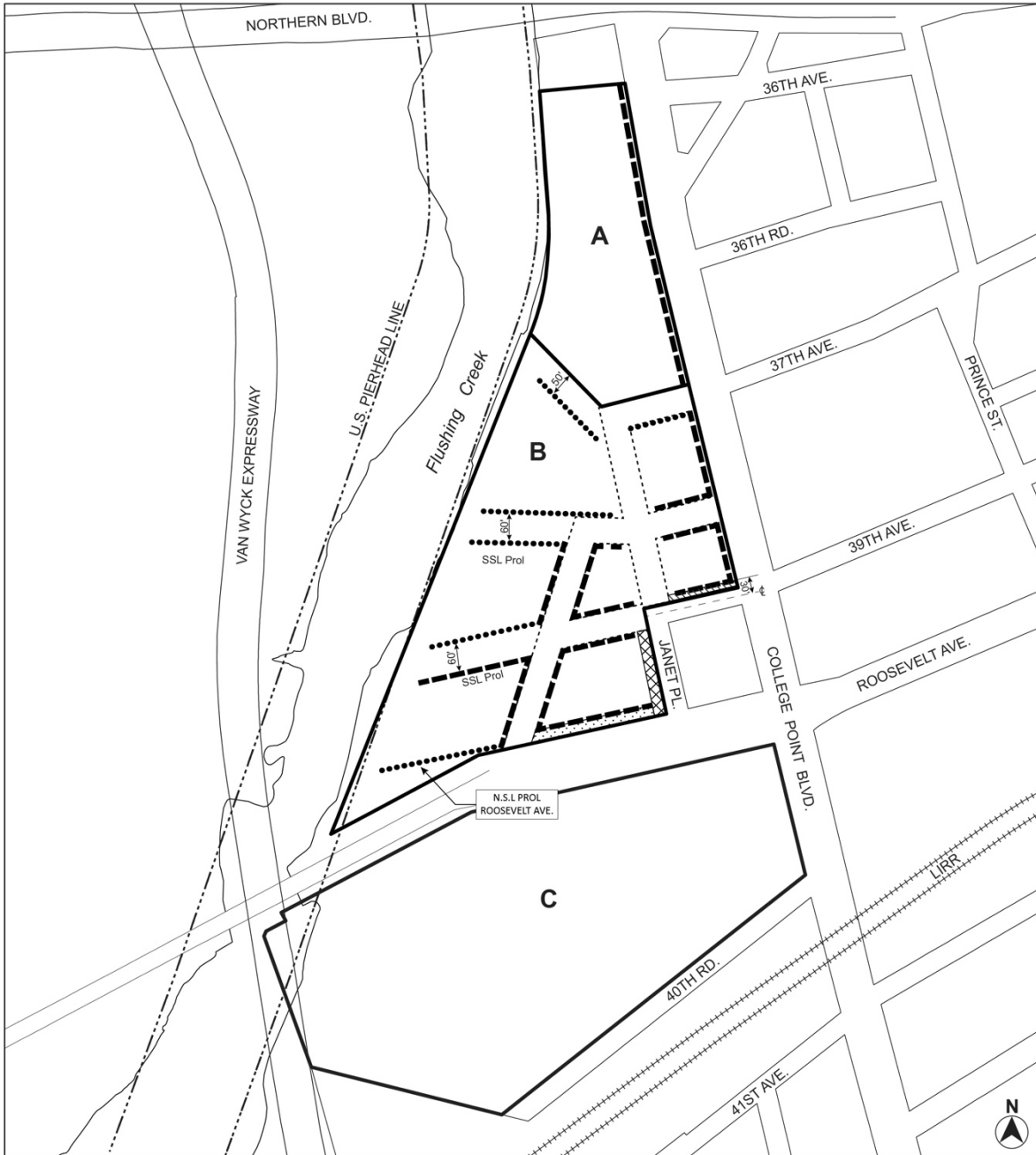
* * *

APPENDIX – SPECIAL FLUSHING WATERFRONT DISTRICT PLAN

* * *

Map 3. Requirements Along Street Frontages

[UPDATING TO REFLECT NEW STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]



Special Flushing Waterfront District

Subdistrict Boundary

Primary Street Frontages

Type 1 Primary

Type 2 Primary

Publicly Accessible Private Street Boundary

Secondary Street Frontages

All other street frontages not designated as primary street frontages are secondary street frontages.

Sidewalk Widening

5 Feet

@ 30-foot line parallel to the center line of 39th Avenue

10 Feet

* * *

Article XII - Special Purpose Districts

Chapter 8 Special St. George District

128-00 GENERAL PURPOSES

* * *

128-01 Definitions

[UPDATING TO INCLUDE 32-301 DEFINITIONS]

~~Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.~~

~~For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) or 32-301 (Definitions).~~

~~Commercial street~~

~~A “commercial street” shall be a #street#, or portion thereof, where special regulations pertaining to ground floor #uses# on #commercial streets#, pursuant to Section 128-11, apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2 in the Appendix to this Chapter.~~

* * *

128-10 USE REGULATIONS

128-11 ~~Ground Floor Uses on Commercial Streets~~ Streetscape Regulations

[UPDATING TO REFLECT NEW STREETSCAPE PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

~~Map 2 (Commercial Streets) in the Appendix to this Chapter specifies locations where the special ground floor #use# regulations of this Section apply.~~

~~#Uses# on the ground floor of a #building# shall be limited to #commercial# #uses#, except for Type 1 lobbies and entrances to #accessory# parking spaces provided in accordance with Section 37-33 (Maximum Width of Certain Uses). Such #commercial# #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). In addition, #accessory# parking spaces, including such spaces #accessory# to #residences#, shall be permitted on the ground floor, provided they comply with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). 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#.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

- (a) #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Commercial Streets) in the Appendix of this Chapter shall be considered #Tier C street frontages#, and
- (b) remaining #ground floor level# #street# frontages shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section 32-32, inclusive, the provisions for #Tier A street frontages# set forth in Section 32-312 (Ground floor level parking restrictions) may be applied.

128-12

Transparency Requirements

~~Any #street wall# of a #building# #developed# or #enlarged# after October 23, 2008, where the ground floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).~~

~~For the purposes of this Section, Bank Street shall be considered a #street#. However, this Section shall not apply to a stadium #use# within the North Waterfront Subdistrict.~~

128-13

Location of Uses in Mixed Buildings

[REMOVING NO LONGER NEEDED AS PER THE PROPOSAL]

~~The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial uses# are not located directly over any #dwelling units#. However, such #commercial# #use# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial#~~

~~#uses# exists within the #building#.~~

* * *

**128-20
FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS**

**128-21
Maximum Floor Area Ratio**

[UPDATING CROSS REFERENCES]

In C4-2 Districts within the Upland Subdistrict, the underlying #floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply, except that for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a ~~#commercial street#~~ street# designated on Map 2 in the Appendix to this Chapter, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.

In R7-3 Districts, the maximum #floor area ratio# for any #use# within a #Mandatory Inclusionary Housing area# shall be 6.0.

* * *

**128-30
HEIGHT AND SETBACK REGULATIONS**

* * *

**128-32
Street Wall Location**

[UPDATING REFERENCES TO MATCH UNDERLYING]

The following #street wall# regulations shall apply in C1-2 Districts mapped within R3-2 Districts and in C4-2 Districts within the Upland Subdistrict. In R7-3 Districts, no #street wall# location provisions shall apply.

- (a) ~~#Street walls# along #commercial streets#~~ designated #streets#

For #zoning lots# with #commercial street# frontage For #street walls# fronting #streets# designated on Map 2 in the Appendix to this Chapter, the #street wall# shall extend along at least 70 percent of the ~~#commercial street#~~ frontage of the #zoning lot# and be located

within eight feet of the #street line# of the ~~#commercial-street#~~, or sidewalk widening line, whichever is applicable.

- (b) #Street walls# along ~~non-#commercial~~ other #streets#

For ~~#zoning lots# without #commercial-street# frontage~~ #street walls# fronting other #street#, the #street wall# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable.

* * *

128-50 PARKING REGULATIONS

In the #Special St. George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

128-51 Required Off-street Parking and Loading

[UPDATING USE REFERENCES]

In the #Special St. George District#, the following parking and loading regulations shall apply:

- (a) In C4-2 Districts, the following special regulations shall apply:

- (1) #Residential uses#

One off-street parking space shall be provided for each #dwelling unit# created after October 23, 2008, including any #dwelling units# within #buildings# #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), except that the provisions of Section 25-25 (Modification of Requirements for Income-restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-assisted Dwelling Units) shall apply to #income-restricted housing units#. However, where the total number of required spaces is five or fewer or, for #conversions#, where the total number of required spaces is 20 or fewer, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after October 28, 2008. The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to #conversions# where more than 20 parking spaces are required.

- (2) #Commercial# #uses#

For #commercial# #uses#, the off-street parking and loading requirements of a

C4-3 District shall apply, except that ~~food stores~~ grocery and convenience retailers with 2,000 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for places of assembly and hotels, the off-street parking and loading requirements of a C4-2 District shall apply.

- (3) #Community facility use#

For ambulatory diagnostic or treatment health care facilities listed in ~~Use Group 4~~ Use Group 3, the off-street parking requirements of a C4-3 District shall apply.

- (b) In R7-3 Districts, the parking and loading regulations of an R7-2 District shall apply, except as modified by Sections 128-52 (Special Floor Area Regulations) through 128-56 (Curb Cuts on Commercial Streets).
- (c) In C2-4 Districts mapped within R6 Districts, the underlying regulations shall apply, except as modified by Sections 128-52 through 128-56.

* * *

128-54

Location of Accessory Off-street Parking Spaces

[REMOVING AS MAJORITY OF PROVISIONS ARE COVERED BY STREETScape FRAMEWORK. ROOF PARKING PROHIBITION IS ALSO IN EXISTING 128-55]

~~No open parking areas shall be located between the #street wall# of a #building# and the #street line#, and no open parking area shall front upon a #commercial street#. All open parking areas, regardless of the number of parking spaces, shall comply with the perimeter screening requirements of Section 37-921.~~

~~All off-street parking spaces within structures shall be located within facilities that, except for entrances and exits, are:~~

- (a) ~~entirely below the level of each #street# upon which such facility fronts; or~~
- (b) ~~located, at every level above grade, behind #floor area# or screening in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, #commercial streets# designated on Map 2 in Appendix A of this Chapter shall be considered designated retail #streets#; and~~
- (c) ~~no parking shall be permitted on the roof of such facilities.~~

* * *

128-55

128-54
Special Requirements for Roofs of Parking Facilities

* * *

128-56
128-55
Curb Cuts on Commercial Streets

No curb cuts shall be permitted on ~~commercial streets~~ designated as shown on Map 2 in the Appendix to this Chapter. However, if access to a required ~~accessory~~ parking facility or loading berth is not possible because of such restriction, a curb cut may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such location is the only possible location for the facility or loading berth, is not hazardous to traffic safety, is at least 50 feet from the intersection of two ~~street lines~~, and is constructed so as to have minimal effect on the streetscape.

* * *

128-60
SPECIAL APPROVALS

* * *

128-61
Special Permit for North Waterfront Sites

[UPDATING USE REFERENCES]

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the publicly accessible waterfront open space, provided in connection with the ~~development~~ of such parcels, as applicable, the City Planning Commission may approve, by special permit, a development plan for each such parcel and an improvement plan for the publicly accessible waterfront open space. For any application for such special permit, the applicant shall provide plans to the Commission, including but not limited to a site plan, interim parking plan, signage plan, lighting plan and an improvement plan for the publicly accessible waterfront open space (the “Proposed Plans”). Such Proposed Plans shall be subject to the conditions set forth in paragraphs (a) through (e) and the findings set forth in paragraph (f) of this Section.

Pursuant to such Proposed Plans, the Commission may:

- (a) permit the following ~~use~~ modifications ~~uses~~ :
 - (1) ~~commercial~~ ~~uses~~ as set forth in Section 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) with no limitation on floor area per establishment listed in Use Group 6 with a size limitation in Section 42-16, inclusive, as denoted in the Use Group

table with an “S”, may be permitted without size limitation;

(2) #outdoor amusement park# #uses# specified in Section 32-24 (Use Group 15) as listed in Use Group 8 in Section 32-18, may be permitted without size limitation;

(3) #public parking garages# with more than 150 spaces may be permitted;

(4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, may be permitted, provided that:

(i) the applicable findings of Section ~~74-51 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas)~~ 74-193 (Public parking garages or public parking lots outside high density central areas) are met by each such temporary public parking facility;

(ii) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# only as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to further approval by the City Planning Commission and referred to the applicable Community Board(s) for review; and

(iii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities on Parcel 2;

* * *

(d) through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:

~~Section 128-12~~ (Transparency Requirements);
~~Section 128-11~~ (Streetscape Regulations)

Section 128-42 (Planting Areas);

Section 128-54 (Location of Accessory Off-street Parking Spaces) to the extent necessary to accommodate demand for parking within the North Waterfront Subdistrict;

Section ~~128-55~~128-54 (Special Requirements for Roofs of Parking Facilities);
and

(e) through approval of the Proposed Plans:

* * *

Article XIII - Special Purpose Districts

**Chapter 1
Special Coney Island District**

**131-00
GENERAL PURPOSES**

* * *

**131-04
Applicability**

* * *

**131-043
Applicability of Article VII, Chapter 4**

[UPDATING CROSS REFERENCE]

The provisions of Sections ~~74-513 (In C7 Districts)~~ 74-194 (Public parking garages or public parking lots in high density central areas) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

* * *

**131-10
SPECIAL USE REGULATIONS**

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying #Commercial Districts#, as applicable.

For the purposes of this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open space.

In C7 Districts, #outdoor amusement parks# of any size shall be permitted.

**131-11
Use Group 5**

[UPDATING CROSS REFERENCE]

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter, where permitted pursuant to Section ~~32-02 (Special Provisions for Hotels)~~ 32-153 (Use Group 5 – uses subject to additional conditions).

131-12
Use Groups A, B and C

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121
Use Group A: Amusements

[UPDATING USE REGULATIONS WITH THE NEW UNDERLYING USE
FRAMEWORK]

Use Group A consists of a group of #uses#, selected from ~~Use Groups 12, 13 and 15~~ Use Groups 6 and 8, as modified in this Section, and may be open or enclosed:

Use Group A1

~~Amusement arcades~~

~~Amusement parks, with no limitation on floor area per establishment~~

~~Animal exhibits, circuses, carnivals or fairs of a temporary nature~~

~~Camps, overnight or day, #commercial# beaches or swimming pools~~

~~Dark rides, electronic or computer supported games, including interactive entertainment facilities, laser tag and motion simulators~~

~~Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry go rounds or similar midway attractions~~

~~Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions~~

~~Miniature golf courses and model car hobby centers, including racing~~

~~Open booths with games of skill or chance, including shooting galleries~~

~~Water parks~~

From Use Group 8

~~#outdoor amusement parks#~~

~~#amusement or recreation facilities#~~

Use Group A2

~~Arenas or auditoriums, with capacity limited to 2,000 seats~~

~~Billiard parlors or pool halls, table tennis halls or bowling alleys, with no limitation on number of bowling lanes per establishment~~

~~Gymnasiums or recreational sports facilities including, but not limited to, indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements~~

~~Skateboard parks, roller or ice skating rinks~~

~~Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet, except that on #corner lots# one #street# frontage may extend up to 100 feet.~~

~~#Accessory# #uses# to the amusements listed in this Section, including the display and sale of goods or services, provided:~~

- ~~(a) such #accessory# #uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;~~
- ~~(b) such #accessory# #uses# shall be entered only through the principal amusement establishment;~~
- ~~(c) such #accessory# #uses# shall share common cash registers with the principal amusement #use#;~~
- ~~(d) such #accessory# #uses# shall have the same hours of operation as the principal amusement #use#; and~~
- ~~(e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from~~

~~the #street line#.~~

From Use Group 6

#Health and fitness establishments#

From Use Group 8

Arenas or auditoriums, with capacity limited to 2,000 seats

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet, except that on #corner lots# one #street# frontage may extend up to 100 feet.

131-122

Use Group B: Amusement and entertainment-enhancing uses

Use Group B consists of a group of #uses#, selected from Use Groups ~~6, 9, 12, 13 and 18~~ 6, 8 and 10, as modified in this Section:

[UPDATING USE REGULATIONS WITH THE NEW UNDERLYING USE
FRAMEWORK]

~~Art gallery, commercial~~

~~Banquet halls~~

~~Breweries~~

~~Eating or drinking establishments of any size, including those with entertainment or dancing~~

~~Historical exhibits~~

~~Spas and bathhouses~~

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

~~Tattoo parlors~~

~~Radio or television studios~~

~~Wedding chapels~~

From Use Group 6

Eating or drinking establishments, without size limitations

From Use Group 8

#uses# listed in the Art Galleries and Studios category

#uses# listed in the Other Assembly Spaces

From Use Group 10:

Breweries, under all other beverage manufacturing

131-123

Use Group C: Retail and service uses

[UPDATING USE REGULATIONS WITH THE NEW UNDERLYING USE
FRAMEWORK]

Use Group C consists of a group of retail and service #uses#, selected from Use Group 6 Use Groups 6, 7, 12 and 14, as modified in this Section:

~~Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving~~

~~Bicycle sales, rental or repair shops~~

~~Bookstores~~

~~Candy or ice cream stores~~

~~Clothing or clothing accessory~~

~~Clothing, custom manufacturing or altering for retail, including costume production and hair product manufacturing~~

~~Delicatessen stores~~

~~Fishing tackle or equipment, rental or sales~~

~~Gift shops~~

~~#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment~~

~~Jewelry manufacturing from precious metals~~

~~Musical instrument stores~~

~~Music stores~~

~~Newsstands~~

~~Patio or beach furniture or equipment~~

~~Photographic equipment stores and studios~~

~~Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving~~

~~Toy stores~~

From Use Group 6:

All remaining #uses# not otherwise permitted in Use Groups A and B

131-13 Special Use Regulations in Subdistricts

131-131 Coney East Subdistrict

[UPDATING CROSS REFERENCES TO REFLECT CHANGES MADE TO UNDERLYING SECTIONS]

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The provisions of ~~Section 32-02 (Special Provisions for Hotels)~~ Section 32-15 (Transient Accommodations) are modified to apply in a C7 District. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

- (a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

There shall be separate open establishments or enclosed ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

- (1) on the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;
- (2) on the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;
- (3) on all other #block# fronts there shall be at least four establishments;
- (4) the provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c), where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

[UPDATING CROSS REFERENCE FOR TRANSIENT ACCOMODATIONS]

- (1) Where permitted pursuant to Section ~~32-02-32-15~~, #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.
- (2) #Transient hotel# #use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory# #uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor #uses# and transparency

All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of a #building#, located on #streets#, or portions of #streets#, shown on Map 2. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

[RELOCATING TRANSPARENCY RULES, WITH CHANGES, FROM SECTION 131-15]

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

However, in lieu of such transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal

business hours.

(g) Parcel 2

On Parcel 2, as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

(h) Parcel 3

On Parcel 3, as shown on Map 2, the provisions of the underlying C7 District shall apply, except as modified in this paragraph, (h). Only open amusement #uses# listed in Use Groups 13A and 15, as set forth in Sections 32-22 and 32-24, respectively, shall be permitted.

131-132

Coney North and Coney West Subdistricts

[RELOCATING MODIFICATIONS TO UNDERLYING USE REGULATIONS
FROM PARAGRAPH (A) OF THIS SECTION]

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section ~~for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter.~~

For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. ~~Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.~~

(a) #Use# modifications

The underlying district #use# regulations shall be modified as follows:

- (1) Any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2; and
- (2) an enclosed ice skating rink, under #amusement or recreation facilities#, shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(a) ~~Mandatory ground floor level #uses# along certain #streets#~~

[RELOCATING MODIFICATIONS TO UNDERLYING USE REGULATIONS TO THE OPENING PARAGRAPH OF THIS SECTION]

~~Any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2.~~

~~(4) (b) Ground floor level regulations along Riegelmann Boardwalk~~

[RELOCATING TRANSPARENCY RULES FROM SECTION 131-15]

~~Only~~ Along the Riegelmann Boardwalk, only #uses# listed in Use Groups A, B and C and, where permitted pursuant to Section 32-02 (Special Provisions for Hotels) 32-153 (Use Group 5 – uses subject to additional conditions), #transient hotels# located above the ground floor level, are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

However, in lieu of such transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

~~(2) (c) Ground floor level regulations along all other #streets# ~~Streets# other than Riegelmann Boardwalk~~~~

[UPDATING TO REFLECT NEW STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE. REMOVING RULE REQUIRING FOUR SEPARATE GROUND FLOOR ESTABLISHMENTS ON EACH BLOCK FRONTING SURF AVE.]

~~At least 20 percent of the frontage of a #building# or of an open #use#, on a #street# specified on Map 2, shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining frontage of such a #building# or open #use#, on a specified #street#, shall be allocated to #commercial# #uses# permitted by the underlying district regulations or, where permitted pursuant to Section 32-02, a #transient hotel#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a specified #street# frontage.~~

~~There shall be at least four separate ground floor or open #commercial# establishments fronting upon each #block# fronting on Surf Avenue.~~

~~All ground floor #commercial# #uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby, vertical circulation cores or structural columns associated with upper #stories# of the #building#.~~

~~The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix of this Chapter, shall be considered #Tier C street frontages#. tDefined terms in this Section shall include those in Sections 12-10 and 32-301.~~

~~The underlying #Tier C street frontage# regulations shall be modified as follows: Along the boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the underlying transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.~~

~~(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk~~

~~No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.~~

~~From Use Group 2:~~

~~All #uses#~~

~~From Use Groups 3A and 3B:~~

~~All #uses#, except for libraries, museums or non-commercial art galleries~~

~~From Use Groups 4A and 4B:~~

~~All #uses#, except for houses of worship or playgrounds~~

~~From Use Group 5A:~~

~~All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, where permitted pursuant to Section 32-02~~

~~From Use Groups 6B, and 6E:~~

~~Offices, veterinary medicine offices or non-commercial clubs~~

~~From Use Group 6C:~~

~~Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue~~

~~Electrolysis studios, frozen food lockers and loan offices~~

~~From Use Group 6D:~~

~~All #uses#~~

~~From Use Group 7:~~

~~All #uses#, except for bicycle rental or repair shops~~

~~From Use Groups 8A and 8B:~~

~~Automobile driving schools, ice vending machines, lumber stores or pawn shops~~

~~From Use Groups 8C, 8D and 8E:~~

~~All #uses#~~

~~From Use Groups 9A, 9B and 9C:~~

~~All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios~~

~~From Use Groups 10A, 10B and 10C:~~

~~Depositories for storage, and wholesale offices or showrooms~~

~~Use Group 11:~~

~~All #uses#~~

~~Use Groups 12A and 12B:~~

~~Trade expositions~~

~~Use Groups 12C and 12D:~~

~~All #uses#~~

~~Use Group 14A and 14B:~~

~~All #uses#, except for bicycle sales, rental or repair shops.~~

131-14

Location of Uses Within Buildings

[UPDATING TO REFLECT CHANGES IN SECTION 32-42]

~~The provisions of Section 32-42 are modified to permit:~~

- ~~(a) #residential uses# on the same #story# as a #commercial# #use# or directly below a #commercial# #use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and~~
- ~~(b) in In the Coney North and Coney West Subdistricts, any #commercial# #use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#. Furthermore, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).~~

131-15

Transparency

[RELOCATING TO SPECIFIC GROUND FLOOR USE REGS]

~~Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).~~

~~However, in the Coney East Subdistrict and along Riegelmann Boardwalk and boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.~~

131-16 131-15

Authorization for Use Modifications

[UPDATING SECTION NUMBER]

Along #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter, other than Riegelmann Boardwalk, the City Planning Commission may authorize establishments containing Use Group A, B or C #uses# within #buildings# with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-20

SIGN REGULATIONS

[UPDATING TO REFLECT PROPOSAL]

- (a) In the Coney East Subdistrict, in lieu of the underlying C7 #sign# regulations, the #sign# regulations for a C6-7 District shall apply, except that:
- (1) no #advertising signs# shall be permitted above a height of 40 feet; and
 - (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying Along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 District #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial# #use#.

131-30

FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

* * *

131-40

HEIGHT AND SETBACK REGULATIONS

* * *

131-47

Design Requirements for Ground Level Setbacks

[REMOVING, STREETSCAPE PROVISION WILL APPLY]

Wherever a #building# base below a tower is set back from the #street line#, and the #building# walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level #building# walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15, shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such #building# wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other #building# walls shall comply with one of the following provisions:

(i) such #building# walls shall be glazed with transparent materials in accordance with the transparency provisions of Section 37-34 (Minimum Transparency Requirements), ~~except that such transparency~~

~~shall be measured from the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or~~

- (ii) such #building# walls shall be articulated with artwork or landscaping to a height of at least 10 feet.

(d) #Building# entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

* * *

Article XIII - Special Purpose Districts

Chapter 2

Special Enhanced Commercial District

* * *

132-10

GENERAL PROVISIONS

* * *

132-12

Definitions

[UPDATING CROSS REFERENCES TO DEFINITIONS]

~~Designated commercial street~~

~~For the purposes of this Chapter, a “designated commercial street” shall be the portion of those #streets# specified in Section 132-11.~~

~~Ground floor level~~

~~For the purposes of this Chapter, “ground floor level” shall mean a #building’s# lowest #story# located within 30 feet of the #building’s# #street wall# along a #designated commercial street#.~~

~~For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).~~

132-13

Applicability of Special Use, Transparency, Street Wall and Parking Regulations Streetscape Regulations

[REMOVING TABLE AND UPDATING TEXT TO REFLECT NEW UNDERLYING STREETScape PROVISIONS IN SECTION 32-30, INCLUSIVE]

~~The special #use#, transparency, street wall and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31 and 132-41.~~

~~SPECIAL REGULATIONS FOR ENHANCED COMMERCIAL DISTRICTS~~

#Special Enhanced Commercial District#	Mandatory Ground Floor #Use# Regulations			
	Minimum Percentage of #Commercial# #Uses# (132-22(a))	Mandatory Non-#Residential# Uses# (132-22(b))	Other Permitted #Uses# (132-22(e))	Minimum Number of Establishments (132-23)
EC—1 (Fourth Avenue, Brooklyn)	*		*	
EC—2 (Columbus & Amsterdam Avenues, Manhattan)				*
EC—3 (Broadway, Manhattan)				
EC—4 (Broadway, Brooklyn)		*	*	
EC—5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street, Brooklyn)		*	*	
EC—6 (Fulton Street, Brooklyn)		*	*	

#Special Enhanced Commercial District#	Supplemental Ground Floor #Use# Regulations			
	Banks and Loan Offices (132-24(a))	Other Non-#Residential# Establishments (132-24(b))	Ground Floor Lobbies (37-33(a)(1))	Ground Floor Transparency (132-32)
EC—1 (Fourth Avenue, Brooklyn)			*	*
EC—2 (Columbus & Amsterdam Avenues, Manhattan)	*	*	*	*
EC—3 (Broadway, Manhattan)	*		*	*
EC—4 (Broadway, Brooklyn)			*	*
EC—5 (Atlantic Avenue, Pitkin Avenue, Brooklyn)			*	*

Avenue, Pennsylvania Avenue and Fulton Street Brooklyn)				
EC—6 (Fulton Street, Brooklyn)			✕	✕

#Special Enhanced Commercial District#	#Street Wall# Location (132- 33)	Parking Regulations	
		Location of Parking Spaces (132-42)	Curb Cuts (132- 43)
EC—1 (Fourth Avenue, Brooklyn)		✕	✕
EC—2 (Columbus and Amsterdam Avenues, Manhattan)			
EC—3 (Broadway, Manhattan)			
EC—4 (Broadway, Brooklyn)		✕	✕
EC—5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue and Fulton Street, Brooklyn)		✕	✕
EC—6 (Fulton Street, Brooklyn)	✕	✕	✕

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that the #ground floor level# #street# frontages# along those portions of #streets# mapped in the #Special Enhanced Commercial Districts#, as listed in Section 132-11 (Special Enhanced Commercial Districts Specified), shall be considered #Tier C street frontages#. Additional regulations are set forth in Section 132-20, inclusive.

132-20

SPECIAL USE REGULATIONS

ADDITIONAL REGULATIONS FOR CERTAIN ENHANCED COMMERCIAL DISTRICTS

[REMOVING USE REGULATIONS AS WILL BE ADDRESSED BY STREETSCAPE REGULATIONS IN SECTION 132-13]

The special ~~#use#~~ regulations of this Section, inclusive, shall apply to ~~#buildings#~~ in the ~~#Special Enhanced Commercial Districts#~~ designated in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

In all ~~#Special Enhanced Commercial Districts#~~:

- (a) ~~the finished floor of the #ground floor level#, for #developments# or #ground floor level# #enlargements#, shall be located not higher than two feet above, nor lower than two feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#; and~~
- (b) ~~where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to June 28, 2012, the finished floor of the #ground floor level# shall be located not higher than five feet above, nor lower than five feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#.~~

132-21

Applicability of Use Regulations

Special Enhanced Commercial District 2

[REPLACING WITH ADDITIONAL REQUIREMENTS FOR ENHANCED COMMERCIAL DISTRICT 2]

In ~~#Special Enhanced Commercial Districts#~~, the applicable special ~~#use#~~ provisions set forth in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply in #Special Enhanced Commercial District# 2:

- (a) ~~#Special Enhanced Commercial Districts# 1, 4, 5 and 6~~

In the ~~#Commercial Districts#~~ located within ~~#Special Enhanced Commercial Districts# 1, 4, 5 and 6~~, the applicable special ~~#use#~~ provisions indicated in the table in Section 132-13 shall apply to ~~#developments#~~ and to ~~#buildings# #enlarged#~~ on the ~~#ground floor level#~~, where such ~~#ground floor level#~~ fronts upon a ~~#designated commercial street#~~, except that such provisions shall not apply to ~~#zoning lots#~~ with a width of less than 20 feet, as measured along the ~~#street line#~~ of the ~~#designated commercial street#~~, provided such ~~#zoning lot#~~ existed on:

- (1) November 29, 2011, in ~~#Special Enhanced Commercial District# 1;~~
- (2) October 11, 2012, in ~~#Special Enhanced Commercial District# 4;~~
- (3) April 20, 2016, in ~~#Special Enhanced Commercial District# 5;~~ and
- (4) April 20, 2016, in ~~#Special Enhanced Commercial District# 6.~~

(b) ~~#Special Enhanced Commercial Districts# 2 and 3~~

~~In #Special Enhanced Commercial Districts# 2 and 3, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to all #buildings# with frontage along a #designated commercial street#, except that such provisions shall not apply to:~~

- (1) ~~the portion of a #ground floor level# of a #building# containing a #commercial use# continuously existing since June 28, 2012, where the average depth of such #commercial# #use# is less than 30 feet, as measured from the #street wall# of the #building# fronting upon the #designated commercial street#;~~
- (2) ~~any establishment which has been lawfully issued a building permit on or before June 28, 2012, authorizing “other construction,” as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), that would create a #street wall# width exceeding the maximum #street wall# width set forth in Section 132-24, provided that such “other construction” is completed by December 28, 2012. However, where such establishment is located within a landmark #building# or within an Historic District designated by the Landmarks Preservation Commission, and a completed application has been filed at the Landmarks Preservation Commission on or before June 28, 2012, such “other construction” shall be completed within six months after a Certificate of Appropriateness or other permit approving the #building# design was obtained from the Landmarks Preservation Commission.~~

~~In the event that such “other construction” has been commenced but not completed before the applicable date set forth in this paragraph (b)(2), 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. The Board may renew the building permit pursuant to the provisions set forth in paragraph (b) of Section 11-332 (Extension of period to complete construction); and~~

- (3) ~~in #Special Enhanced Commercial District# 2, the portion of a #ground floor level# of a #building# containing a food store, as listed in Use Group 6A, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared~~

meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non food grocery products shall be distributed as follows:

- (i) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
- (ii) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

[RELOCATING FROM SECTION 132-23. REMOVING MINIMUM DEPTH REQUIREMENTS BEING MADE REDUNANT THROUGH UNDERLYING STREETScape REGULATIONS]

- (a) For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage.

[RELOCATING FROM PARAGRAPH (B) OF SECTION 132-24, WITH BANK AND LOAN OFFICE EXEMPTIONS REMOVED]

- (b) The maximum #street wall# width of any non-#residential# #ground floor level# establishment shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

However, the provisions of this Section shall not apply to grocery and convenience retailers, as listed in Use Group 6.

132-211 Non-conforming uses

[UPDATING TO REFLECT UNDERLYING PROPOSAL]

In #Special Enhanced Commercial Districts District# 2 and 3, the regulations of Article V, Chapter 2, shall be modified, as follows:

- (a) ~~For the purposes of this Chapter, #non-conforming# #uses# shall include #ground floor level# #uses# exceeding the applicable maximum #street wall# widths set forth in Section 132-24.~~
- (b) Any #ground floor level# #use# with a #non-conforming# #street wall# width may be

continued or changed to another #use# permitted by the applicable district regulations, provided that such change of #use# does not create a new #non-conformance# or increase the degree of #non-conformance# with regard to the permitted #street wall# width of such proposed #use#. The discontinuance provisions of Section 52-60 shall not apply to such change of #use# within establishments with #non-conforming# #street wall# widths.

132-212

Certification to allow a limited increase in street wall width

[ADDING NEW THREE-DIGIT SECTION AND RELOCATING CERTIFICATION, WITH CROSS REFERENCE CHANGES, FROM SECTION 132-51]

In #Special Enhanced Commercial District# 2, the Chairperson of the City Planning Commission shall modify the provisions of Section 132-21 to allow that establishment that exceeds the maximum #street wall# width for non-#residential# establishments, or reduces the number of establishments required, upon certification to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and
- (b) the applicant has submitted an affidavit attesting to and including information that:
 - (1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and
 - (2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:
 - (i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;
 - (ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or
 - (iii) regulatory limitations; and
- (c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment, either existing, or with an approved certification or authorization pursuant to Sections 132-212 and 132-213 that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

- (1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and
- (2) provide at the time of application, pursuant to Sections 132-212 and 132-213, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

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.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

132-213

Authorization to modify maximum street wall widths of establishments

[ADDING NEW THREE-DIGIT SECTION AND RELOCATING AUTHORIZATION,
UNCHANGED, FROM SECTION 132-52]

In #Special Enhanced Commercial Districts# 2, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in Section 132-21, provided the Commission finds that:

- (a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or
- (b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. 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.

132-22

Mandatory Ground Floor Uses
Special Enhanced Commercial District 3

[REMOVING MANDATORY GROUND FLOOR USE RULES TO REFLECT STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE. REPLACING WITH ADDITIONAL REQUIREMENTS FOR ENHANCED COMMERCIAL DISTRICT 3]

In the applicable ~~#Special Enhanced Commercial Districts#~~ indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ~~#ground floor level# #street walls# of #buildings#~~ fronting along a ~~#designated commercial street#~~. For ~~#buildings#~~ fronting along multiple ~~#streets#~~, the required percentage of ~~#ground floor level# #street wall#~~ allocated to certain ~~#uses#~~, as set forth in this Section, shall apply only to the portion of the ~~#building's# #ground floor level#~~ fronting upon a ~~#designated commercial street#~~.

- (a) ~~Minimum percentage of #commercial# #uses#~~

~~Mandatory #commercial# #use# regulations shall apply to an area of a #building's# #ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's# #street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial# #uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.~~

~~The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.~~

- (b) ~~Mandatory non-#residential uses#~~

~~In the applicable #Special Enhanced Commercial Districts#, the #ground floor level# of a #building# fronting along a #designated commercial street# shall be occupied by any non-#residential use# permitted by the underlying district regulations or by other #uses# permitted pursuant to paragraph (c) of this Section.~~

- (c) ~~Other permitted #uses#~~

~~In the applicable #Special Enhanced Commercial Districts#, Type 1 lobbies, entrances and exits to #accessory# parking facilities and entryways to subway stations, where applicable, shall be permitted on the #ground floor level# of a #building# along a #designated commercial street#, in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses).~~

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply in #Special Enhanced Commercial District# 3:

For the purposes of applying the underlying provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), the streetscape regulations for C4-7 Districts shall apply in lieu of the underlying district regulations.

132-23

Minimum Number of Establishments

Special Enhanced Commercial District 6

[RELOCATING MINIMUM NUMBER OF ESTABLISHMENT REQUIREMENTS WITHOUT PREAMBLE TO SECTION 132-21. REPLACING WITH ADDITIONAL REQUIREMENTS FOR ENHANCED COMMERCIAL DISTRICT 6]

~~In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.~~

~~For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall comply with the minimum depth requirements of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).~~

[RELOCATING STREET WALL PROVISIONS FOR SPECIAL ENHANCED COMMERCIAL DISTRICT 6, UNCHANGED, FROM SECTION 132-33]

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply in #Special Enhanced Commercial District# 6:

In #Commercial# and #Manufacturing Districts#, other than C4-4L Districts, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

132-24

Maximum Street Wall Width

[REMOVING PARAGRAPH (A) TO REFLECT UNDERLYING STREETSCAPE PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE. RELOCATING PARAGRAPH (B) TO SECTION 132-21 WITH BANK AND LOAN OFFICE EXEMPTIONS REMOVED.]

In the applicable ~~#Special Enhanced Commercial Districts#~~ indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ~~#ground floor level#~~ of all ~~#buildings#~~ with ~~#street#~~ frontage along a ~~#designated commercial street#~~.

(a) ~~Banks and loan offices~~

In the applicable ~~#Special Enhanced Commercial Districts#~~, within 30 feet of a ~~#building's#~~ ~~#street wall#~~ along a ~~#designated street#~~, the maximum ~~#street wall#~~ width of a bank or loan office, as listed in Use Group 6C, on a ~~#ground floor level#~~ shall not exceed 25 feet.

(b) ~~Other non-residential# establishments~~

In the applicable ~~#Special Enhanced Commercial Districts#~~, the maximum ~~#street wall#~~ width of any non ~~#residential#~~ ~~#ground floor level#~~ establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the ~~#street line#~~ of a ~~#designated commercial street#~~.

132-30

SPECIAL TRANSPARENCY AND STREET WALL LOCATION REGULATIONS

[REMOVING TO REFLECT UNDERLYING STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

The special transparency regulations of this Section, inclusive, shall apply to ~~#buildings#~~ in the ~~#Special Enhanced Commercial Districts#~~ indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-31.

132-31

Applicability of Transparency Regulations

[REMOVING TO REFLECT UNDERLYING STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

In ~~#Special Enhanced Commercial Districts#~~, the special transparency provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to ~~#developments#~~ and to ~~#buildings#~~ ~~#enlarged#~~ on the ~~#ground floor level#~~, where such ~~#ground floor level#~~ fronts on a ~~#designated commercial street#~~, except that such provisions shall not apply:

- (a) to ~~#zoning lots#~~ in ~~#Commercial Districts#~~ with a width of less than 20 feet, as measured along the ~~#street line#~~ of a ~~#designated commercial street#~~, provided such ~~#zoning lots#~~

existed on:

- (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
 - (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3;
 - (3) October 11, 2012, for #Special Enhanced Commercial District# 4; and
 - (4) April 20, 2016, for #Special Enhanced Commercial Districts# 5 and 6;
- (b) in #Special Enhanced Commercial Districts# 1, 4, 5 and 6, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units#.

132-32

Ground Floor Level Transparency Requirements

[REMOVING TO REFLECT UNDERLYING STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the special transparency regulations of Section 37-34 (Minimum Transparency Requirements) shall apply to the #ground floor level# #street walls# of #buildings# fronting along a #designated commercial street#.

However, in #Special Enhanced Commercial Districts# 5 and 6, for #buildings# containing Use Groups 16, 17 and 18 at the #ground floor level#, up to 50 percent of the length of a #street wall# may be exempt from such regulations. Where the exempted portion is 50 feet or more in length and contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is less, such exempted portion shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. Where an #extension# or a #conversion# of the #ground floor level# results in a reduction of the exempted portion, provisions set forth in Section 37-34 shall apply to such reduced portion.

132-33

Street Wall Location

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to a #street wall# or its prolongation fronting along a #designated commercial street#. The open area between the #street line# and #street wall#, or its prolongation, resulting from requirements set forth in this Section, shall be improved to

Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. When applying requirements set forth in this Section, two or more adjacent #developments# or #enlargements# under common ownership or control shall be considered a single #development# or #enlargement#.

[RELOCATING STREET WALL RULES IN SPECIAL ENHANCED COMMERCIAL DISTRICT 6 TO SECTION 132-13, UNMODIFIED]

In #Commercial# and #Manufacturing Districts#, other than C4-4L Districts, mapped within #Special Enhanced Commercial District# 6, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line# of the #designated commercial street#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

132-40

132-30

SPECIAL PARKING REGULATIONS

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations).

132-41

Applicability of Parking Regulations

[REMOVING TO REFLECT UNDERLYING STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

132-42

Locations of Parking Spaces

[REMOVING TO REFLECT UNDERLYING STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the

~~following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.~~

~~All off street parking spaces shall be located within a #completely enclosed# #building# and shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements), as applicable.~~

~~Entrances to such spaces along a #designated commercial street# shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-43.~~

132-43

132-31

Curb Cut Requirements

~~In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.~~

~~For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off street parking spaces shall not be permitted along a #designated commercial street#.~~

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
 - (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
 - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
 - (3) April 20, 2016, in #Special Enhanced Commercial District# 5; or
 - (4) April 20, 2016, in #Special Enhanced Commercial District# 6;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and
- (d) has a #lot area# of at least 5,700 square feet.

132-50

CERTIFICATIONS AND AUTHORIZATIONS

132-51

Certification to Allow a Limited Increase in Street Wall Width

[RELOCATING TO SECTION 132-212]

In ~~Special Enhanced Commercial District# 2~~, an establishment may ~~extend~~, thereby exceeding the maximum ~~street wall~~ width for non-~~residential~~ establishments set forth in paragraph (b) of Section 132-24, and may reduce the number of establishments required pursuant to 132-23 upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum ~~street wall~~ width of 60 feet; and
- (b) the applicant has submitted an affidavit attesting to and including information that:
 - (1) at the time of application for ~~extension~~, the ~~use~~ has existed within such ~~building~~ for a period of one year; and
 - (2) such existing establishment cannot ~~extend~~ without increasing the ~~street wall~~ width for such establishment because of:
 - (i) physical restrictions created by the ~~building~~ design, including, but not limited to, the location of existing structural walls and vertical circulation cores;
 - (ii) the presence of other ~~uses~~ with ongoing or expected occupancy within such ~~building~~; or
 - (iii) regulatory limitations; and
- (c) the applicant has demonstrated that at the time of application not more than one non-~~residential~~ establishment, either existing, or with an approved certification or authorization pursuant to Section 132-50 that has not lapsed, has a ~~street wall~~ width exceeding 40 feet on either the same ~~block~~ frontage containing the applicant's establishment, or on the ~~block~~ frontage directly across the ~~street~~ from the ~~block~~ containing such establishment, or on the ~~blocks~~ fronting on the ~~commercial street~~ immediately adjacent to the north and south of the ~~block~~ containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

- (1) submit photographs or dimensioned elevation drawings to verify compliance with the

conditions specified in this paragraph (c); and

- (2) provide at the time of application, pursuant to Section 132-50, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

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.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

132-52

Authorization to Modify Maximum Street Wall Widths of Establishments

[RELOCATING TO SECTION 132-213]

In ~~#Special Enhanced Commercial Districts# 2 and 3~~, the City Planning Commission may authorize a modification of the maximum ~~#street wall#~~ width of non ~~#residential#~~ establishments, as set forth in paragraphs (a) and (b) of Section 132-24, provided the Commission finds that:

- (a) ~~such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or~~
- (b) ~~a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.~~

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. 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.

Article XIII - Special Purpose Districts

Chapter 3 Special Southern Roosevelt Island District

133-00 GENERAL PURPOSES

* * *

133-10 SPECIAL USE REGULATIONS

133-11 Additional Uses

[UPDATING CROSS REFERENCES]

Within the #development parcel#, the provisions of Section 32-10 (~~USES PERMITTED AS OF RIGHT~~) (USE ALLOWANCES) are modified to permit ~~Use Group 17B research, experimental or testing laboratories~~ laboratories, as listed in Use Group 7, subject to the provisions of an M1 District in Section 42-17. ~~Any Use Group 17B #uses# within the #development parcel#~~ Laboratories shall conform with the performance standards of Section 42-20, inclusive, applicable to such #use# in an M1 District.

133-12 Location Within Buildings

Within the #development parcel#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply.

133-20 SPECIAL BULK REGULATIONS

Within the #development parcel#, the special #bulk# regulations of this Section, inclusive, shall apply.

133-21 Floor Area Ratio

[UPDATING TO REFLECT NEW UNDERLYING USE FRAMEWORK]

The #floor area# provisions of Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) shall be modified to permit a maximum #residential# #floor area ratio# of 3.44 without regard to a #height factor#. In addition, the maximum permitted #floor area ratio# for a ~~Use Group 17B research, experimental or testing laboratory~~, as listed in Use Group 7, shall be 3.40.

* * *

Article XIII - Special Purpose Districts

Chapter 4 Special Governors Island District

134-00 GENERAL PURPOSES

* * *

134-04 Applicability of Article VI, Chapter 2

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply within the #Special Governors Island District#, except that WD #uses#, as listed in Section 62-611 shall permitted #uses# on #piers# in the Open Space Subarea pursuant to Section 134-112.

134-10 SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts are hereby superseded, modified or supplemented as set forth in this Section, inclusive

134-11 Permitted Uses

134-111 Permitted uses in subdistricts

In the Northern Subdistrict and the Southern Subdistrict, the following #uses# shall be permitted, except as otherwise specified in Section 134-112 (Permitted uses in the Open Space Subarea). In addition, in the Northern Subdistrict, the provisions of Section 134-14 (Certification for Large Commercial Establishments) shall apply to any #commercial# #use# exceeding 7,500 square feet of #floor area#.

[UPDATING TO REFLECT THE USE FRAMEWORK OF THE PROPOSAL]

~~From Use Groups 1 through 4, as set forth in Sections 22-11 through 22-14:~~

~~All #uses#.~~

~~From Use Group 5, as set forth in Section 32-14:~~

~~All #uses#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).~~

~~From Use Group 6, as set forth in Section 32-15:~~

~~All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.~~

~~From Use Group 7, as set forth in Section 32-16:~~

~~All #uses# in Use Group 7A, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).~~

~~From Use Group 7B: bicycle rental or repair shops, sailmaking establishments, and sign painting shops, limited to 2,500 square feet of #floor area# per establishment.~~

~~From Use Group 8A, as set forth in Section 32-17:~~

~~All #uses#.~~

~~From Use Group 9A, as set forth in Section 32-18:~~

~~All #uses#, except automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostating establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs, or umbrella repair shops.~~

~~From Use Group 10A, as set forth in Section 32-19:~~

~~Docks for ferries, other than #gambling vessels#, with no restriction on passenger load; eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels; photographic or motion picture production studios; and radio or television studios.~~

~~Additionally, in the Southern Subdistrict only, carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment; and furniture stores, with no limitation on #floor area# per establishment.~~

~~From Use Group 11A, as set forth in Section 32-20:~~

~~In the Northern Subdistrict: all #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments; or orthopedic or medical appliances~~

~~custom manufacturing.~~

~~In the Southern Subdistrict: all #uses#.~~

~~From Use Group 12, as set forth in Section 32-21:~~

~~In the Northern Subdistrict, from Use Group 12A: all #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or of any capacity with dancing; stadiums or trade expositions.~~

~~In the Southern Subdistrict, from Use Group 12A: all #uses#, except stadiums~~

~~In the Northern and Southern Subdistricts, from Use Groups 12B and 12C: all #uses#.~~

~~From Use Groups 13 and 14, as set forth in Sections 32-22 and 32-23:~~

~~All #uses#.~~

~~From Use Group 15, as set forth in Section 32-24:~~

~~Merry-go-rounds.~~

~~From Use Group 16, as set forth in Section 32-25:~~

~~In the Southern Subdistrict, from Use Group 16A: carpentry, custom woodworking or custom furniture making shops.~~

~~In the Southern Subdistrict, from Use Group 16C: warehouses.~~

~~From Use Group 17, as set forth in Section 42-14:—~~

~~In the Southern Subdistrict, from Use Group 17B: research, experimental or testing laboratories; furniture manufacture; manufacture of pharmaceutical products, chemical compounding or packaging; manufacture of non-alcoholic beverages; food product manufacture (except slaughtering of meat or preparation of fish for packing); building and repair of boats of less than 200 feet in length.~~

~~In the Southern Subdistrict, from Use Group 17C: electric utility substations, enclosed, with no limitation as to size; and docks for vessels, other than passenger ocean vessels or gambling vessels.~~

~~From Use Group 18, as set forth in Section 42-15:~~

~~In the Southern Subdistrict, from Use Group 18A: the manufacture of alcoholic beverages and breweries, without limitation on size; sewage disposal plants.~~

~~In the Southern Subdistrict, from Use Group 18B: marine transfer stations.~~

~~Transit facilities, open or enclosed.~~

~~#Accessory uses#, open or enclosed.~~

In the Northern Subdistrict, #commerical# #uses# applicable in a C2-5 District shall be permitted, except that:

From Use Group 4:

docks for ferries shall be permitted without restriction on passenger load;

From Use Group 8

All #uses# shall be permitted within the applicability of a C8 District.

In the Southern Subdistrict, #commerical# #uses# applicable in a C4 District shall be permitted, except that:

From Use Group 4

electric utility substations, sewage disposal plants, marine transfer stations for garbage or slag piles and docks for ferries without restrictions on passenger load shall be permitted;

From Use Group 7

All #uses# shall be permitted within the applicability of an M1 District

From Use Group 8

All #uses# shall be permitted within the applicability of a C8 District;

From Use Group 9

Warehouses shall be permitted;

From Use Group 10

ship and boat building, under transportation equipment manufacturing, shall be permitted, for vessels up to a length of 200 feet; and

distilleries shall be permitted.

134-112

Permitted uses in the Open Space Subarea

[UPDATING TO REFLECT THE USE FRAMEWORK OF THE PROPOSAL]

In the Open Space Subarea of the Southern Subdistrict, the following #uses# shall be permitted.

- (a) In locations of the Open Space Subarea other than piers, #uses# shall be limited to:

From Use Group 1

#Public parks# or playgrounds or private parks #uses#

From Use Group 6

eating and drinking establishments, within the applicability of a C2 District

From Use Group 8

open #amusement or recreation facilities#, without size limitations

~~From Use Group 4, as set forth in Section 22-14:~~

~~#Public parks# or playgrounds or private parks.~~

~~From Use Group 6A, as set forth in Section 32-15:~~

~~Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or fewer.~~

~~From Use Group 13, as set forth in Section 32-22:~~

~~All open #uses# in Use Group 13A.~~

~~Transit facilities, open or enclosed.~~

~~#Accessory# #uses#, open or enclosed.~~

#Uses# otherwise permitted in the Southern Subdistrict pursuant to Section 134-111 (Permitted uses in subdistricts) may be located in #cellars# within the Open Space Subarea.

- (b) On any pier in the Open Space Subarea, #uses# shall be limited to the following: #water dependent uses# as listed in Section 62-111 and sewage disposal plants, as listed in Use Group 4, subject to the applicability of a M1 District.

~~From Use Group 4, as set forth in Section 22-14:~~

~~Clubs, limited to non-profit private beach clubs and non-profit private boat clubs.~~

~~From Use Group 6, as set forth in Section 32-15:~~

~~Docks for water taxis, with a vessel capacity of up to 99 passengers.~~

~~From Use Group 7, as set forth in Section 32-16:~~

~~#Boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).~~

~~From Use Group 9, as set forth in Section 32-18:~~

~~Docks for sightseeing, excursion or sport fishing vessels, other than gambling vessels.~~

~~From Use Group 10, as set forth in Section 32-19:~~

~~Docks for ferries, other than #gambling vessels#, with no restriction on passenger load.~~

~~From Use Group 14, as set forth in Section 32-23:~~

~~Boat launching facilities for non-commercial pleasure boats; boat rental establishments, open or enclosed; boat storage, repair, or painting establishments.~~

~~From Use Group 16, as set forth in Section 32-25:~~

~~Warehouses.~~

~~From Use Group 18, as set forth in Section 42-15:~~

~~Sewage disposal plants; marine transfer stations.~~

~~#Accessory# #uses#, open or enclosed.~~

134-12 Applicability of Performance Standards

[UPDATING REFERENCE CHANGE TO REFLECT THE UNDERLYING]

In all districts, any ~~use#~~ listed in Use Groups 16, 17, or 18 4, 7, 9 or 10 that is not permitted in a C4 District pursuant to the underlying regulations, shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28, inclusive, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to the manufacture of alcoholic beverages and breweries.

* * *

134-16 Special Supplemental Use Regulations

In the Southern Subdistrict, special supplemental ~~use#~~ regulations shall apply to all ~~buildings#~~ as set forth in this Section, inclusive.

134-161 Location of uses

(a) ~~Buildings containing commercial# and residential uses#~~

~~In any mixed building#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply, except that dwelling units# shall be permitted on the same story# as a commercial# use# provided no access exists between such uses# at any level containing dwelling units# and provided no commercial# uses# are located directly over any dwelling units#.~~

~~However, commercial# uses# may be located on a higher story# than any dwelling units#, including over dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of residential uses# from commercial# uses# exists within the building#. Any application to authorize such a modification shall be referred to the local community board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.~~

(b) ~~Buildings containing certain commercial# or industrial uses#~~

~~No dwelling units# shall be permitted within any building# which also contains a use# listed in Use Groups 16, 17, or 18.~~

(c) ~~Limitation on access to dwelling units#~~

~~In any building# containing residential uses#, no direct access shall be provided from the exterior of the building# to an individual dwelling unit#. However, access to dwelling units# shall be permitted through shared entrances, lobbies or courts#.~~

134-162

Enclosure of uses

In the ~~#Special Governors Island District#~~, the underlying supplemental ~~#use#~~ regulations of Section 32-412 (In other Commercial Districts) shall be modified to also apply to any permitted ~~#manufacturing uses#~~.

134-17

Special Signage Regulations

In the ~~#Special Governors Island District#~~, the ~~#sign#~~ regulations shall apply as follows:

- (a) In the Northern Subdistrict, the ~~#sign#~~ regulations of a C1 District mapped within an R3-2 District shall apply.
- (b) In the Southern Subdistrict, the ~~#sign#~~ regulations of a C4 District shall apply, except that no ~~#flashing signs#~~ shall be permitted.
- (c) No ~~#signs#~~ shall be permitted on any pier within the Southern Subdistrict. However, such restriction shall not apply to informational or wayfinding signs not exceeding 25 square feet each, or to signage identifying “Governors Island” or a pier from the waterway.

* * *

134-30

SPECIAL GROUND FLOOR AND STREETScape REQUIREMENTS

In the Southern Subdistrict, the ground floor and streetscape requirements of this Section, inclusive, shall apply to all ~~#buildings#~~.

134-31

Transparency Requirements

- (a) Facing ~~#Yankee Pier Plaza#~~

On ~~#building parcel#~~ E-2, the ground floor level ~~#street wall#~~ facing ~~#Yankee Pier Plaza#~~ shall comply with the requirements of Section 37-34 (Minimum Transparency Requirements). For the purpose of applying these requirements, such ground floor level ~~#street wall#~~ shall be considered a ~~#primary street-frontage#~~, as that term is defined in Section 37-311 (Definitions).

- (b) Enclosed ~~#secondary connections#~~

For any entrance to a #secondary connection# that is enclosed at the point of entry, 50 percent of the surface area of the #street wall# of such #secondary connection# between a height of two feet and the height of the #secondary connection# at the point of entry shall be glazed with transparent materials.

* * *

Article XIII - Special Purpose Districts

Chapter 5 Special Bay Street Corridor District

135-00 GENERAL PURPOSES

* * *

135-04 Applicability

* * *

135-046 Applicability of this Chapter to certain zoning lots in Subdistrict D

[UPDATING TO REFLECT NEW USE FRAMEWORK]

~~For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.~~

In Subdistrict D, for #uses# listed in Use Group 10 with a size limitation in Section 32-16, as denoted in the Use Group table with an “S”, such limitations need not apply where such #use# supports the operation of a public service or public transportation facility and was existing on June 26, 2019.

135-10 SPECIAL USE REGULATIONS

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

135-11 Ground Floor Use Streetscape Regulations

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

~~For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30, any portion of a #ground floor level# #street# frontage along Bay Street, as well as any #street# frontage within 50 feet of Bay Street, shall be~~

considered a #primary street frontage#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, inclusive, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #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). #Group parking facilities# 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). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

For #zoning lots# with a #lot area# of less than 5,000 square feet existing both on June 26, 2019 and on the date of application for a building permit, the provisions of this paragraph (a) shall not apply. In lieu thereof, the provisions of paragraph (b) of this Section shall apply.

In #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section 37-361 (Blank wall thresholds).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along Bay Street shall be considered #Tier C street frontages#, and frontages along remaining #streets# shall be considered #Tier B street frontages#.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

135-13

135-12

Breweries

[UPDATING TO REFLECT NEW UNDERLYING USE FRAMEWORK]

Within the #Special Bay Street Corridor District#, breweries, under all other beverage manufacturing, as listed in Use Group ~~18A~~ 10, shall be permitted in Commercial Districts provided that:

- (a) the size of such brewery does not exceed 30,000 square feet; ~~and~~.
- (b) any brewery ~~#developed# or #enlarged# after June 26, 2019, shall contain an #accessory# eating or drinking establishment.~~

~~For the purposes of applying the underlying regulations, such brewery shall be considered a Use Group 11A #use# and shall be within parking requirement category PRC-F. The performance standards for an M1 District set forth in Section 42-20, inclusive, shall apply to such breweries.~~

135-14

135-13

Modification of Supplemental Use Provisions

[REMOVING SOME REDUNDANT PROVISIONS]

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

For #commercial buildings#, the limitation on the number of #stories# allocated to #commercial uses# in Use Group 6 through 10 shall not apply, except to breweries permitted pursuant to Section 135-12.

- (a) ~~For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;~~
- (b) ~~For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply; and~~
- (c) ~~Any brewery #developed# or #enlarged# in accordance with the provisions of Section 135-14, shall be subject to the provisions of Section 32-421.~~

135-20

SPECIAL BULK REGULATIONS

* * *

135-24 Special Street Wall Location Regulations

[REMOVING TEXT MADE REDUNDANT BY STREETSCAPE REGULATIONS IN SECTION 135-11]

The underlying #street wall# location provisions are modified by the provisions of this Section.

(a) Along Bay Street

Along Bay Street, and along #streets# within 50 feet of their intersection with Bay Street, the following #street wall# regulations shall apply:

* * *

~~(2) For #developments# or horizontal #enlargements# of #buildings#, or portions thereof, within the #flood zone# where no transparent materials are provided on the #ground floor level# #street wall# below a height of four feet above the level of the adjoining sidewalk, pursuant to the provisions of Sections 135-11 (Ground Floor Use Regulations) and 37-34 (Minimum Transparency Requirements) for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#. Such #street wall# shall not be located beyond five feet of the #street line#. Such #street wall# shall provide visual mitigation elements in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds), and any area between the #street wall# and the sidewalk that does not contain any planting material pursuant to the provisions of Section 37-362 (Mitigation elements) shall be improved to Department of Transportation standards for sidewalks.~~

* * *

~~(3)~~ (2) A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection of two #street lines#.

* * *

135-40 SPECIAL PARKING AND LOADING REGULATIONS

The underlying parking provisions are modified by the provisions of this Section.

135-41

Commercial Parking Requirements

[UPDATING USE REFERENCE]

In ~~mixed buildings~~, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for ~~commercial~~ ~~uses~~ other than offices, as listed in Use Group ~~6B 7~~, the equivalent of 0.5 ~~floor area ratio~~, or the amount of non-office ~~commercial~~ ~~floor area~~ in the ~~building~~, whichever is less, may be deducted from the ~~floor area~~ used to determine such ~~commercial~~ parking calculation.

* * *

135-44

Special Loading Regulations

For the purposes of applying the underlying loading regulations, the requirements for C2 Districts mapped within an R7 District shall apply to all ~~Commercial Districts~~ in the ~~Special Bay Street Corridor District~~.

[REMOVING AS WIL BE ADDRESSED BY THE UNDERLYING]

~~In addition, the underlying loading regulations shall be modified as follows:~~

- ~~(a) the requirements of Section 36-60, inclusive, shall not apply to changes of ~~uses~~;~~
- ~~(b) the provisions of Sections 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses) shall not apply; and~~
- ~~(c) the minimum length requirements for loading berths ~~accessory~~ to ~~commercial~~ ~~uses~~, other than funeral establishments, set forth in Section 36-681 (Size of required berths) shall be increased to 37 feet.~~

* * *

Article XIII - Special Purpose Districts

Chapter 6 Special Downtown Far Rockaway District

136-00 GENERAL PURPOSES

* * *

136-02 Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), and or in this Section.

Open Space A

“Open Space A” shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as “Flexible Open Space A Location” on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

Open Space B

“Open Space B” shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as “Flexible Open Space B Location” on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

136-10 SPECIAL USE REGULATIONS

The #use# regulations of the underlying district shall apply except as modified in Section 136-10, inclusive.

* * *

136-12 ~~Use Groups 10A and 12 in~~ Certain Uses in C2 Districts

Within the locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, ~~the provisions of Sections 32-19 (Use Group 10) and 32-21 (Use Group 12) shall be modified to allow Use Groups 10A and 12 in C2 Districts.~~ the #use# regulations shall be modified within C2 Districts to permit #uses# in Use Groups 6 and 8 pursuant to the regulations for a C4 District.

136-13

Ground Floor Use Regulations **Streetscape Regulations**

[UPDATING TO REFLECT NEW STREETScape PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

The special ground floor #use# provisions of this Section shall apply to any portion of a #building#:

- (a) fronting on a designated #street#, as shown on Map 3 (Ground Floor Use and Transparency Requirements); or
- (b) located within 175 feet of Mott Avenue and fronting on #Open Space A#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, shall be limited to non #residential uses#. The #street# frontage of a #building# shall be allocated exclusively to such #uses#, except for Type 1 lobby space, entrances and exits to #accessory# off-street parking facilities, and entryways or entrances to subway stations in accordance with Section 37-33 (Maximum Width of Certain Uses). Such non #residential uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETScape REGULATIONS) shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix of this Chapter, shall be considered #Tier C street frontages#.

136-14

Transparency and Parking Wrap Requirements

[CONSOLIDATING UNDER STREETScape PROVISIONS IN SECTION 136-13]

The provisions of this Section shall apply to #buildings# #developed# or #enlarged# after September 7, 2017, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter. These provisions shall also apply to the frontage of #buildings# located along #Open Space A#. The ground floor #street wall# of such #building# or portion thereof shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements).

The provisions of Section 37-35 (Parking Wrap and Screening Requirements) shall apply along

~~designated #streets# as shown on Map 3 and along #Open Space A#. In addition, the screening requirements of paragraph (b) of Section 37-35 shall apply along intersecting #streets# within 50 feet of designated #streets#, and along intersecting #streets# or private streets within 50 feet of #Open Space A#.~~

136-15

136-14

Special Use Regulations Within Subdistrict A

The following additional special #use# provisions of Section 136-15, inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter.

136-151

~~Modification of Supplemental Use Provisions~~

[REMOVING TEXT MADE REDUNANT WITH UNDERLYING PROPOSAL]

~~For #mixed buildings#, the underlying provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) shall not apply. In lieu thereof, Use Groups 6, 7, 8, 9 or 14, other than offices listed in Use Group 6B, shall not be located above the level of the second #story# ceiling. Offices shall be permitted above the level of the second #story#, provided that where any floor space allocated to such offices is located on the same #story# as a #dwelling unit#, no access exists between such #uses#, and further provided that no floor space allocated to such offices is located directly over #dwelling units#.~~

136-152

136-141

Location of entrances

* * *

136-30

SPECIAL REGULATIONS WITHIN SUBDISTRICT A

* * *

136-324

Publicly accessible open space requirements

[UPDATING OPEN SPACE PROVISIONS IN PARAGRAPH (C)]

Publicly accessible open spaces shall be provided within Flexible Open Space A Location and

Flexible Open Space B Location, as applicable, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter. #Open Space A# shall contain a minimum of 23,000 square feet, and #Open Space B# shall contain a minimum of 7,000 square feet.

- (a) A portion of the required publicly accessible open space located within #Open Space A# shall have a minimum width of 80 feet within 55 feet of Mott Avenue. #Open Space A# shall extend from Mott Avenue to the nearest private street required pursuant to Section 136-323 (Private streets), and shall maintain a minimum width of 60 feet.
- (b) Publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-727 (Hours of access) 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes), 37-74 (Amenities) and 37-75 (Signs), except for the following modifications:
 - (1) Section 37-73 (Kiosks and Open Air Cafes) shall be modified as follows:
 - (i) paragraph (a) of Section 37-73 shall be modified to permit a kiosk to occupy an area no greater than 400 square feet within #Open Space A#, provided that such kiosk has a maximum width, measured along the same axis as the minimum width of #Open Space A# pursuant to paragraph (a) of this Section, of 20 feet, and provided that any canopies, awnings or other sun control devices extending from such kiosk shall be limited to a distance of five feet from such kiosk;
 - (ii) paragraph (b) of Section 37-73 shall be modified to limit the aggregate area of open air cafes to no more than 40 percent of the publicly accessible open space, to allow open air cafes to occupy up to 50 percent of #street# frontage along Mott Avenue, and to eliminate the requirement that open air cafes be located along the edge of the publicly accessible open space; and
 - (iii) paragraphs (c) and (d) of Section 37-73 shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;
 - (2) Section 37-741 (Seating) shall be modified as follows:
 - (i) the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;
 - (ii) the requirement of one linear foot of seating for each 30 square feet of #public plaza# area shall be modified to one linear foot of seating for each 60 square feet of publicly accessible open space; and

- (iii) seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 50 percent of the linear seating capacity is provided through other seating types;
- (3) For #Open Space A#, Section 37-742 (Planting and trees) shall be modified to require that at least 15 percent of the area of the publicly accessible open space shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls. For #Open Space B#, Section 37-742 (Planting and trees) shall be modified to eliminate the requirement for such planting beds;
- (4) Section 37-743 (Lighting) shall be modified to provide that for publicly accessible open spaces fronting on Mott Avenue, the lighting fixtures installed by the Department of Transportation within the #street# shall be included in the calculation of the required level of illumination;
- (5) Section 37-744 (Litter receptacles) shall be modified to require a minimum of one litter receptacle per 5,000 square feet of publicly accessible open space;
- (6) Entry plaques for publicly accessible open spaces shall be provided as described in paragraph (a) of Section 37-751 (Public space signage systems), except that one such plaque shall be located at each point of entry from a #street# to such publicly accessible open space; and
- (7) Section 37-753 (Accessory signs) shall be modified as follows:
 - (i) paragraphs (a), (c) and (d) shall not apply;
 - (ii) paragraph (b) shall be modified to permit non-#illuminated# or #illuminated accessory signs#, and the permitted #surface area# of such #signs# shall be as permitted by the underlying district, as if the publicly accessible open space were a #street#; and
 - (iii) paragraph (e) shall be modified to permit any number of #accessory signs# within the publicly accessible open space, subject to the remaining provisions of such paragraph (e).

(c) For #ground floor level# frontages along #Open Space A#:

- (1) within 175 feet of Mott Avenue, #uses# on #ground floor level#, to the minimum depth set forth in Section 37-32, shall be limited to non-#residential# #uses#, except for lobbies, entrances and exits to off-street parking facilities and entryways to #mass transit stations#, as provided by Section 37-33. #Ground floor level# #street walls# shall be glazed in accordance with the provisions of Section 37-34; and
- (2) parking shall be wrapped in accordance with paragraph (a) of Section 37-35.

* * *

**136-40
SPECIAL OFF-STREET PARKING REGULATIONS**

**136-41
Parking Regulations**

[UPDATING USE REFERENCE]

The off-street parking regulations shall be modified, as follows:

* * *

- (c) For #commercial# #uses# in Parking Requirement Categories PRC-A, PRC-B, PRC-B1 and PRC-C, the provisions of Section 36-21 (General Provisions) shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

For ambulatory diagnostic or treatment health care facilities listed in ~~Use Group 4~~ Use Group 3, the provisions of Sections 25-31 (General Provisions) and 36-21 shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

- (d) Within Subdistrict A, parking spaces provided on private streets shall count towards the number of #accessory# off-street parking spaces required by the provisions of Sections 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) and 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS). For such parking spaces located within private streets, the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING) shall not apply.

**136-50
AUTHORIZATIONS**

* * *

Article XIII - Special Purpose Districts

Chapter 8

Special East Harlem Corridors District

* * *

138-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

138-11

Location of Residential Use Within Buildings

[REMOVING TEXT MADE REDUNANT BY UNDERLYING CHANGES]

~~In C4 or C6 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#, to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.~~

138-12

138-11

Public Parking Garages

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), the regulations applicable to set forth ~~for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the regulations set forth for C2-4 Districts shall apply.~~

138-20

SPECIAL BULK REGULATIONS

* * *

138-23

Height and Setback Regulations in Commercial Districts

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that:

- (1) the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations);
- (2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to such Section shall be 21;
- (3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of Sections 35-652 or 35-654 for R9 Districts shall apply, except that the minimum base height set forth in Section 138-22 shall apply, the maximum #building# height for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to Section 35-654 shall be 21;
- (4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions of Section 35-654 shall be modified to 125 feet and the maximum number of stories permitted pursuant to such Section shall be 12; and
- (5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

~~The regulations of paragraph (b)(2) of Section 35-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.~~

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

* * *

138-30 STREETSCAPE REQUIREMENTS

[REMOVING TO REFLECT CHANGES IN SECTION 32-434. RELOCATING TRANSIT EASEMENT EXEMPTION, UNCHANGED, TO SECTION 138-31]

~~The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level# #enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a #ground floor level# that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5, or any portion of a #ground floor level# that contains a subway entrance required pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair), need not comply with the streetscape requirements of this Section, inclusive.~~

138-31 Ground Floor Use Regulations Streetscape Regulations

[UPDATING TO REFLECT STREETSCAPE PROVISIONS OUTLINED IN SECTION 32-30, INCLUSIVE]

~~The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level# #street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).~~

(a) Along #primary street frontages#

For ~~#buildings#, or portions thereof, with #primary street frontage#, #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 2 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). #Group parking facilities# 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). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:~~

- (1) ~~in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level# #street wall# width may be exempt from such regulations, provided that planting or screening in accordance with the provisions of paragraphs (a)(1) or (b)(1) of Section 37-362 (Mitigation elements) is provided pursuant to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds); and~~
- (2) ~~in #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section 37-361.~~

(b) ~~Along #secondary street frontages#~~

~~For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.~~

~~The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# facing Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, or portions thereof, shall be considered #Tier C street frontages#.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

138-32 Off-street Relocation or Renovation of a Subway Stair

* * *

Article XIII - Special Purpose Districts

Chapter 9 Special Gowanus Mixed Use District

139-00 GENERAL PURPOSES

* * *

139-01 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Sections 12-10, 32-301, 37-311, 62-11 and 66-11. The definition of #development# shall be as set forth in Section 12-10, except where otherwise specified.

Gowanus mix uses

“Gowanus mix uses” are #community facility#, #commercial#, and #manufacturing uses# set forth in Section 139-12 (Gowanus Mix Uses).

Gowanus retail and entertainment uses

“Gowanus retail and entertainment uses” are #community facility# and #commercial uses# set forth in Section 139-13 (Gowanus Retail and Entertainment Uses).

Mixed use district

In the #Special Gowanus Mixed Use District#, a “mixed use district” shall be any M1 District paired with a #Residence District#, as indicated on the #zoning maps#. For the purposes of applying provisions of districts adjacent to a #mixed use district#, a #mixed use district# shall be considered a #Manufacturing District#.

Select community facility uses

For the purposes of this Chapter, the following #community facility uses# shall also be considered “select community facility uses”:

Houses of worship, rectories or parish houses; and

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.

* * *

139-10 SPECIAL USE REGULATIONS

In Subdistricts A, B, C, and D the underlying #use# regulations shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying district regulations shall apply.

139-11 Permitted Uses

139-111 Permitted Uses in Manufacturing Districts

[UPDATING TO REFLECT THE UNDERLYING CROSS REFERENCES]

In all #Manufacturing Districts#, in addition to the #uses# specified in Article IV, Chapter 2, the following #uses# shall also be permitted:

- (a) ~~colleges or universities, including professional schools but excluding business colleges or trade schools, libraries, museums, or non-commercial art galleries, and #schools#~~
#Community facility# #uses# without sleeping accommodations, as listed in Use Group 3 in Section 42-13 as set forth in Section 22-13; and
- (b) ~~community centers or settlement houses, non-commercial recreation centers, philanthropic or non-profit institutions without sleeping accommodations, hospitals, and agricultural #uses# listed in Use Group 4, as set forth in Section 22-14;~~
- (e) (b) food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section 32-15 (Use Group 6) Food and Beverage Retailers, as listed in Use Group 6 in Section 32-16, without limitation as to #floor area# per establishment; and
- (d) ~~the manufacture of alcoholic beverages and breweries, as set forth in Section 42-15 (Use Group 18), without limitation as to #floor area# per establishment. The provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.~~

139-112

Permitted Uses in Mixed Use Districts

[UPDATING TO REFLECT THE UNDERLYING CROSS REFERENCES]

In all #Mixed Use Districts#, in addition to the #uses# specified in Article XII, Chapter 3, the following #uses# shall also be permitted:

- (a) ~~food stores, including supermarkets, grocery stores or delicatessen stores, as set forth in Section 32-15 (Use Group 6)~~ Food and Beverage Retailers, as listed in Use Group 6 in Section 42-16, without limitation as to #floor area# per establishment;
- (b) ~~all uses in Use Group 10A, as specified in Section 32-19, #uses# listed in Use Group 6 with a size limitation in Section 42-16, inclusive, as denoted in the Use Group table with an "S", shall be limited to 25,000 square feet of #lot area# per establishment; and~~
- (c) ~~the manufacture of alcoholic beverages and breweries, as set forth in Section 42-15 (Use Group 18) Distilleries, as listed in Use Group 10 in Section 42-20, shall be permitted, without limitation as to #floor area# per establishment. The provisions of Section 42-27 Performance Standards Regulating Fire and Explosive Hazards) shall not apply to such #use#.~~

139-12

Gowanus Mix Uses

[UPDATING TO REFLECT THE UNDERLYING CROSS REFERENCES]

For the purposes of applying the special #bulk# regulations of Section 139-212 (Gowanus mix), ~~the following #community facility#, #commercial#, and #manufacturing uses# shall also be considered #Gowanus mix uses#:~~ #Gowanus mix uses# shall include #referenced commercial and manufacturing uses#, as well as libraries, museums, community centers and philanthropic or non-profit institutions without sleeping accommodations, as listed in Use Group 3 in Section 42-13.

~~From Use Group 3, as set forth in Section 22-13:~~

~~libraries, museums, and non-commercial art galleries, as listed in Use Group 3A;~~

~~From Use Group 4, as set forth in Section 22-14:~~

~~community centers or settlement houses and non-profit institutions without sleeping accommodations as listed in Use Group 4A;~~

~~agriculture, including greenhouses, nurseries, and truck gardens as listed in use Group 4B;~~

~~From Use Group 6, as set forth in Section 32-15:~~

~~custom tailoring, as listed in Use Group 6A;~~

~~From Use Group 7, as set forth in Section 32-16:~~

~~bike rental or repair, sailmaking stores, sign painting shops, and taxidermy shops as listed in Use Group 7B;~~

~~From Use Group 8: as set forth in Section 32-17:~~

~~lumber stores and home appliance repair shops as listed in Use Group 8B;~~

~~From Use Group 9, as set forth in Section 32-18:~~

~~blueprinting; costume rental; instrument repair; printing establishments; studios, art, music, dancing or theatrical; trade schools for adults; and umbrella repair shops as listed in Use Group 9A;~~

~~photographic printing or developing as listed in Use Group 9B;~~

~~From Use Group 10, as set forth in Section 32-19:~~

~~photographic or motion picture production studios; radio or television studios;~~

~~From Use Group 11, as set forth in Section 32-20:~~

~~all #uses# listed in Use Groups 11A;~~

~~From Use Group 14, as set forth in Section 32-23:~~

~~bicycle rental or repair, and boat storage, repair, and painting, as listed in Use Group 14A;~~

~~From Use Group 16, as set forth in Section 32-25:~~

~~blacksmith shops; carpentry or custom woodworking; custom furniture making; building contractor supply stores; fuel, ice, oil, coal, wood sales; household and office equipment or machinery repair shops; machinery rental or sales establishments; mirror silvering or glass cutting shops; and tool, die, and pattern making shops as listed in Use Group 16A;~~

~~From Use Group 17, as set forth in Section 42-14:~~

~~all #uses# listed in Use Group 17B;~~

From Use Group 18, as set forth in Section 42-15:

breweries and alcoholic beverage manufacturing.

139-13

Gowanus Retail and Entertainment Uses

[UPDATING TO REFLECT THE UNDERLYING CROSS REFERENCES]

For the purposes of applying the basic #floor area ratio# regulations of Section 139-21, ~~the following #community facility# and #commercial uses# shall also be considered #Gowanus retail and entertainment uses#~~ shall be #uses# listed in Use Group 6 or 8, other than those included in #referenced commercial and manufacturing uses#. :

From Use Group 3, as set forth in Section 22-13:

~~non-commercial art galleries;~~

From Use Group 6, as set forth in Section 32-15:

~~all #uses# listed in Use Group 6A, 6C, and 6E;~~

From Use Group 8, as set forth in Section 32-17:

~~all #uses# listed in Use Group 8A;~~

From Use Group 9, as set forth in Section 32-18

~~automobile, motorcycle, trailer, or boat showrooms or sales, banquet halls, catering establishments, gymnasiums, #health and fitness establishments#;~~

From Use Group 10, as set forth in Section 32-19:

~~all #uses# listed in Use Group 10A;~~

From Use Group 12, as set forth in Section 32-21:

~~all #uses# listed in Use Groups 12A and 12B;~~

From Use Group 13, as set forth in Section 32-22:

~~all #uses# in Use Group 13A and 13B;~~

From Use Group 14, as set forth in Section 32-23:

bicycle sales; candy or ice cream stores; and non-commercial clubs without restrictions on activities or facilities.

139-14 **Supplementary Use Regulations**

139-141 **Location of commercial uses in mixed buildings**

[REMOVING LOCATION OF USE PROVISIONS TO REFLECT CHANGES IN SECTION 32-42)

(a) Commercial Districts

In ~~#Commercial 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#~~ after November 23, 2021, to permit ~~#dwelling units#~~ on the same ~~#story#~~ as a ~~#commercial use#~~, provided no access exists between such ~~#uses#~~ at any level containing ~~#dwelling units#~~ and provided no ~~#commercial uses#~~ are located directly over any ~~#dwelling units#~~. However, such ~~#commercial uses#~~ may be located over ~~#dwelling units#~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~#residential uses#~~ from ~~#commercial uses#~~ exists within the ~~#building#~~.

(b) Mixed Use Districts

In ~~#Mixed Use Districts#~~, the provisions of paragraph (c)(2) of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings) shall be modified to allow ~~#commercial#~~ and ~~#manufacturing uses#~~ to be located over ~~#dwelling units#~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~#residential uses#~~ from such ~~#uses#~~ exists within the ~~#building#~~.

139-142 **139-141** **Enclosure of uses**

[UPDATING CROSS REFERENCES]

In ~~#Manufacturing Districts#~~, the underlying regulations of ~~Section 42-40 (SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES)~~ Section 42-50 (SUPPLEMENTARY USE REGULATIONS) shall apply, except that all storage of materials or products shall be located within ~~#completely enclosed buildings#~~ regardless of distance from a ~~#Residence District#~~.

**139-15
Special Sign Regulations**

In the #Special Gowanus Mixed Use District#, the underlying #sign# regulations shall apply, except that:

- (a) in #Manufacturing Districts#, the #sign# regulations of a C6-1 District, as set forth in Section 32-60, shall apply; and
- (b) any #accessory signs# that are provided adjacent to a #shore public walkway# shall be governed by the provisions of Section 139-55 (Special Signage Regulations).

**139-20
SPECIAL BULK REGULATIONS**

* * *

**139-21
Floor Area Regulations**

[UPDATING DEFINED TERM]

Basic #floor area# regulations are established in Section 139-211. Such regulations may be modified by the provisions of this Section, inclusive.

The basic maximum #floor area ratios# may be increased for certain #zoning lots# pursuant to Sections 139-212 (Gowanus mix) and 139-213 (Special floor area provisions for transit improvements).

Special regulations for #community facility floor area# on #zoning lots# containing #schools# are set forth in Section 139-214 (Special floor area provisions for zoning lots containing schools).

Special regulations for certain #zoning lots# are set forth in Section 139-215 (Special floor area provisions for zoning lots containing comfort stations) and 139-216 (Special floor area provisions for street improvements).

For the purposes of applying the provisions of Section 64-322 (Special floor area modifications for flood-resistant buildings), #primary street-frontages# shall be the locations designated on Map 3 in the Appendix to this Chapter.

* * *

139-212
Gowanus mix

[UPDATING CROSS REFERENCE]

In M1 Districts paired with R7-2 or R7X Districts, the provisions of this Section may be utilized to increase the maximum #floor area ratio# set forth Section 139-211 (Basic floor area regulations).

* * *

#Floor area# provided to satisfy the requirements of Section 139-41 (~~Ground Floor Level Requirements~~ Streetscape Regulations) may not be utilized to satisfy the requirements of this Section.

* * *

139-30
SPECIAL PARKING REGULATIONS

In Subdistricts A, B, C, and D, the underlying parking and loading regulations shall be modified by the provisions of this Section. On #waterfront blocks#, the provisions of Section 62-40 shall not apply. In Subdistrict E, the underlying regulations shall apply.

* * *

139-33
Special Loading Regulations

[REMOVING PROVISIONS MADE REDUNDANT BY PROPOSAL]

In all districts, the loading regulations of an M1-5 District shall apply and shall be further modified as follows:

- (a) ~~the requirements of Section 44-50 (OFF-STREET LOADING REGULATIONS), inclusive, shall not apply to changes of #uses#;~~
- (b) ~~the provisions of Section 44-53 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), and Sections 36-64 and 44-54 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses), shall not apply; and~~
- (c) ~~the minimum length requirements for loading berths #accessory# to #commercial uses#, other than funeral establishments, set forth in Section 44-581 (Size of required loading berths) shall be increased to 37 feet.~~

**139-34
Special Curb Cut Regulations**

[REMOVING REDUNDANT PROVISIONS THAT ARE NOW CAPTURED BY
STREETSCAPE RULES]

~~For #zoning lots# existing on or after November 23, 2021, with frontage along both a #primary street frontage# and a #secondary street frontage#, as set forth in Section 139-41 (Ground Floor Level Requirements), curb cuts accessing off-street parking spaces and loading berths shall not be permitted along the #primary street frontage#. In addition to the curb cut restrictions associated with Section 139-41, no curb cut shall be permitted within 40 feet of a #waterfront public access area#.~~

Curb cuts prohibited by this Section may be authorized by the City Planning Commission 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.

**139-40
DISTRICT PLAN ELEMENTS**

In all Subdistricts, the provisions of this Section shall apply to all #zoning lots#, as specified below.

**139-41
~~Ground Floor Level Requirements~~
Streetscape Regulations**

[REPLACING WITH NEW STREETSCAPE FRAMEWORK IN SECTION 32-30,
INCLUSIVE]

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, the portion of a #ground floor level street# frontage considered a #primary street frontage# shall be as shown on Map 3 (Ground Floor Use Requirements) in Appendix A of this Chapter. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

(1) Type 1 #primary street frontages#

For #buildings#, or portions thereof, with Type 1 #primary street frontage#, #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 #Gowanus retail and entertainment 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). Group parking facilities 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). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(2) Type 2 #primary street frontages#

For #buildings#, or portions thereof, with Type 2 #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32, 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. #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35. #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35. Entrances and exits to accessory parking facilities shall be subject to the provisions of paragraph (b) of Section 37-33.

(c) For blank walls

In all districts, any ~~#street wall#~~ width exceeding 50 feet with no transparent elements on the ~~#ground floor level#~~ shall provide visual mitigation elements in accordance with the provisions of ~~Section 37-36 (Special Requirements for Blank Walls)~~.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 3 in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition, along intersections designated on Map 3, the underlying streetscape requirements for #Tier C street frontages# shall be modified such that the portion of the #ground floor level# #street# frontage that is required to be allocated to non-#residential uses# shall be further limited to #Gowanus retail and entertainment uses#.

139-42 Street Tree Requirements

* * *

139-45 Waterfront Public Access Area Requirements

[UPDATING TO REFLECT NEW USE FRAMEWORK]

For all ~~#waterfront zoning lots#~~, the exemptions from ~~#waterfront public access area#~~ requirements listed in paragraph (a) of Section 62-52 shall not apply.

(a) Reduced requirement for certain manufacturing uses

For ~~#zoning lots#~~ with ~~#developments#, #enlargements#, or #conversions#~~ comprised of ~~#predominantly# Use Group 18 #uses# listed in Use Groups 4B, 9 and 10 that are not permitted in M1 Districts in #Special Mixed Use Districts# pursuant to the provisions of Section 123-21 (Modifications to M1 use regulations), as listed in Section 42-15,~~ the reduced design requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments) shall apply to ~~#waterfront public access areas#~~.

(b) Authorization for incompatible uses

For ~~#zoning lots#~~ comprised ~~#predominantly# of Use Group 16, 17, or 18 #uses# listed in Use Group 4B, 9 and 10,~~ the City Planning Commission may authorize the waiver of ~~#waterfront public access area#~~ requirements, provided the Commission finds that:

- (1) such ~~#uses#~~ produce objectionable effects on its surroundings such that the ~~#uses#~~ are incompatible with a waterfront public access requirement; or

- (2) such #uses# have demonstrable operational requirements which would be incompatible with waterfront public access requirements; and
- (3) such waiver is the least necessary to accommodate the proposed #uses#.

Such waivers shall be in effect for as long as the proposed #use# remains on the #zoning lot#. Upon #development# of the #zoning lot# following cessation of the #use# for a period of more than two years, full compliance with #waterfront public access area# requirements, as may be modified by future approvals, is required.

**139-46
Certification for Transit Improvements**

* * *

Article XIV - Special Purpose Districts

Chapter 1 Special Jerome Corridor District

* * *

141-10 SPECIAL USE REGULATIONS

Within the #Special Jerome Corridor District#, the underlying #use# regulations ~~are modified by the provisions of this Section~~ shall apply.

141-11 ~~Modification of Supplemental Use Provisions~~

[REMOVING THIS SECTION AS THE UNDERLYING WILL NOW APPLY]

~~For #mixed buildings# constructed after March 22, 2018, on #zoning lots# in C1 or C2 Districts mapped within R7 or R8 Districts with #street lines# along the elevated rail structure on Jerome or River Avenues, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to allow #commercial# #uses# listed in Use Groups 6, 7, 8, 9 or 14 to occupy the lowest two #stories#.~~

* * *

141-30 SPECIAL STREETSCAPE REGULATIONS

141-31 ~~Applicability of Underlying Ground Floor Use Regulations~~

[REMOVING AS WILL BE ADDRESSED BY STREETSCAPE PROVISIONS IN SECTION 32-30, INCLUSIVE]

~~In C2 Districts mapped within R7D Districts, the underlying supplemental #use# regulations of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. In lieu thereof, the provisions of Section 141-32 (Ground Floor Use Regulations) shall apply.~~

141-32

141-31

Ground Floor Use Streetscape Regulations

[UPDATING TO REFLECT NEW STREETScape FRAMEWORK IN SECTION 32-30, INCLUSIVE]

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30, any portion of a #ground floor level# #street# frontage of a #zoning lot# in a #Commercial District# located within 50 feet of #street lines# along the elevated rail structure on Jerome or River Avenues and, in Subdistrict A, for Subareas A1 or A2, a #ground floor level# #street# frontage along #streets#, or portions thereof, designated on Maps 2 and 3 in the Appendix to this Chapter, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.

(a) Along #primary street frontages#

For #buildings# with #primary street frontage#, or portions thereof, #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). #Group parking facilities# 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). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings# with #secondary street frontage#, or portions thereof, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETScape REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along Jerome Avenue or River Avenue, or portions thereof, as well as

designated #street frontages# shown on Maps 2 or 3 in the Appendix of this Chapter, shall be considered #Tier C street frontages#.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

141-33

141-32

Special Open Space Provisions

[UPDATING CROSS REFERENCES]

Along the elevated rail structure on Jerome or River Avenues, where open space is provided between the #street line# of the #zoning lot# and the #street wall# of a #building# facing the elevated rail structure, or in Subdistrict A, for Subareas A1 through A3, where open space is provided between the #street wall# and the corner at a location designated on Maps 2, 3 or 4 in the Appendix to this Chapter, the provisions of Section 28-23 (Planting Areas) shall apply to all #buildings#, whether the ground floor is occupied by #residential uses# or non- #residential uses#, subject to the modifications of this Section.

(a) Along the elevated rail structure

Along the elevated rail structure on Jerome or River Avenues, a sidewalk widening, built to Department of Transportation standards, may be provided as an alternative to planting, provided that the area that would otherwise be allocated to planting, measured in square feet, is allocated to streetscape amenities, including, but not limited to, trees, bicycle racks, benches or wall treatment, that are provided along such sidewalk widening, as set forth below.

Where benches are provided as an alternative to such planting, the length of such benches shall not exceed, in the aggregate, 15 feet per every 50 feet of #street wall# frontage. Where bicycle racks are provided, such racks shall be oriented so that the bicycles are placed parallel to the #street wall#, and the width of such bicycle racks shall not exceed, in the aggregate, 10 feet per every 50 feet of #street wall# frontage. Such benches or bicycle racks shall be located entirely within the #zoning lot#, and each bench or bicycle rack so provided shall be equivalent to 15 square feet of planted area.

Where trees, and associated tree pits are provided as an alternative, the minimum depth of any open space between the #street wall# and #street line# shall be eight feet. Each tree provided shall be equivalent to 15 square feet of planted area.

Where a wall treatment is provided as an alternative, it shall be in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material along the #street wall#. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and shall have a minimum width of 10 feet, as measured parallel to the #street wall#. Portions

of a #street wall# providing such wall treatment may ~~be exempt from the ground floor glazing requirements of paragraph (a) of Section 141-32, provided that the exempted area not exceed 50 percent of the #street wall#, or a #street wall# width of 20 feet, whichever is less. The portion of the #street wall# allocated to a wall treatment shall satisfy applicable requirements of Section 141-32, or the planting requirement directly in front of such #street wall#.~~

Where planting is provided, the minimum depth of open space between the #street line# and the #street wall# shall not be less than three feet.

* * *

Article XIV - Special Purpose Districts

Chapter 2 Special Inwood District

142-00 GENERAL PURPOSES

* * *

142-04 Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section ~~37-311~~ 32-301 (Definitions) and in this Section.

* * *

142-10 SPECIAL USE REGULATIONS

The underlying #use# regulations are modified by the provisions of this Section, inclusive. In M1-4/R7A and M1-4/R9A Districts, the #use# regulations of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Section, inclusive.

142-11 Permitted Uses

[UPDATING TO REFLECT NEW USE FRAMEWORK]

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group ~~4C~~ 2, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group ~~6A~~ Food and beverage retailers, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

142-111

Regulations for manufacturing uses in Subareas B2 and B3

[UPDATING CROSS REFERENCE]

In Subareas B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section ~~123-22 (Modification of Use Groups 16, 17 and 18)~~ 123-20 (SPECIAL USE REGULATIONS), inclusive.

142-12

Location of Uses

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

~~In C2 Districts mapped within R7 or R8 Districts, for #buildings# constructed after August 8, 2018, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial# #uses# listed in Use Groups 6, 7, 8, 9 or 14 on the second #story# of a #building# occupied on one or more of its upper #stories# by #residential uses# or by #community facility uses#, and provided no #commercial# #uses# are located directly over any #dwelling units#.~~

[RETAINING AS PERMITS C4 RULES IN CERTAIN C2 DISTRICTS]

Within the portion of the C2-4 District mapped within an R8A District and the portion of the C2-4 District mapped within an R9A District, located east of Tenth Avenue, south of West 207th Street, west of Ninth Avenue and north of West 206th Street, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be inapplicable. In lieu thereof, Section 32-422 (Location of floors occupied by commercial uses) shall apply.

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING PROPOSAL]

~~In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units#, and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.~~

In Subareas A1, B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, no #uses# listed in Use Group ~~6A, 6C or 10A~~ 6 shall be permitted above the ground floor level.

142-13

Enclosure Requirements in Subdistrict E

[UPDATING CROSS REFERENCES]

In Subdistrict E, #commercial# and #manufacturing# activities and storage #uses# shall not be subject to the provisions of Section ~~42-41~~ 42-51 (Enclosure of Commercial and Manufacturing Activities) or Section ~~42-42~~ 42-52 (Enclosure or Screening of Storage).

142-14

Ground Floor Level Streetscape Requirements

[UPDATING TO REFLECT NEW STREETSCAPE FRAMEWORK IN SECTION 32-30, INCLUSIVE]

~~For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level# #street# frontage along #streets# designated on Map 2 (Ground Floor Use and Curb Cut Regulations) in the Appendix to this Chapter shall be considered #primary street frontages#, and shall consist of Type 1, Type 2 and Type 3 #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage# except for frontages located within Subdistrict F. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.~~

~~The provisions of this Section shall apply to #developments# or #ground floor level# #enlargements#.~~

(a) Along #primary street frontages#

(1) Type 1 #primary street frontages#

~~For #buildings#, or portions thereof, with Type 1 #primary street frontage#, #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). Group parking facilities 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). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).~~

(2) Type 2 #primary street frontages#

~~For #buildings#, or portions thereof, with Type 2 #primary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that group parking facilities located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35.~~

(3) ~~Type 3 #primary street frontages#~~

~~For #buildings#, or portions thereof, with Type 3 #primary street frontage#, the following regulations shall apply to the #ground floor level# to a depth of 30 feet from the #street line#:~~

- ~~(i) the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, shall not exceed 25 feet.~~

~~However, in Subarea A1 or B1, as shown on Map 1, for #buildings# containing predominantly commercial or public utility vehicle storage, including #accessory# fuel pumps, as listed in Use Group 16C, the screening provisions of paragraph (b) of Section 37-35 may be utilized as an alternative to such wrapping requirement and any transparency requirements need not apply.~~

(b) ~~Along #secondary street frontages#~~

~~For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35. Entrances and exits to accessory parking facilities shall be subject to the provisions of paragraph (b) of Section 37-33.~~

[REMOVING TEXT MADE REDUNDANT WITH UNDERLYING STREETSCAPE FRAMEWORK]

(e) ~~For blank walls~~

~~In #Commercial Districts# or #Manufacturing Districts#, except for portions of #zoning lots# located within Subdistrict F, planting or wall treatment in accordance with the provisions of paragraphs (a)(1) or (b)(2) of Section 37-362 (Mitigation elements) shall be provided pursuant to the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).~~

~~The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.~~

[REMOVING – UNNECESSARY AS STREETSCAPE REMOVED FROM R7D DISTRICTS]

~~In C4-5D Districts, and in C2 Districts mapped within R7D Districts, the provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.~~

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Special Inwood District – Ground Floor Use and Curb Cut Regulations) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

* * *

**142-50
SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS**

The underlying off-street parking and loading regulations are modified by the provisions of this Section, inclusive.

* * *

**142-55
Curb Cuts**

[REMOVING AS WILL BE REDUNDANT WITH STREETSCAPE FRAMEWORK]

~~Curb cuts accessing off-street parking facilities or loading berths shall not be permitted along the #streets# specified as a Type 1 or Type 2 primary street on Map 2 (Special Inwood District – Ground Floor Use and Curb Cut Regulations) in the Appendix to this Chapter on #zoning lots# that also have frontage on a #street# that is not specified on Map 2.~~

**142-60
INWOOD WATERFRONT ACCESS PLAN**

* * *

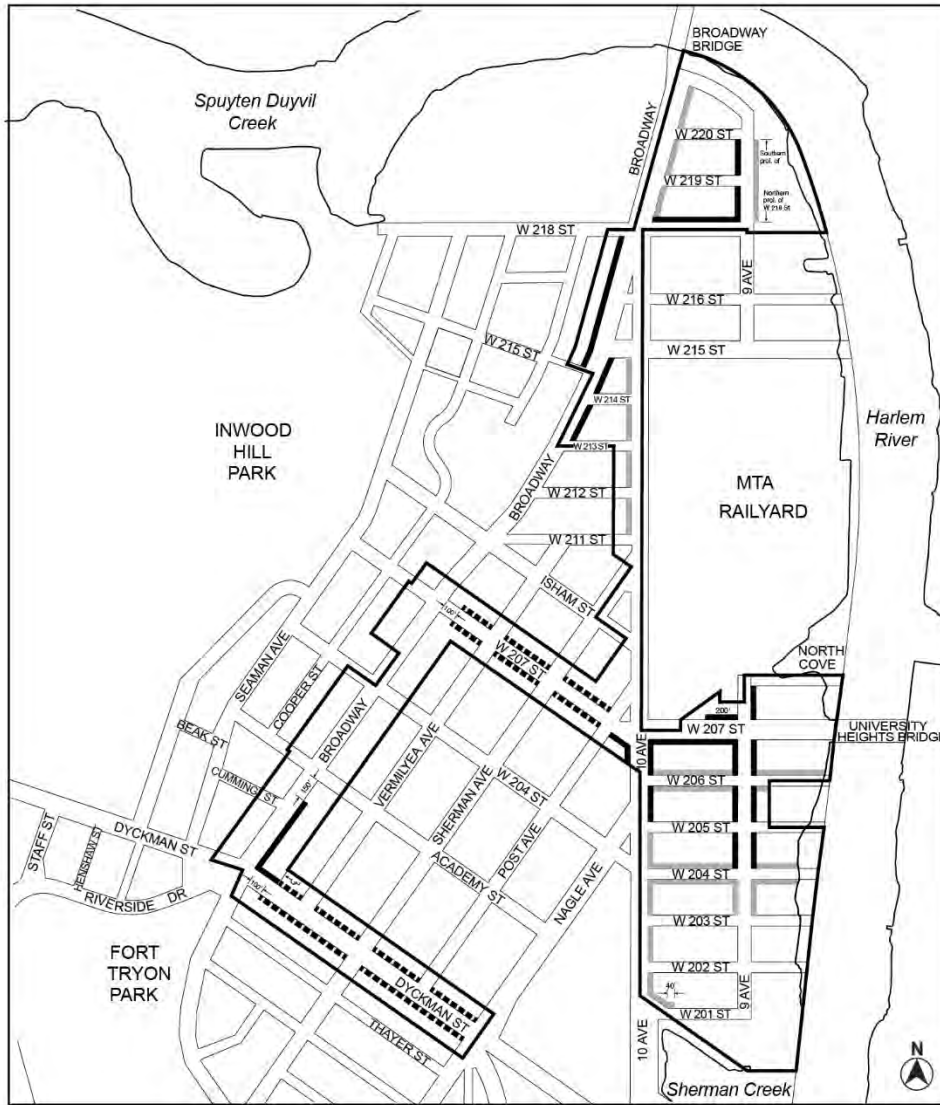
**APPENDIX
Special Inwood District Plan**

* * *

Map 2. Special Inwood District – Ground Floor Use and Curb Cut Regulations

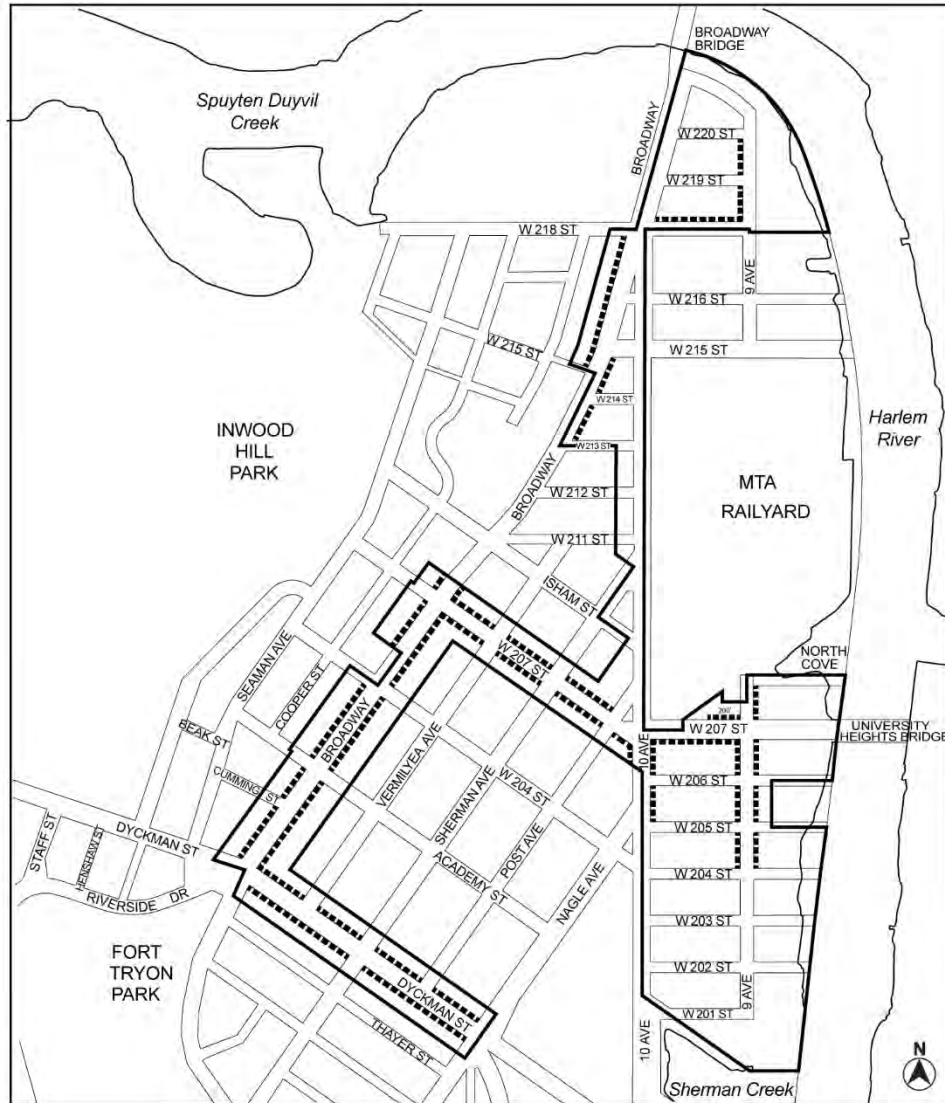
[UPDATING TO REFLECT NEW STREETSCAPE PROVISIONS SET FORTH IN SECTION
142-14]

[EXISTING MAP – TO BE DELETED]



- Special Inwood District
- Type 1 primary street
- Type 2 primary street
- Type 3 primary street

[UPDATED MAP]



— Special Inwood District
 Tier C street frontages

* * *

Article XIV
Special Purpose Districts

Chapter 3
Special SoHo-NoHo Mixed Use District

143-00
GENERAL PURPOSES

* * *

143-02
Definitions

[UPDATING CROSS REFERENCES]

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in ~~Section~~ Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

Qualifying building

For the purposes of this Chapter, a “qualifying building” shall be any #building# where, prior to December 15, 2021:

- (a) such #building# contained at least 60,000 square feet of #floor area#; and
- (b) at least 20 percent of the #floor area# within such #building# was allocated to non-#residential# #floor area#, as such term is utilized in Section ~~143-14~~ 143-13.

SoHo-NoHo Arts Fund

For the purposes of this Chapter, the “SoHo-NoHo Arts Fund” (the “Arts Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# in accordance with the provisions of Section ~~143-13~~ 143-12 (Joint Living-Work Quarters for Artists). Funds within the #SoHo-NoHo Arts Fund# shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker detailing the amount of money deposited into the #SoHo-NoHo Arts Fund# and any expenditure of funds.

* * *

**143-04
Applicability of the Inclusionary Housing Program**

[UPDATING CROSS REFERENCES]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special SoHo-NoHo Mixed Use District# are shown on the maps in APPENDIX F of this Resolution. Such provisions are modified as follows:

- (a) #Conversions# from #joint living-work quarters for artists# to #residences#, as set forth in Section ~~143-13~~ 143-12 (Joint Living-Work Quarters for Artists), shall not be subject to the provisions of paragraph (d)(1) of Section 23-154.

* * *

**143-08
Applicability of Article I, Chapter 5**

[UPDATING CROSS REFERENCES]

The provisions of Article I, Chapter 5 shall apply to the #conversion# of non-#residential floor area# to #residences#, except where such regulations are modified by the provisions of this Chapter. Where the regulations in effect prior to the establishment of this Chapter were utilized to provide #floor area# for #joint living-work quarters for artists# in a manner not otherwise permitted by Article I, Chapter 5, such provisions may continue to apply in order to #convert# such #floor area# to #residences#, provided that light and air provisions of Section 15-23, and #conversion# provisions of Section ~~143-13~~ 143-12 are met.

**143-10
SPECIAL USE REGULATIONS**

Within the #Special SoHo-NoHo Mixed Use District#, the #use# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

**143-11
Modifications for Certain Uses**

[UPDATING TO REFLECT NEW UNDERLYING USE FRAMEWORK]

Within the #Special SoHo-NoHo Mixed Use District#, the following #use# modifications shall apply:

- (a) the following ~~uses#~~ listed in ~~Use Group 3A~~ Use Group 3 shall not be permitted:
- colleges or universities, including professional schools but excluding business colleges or trade schools
- college or school student dormitories and fraternity or sorority student houses;
- (b) eating or drinking establishments, as ~~set forth in Use Groups 6A, 6C, 10A or 12A~~ listed in Use Group 6, shall be limited to 8,500 square feet of ~~floor area#~~ per establishment; and
- (c) ~~all uses# listed in Use Group 10A shall be permitted, provided that retail uses# do not exceed the following size limitations~~ uses# listed in Use Group 6 with a size limitation in Section 42-16, inclusive, as denoted in the Use Group table with an "S" are subject to the following modifications:
- (1) for establishments with a ~~primary entrance#~~ along a ~~wide street#~~, 25,000 square feet of ~~floor area#~~ per establishment; and
 - (2) for all other establishments, 10,000 square feet of ~~floor area#~~ per establishment.

[INDENTING PARAGRAPH TO MAKE APPLICABLE TO PARAGRAPH (C)]

However, the City Planning Commission may, by special permit, ~~allow retail uses# in Use Group 10A~~ allow uses# that exceed the size limitations of this ~~Section paragraph~~, pursuant to Section 143-31 (Special Permit for Certain Retail ~~Uses#~~).

~~143-12~~ **~~Home Occupation~~**

[REMOVING AS 12-10 DEFINITION NOW APPLIES]

~~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#, and such home occupation# may occupy more than 500 square feet of floor area#.~~

~~In addition, in connection with such home occupation#, up to three persons not residing in such dwelling unit# may be employed, and a home occupation# may include any permitted commercial use#, subject to the limitations set forth in paragraph (b) of the definition of home occupation#.~~

~~143-13~~

143-12

Joint Living-Work Quarters for Artists

[UPDATING TO REFLECT NEW UNDERLYING USE FRAMEWORK]

~~#Conversions# to #joint living-work quarters for artists#, as listed in Use Group 17D, shall not be permitted after December 15, 2021, within the #Special SoHo-NoHo Mixed Use District#.~~

~~For #developments#, #enlargements#or #conversions#, for the purposes of applying Section 123-21 Section 123-22 (Additional conditions for certain uses), Use Group 17D #joint living-work quarters for artists# shall not be considered an existing #manufacturing# or #commercial use#.~~

~~For #joint living-work quarters for artists# existing on December 15, 2021, any #conversion# to a #residence# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Building that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #SoHo-NoHo Arts Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing the #conversion# a #joint living-work quarters for artists# to a #residence#.~~

~~The contribution amount shall be \$100.00 per square foot of #floor area# to be #converted# from a #joint living-work quarters for artists# to a #residential use# as of December 15, 2021, and shall be adjusted by the Chairperson 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 12 months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received.~~

143-14

143-13

Non-residential Retention for Qualifying Buildings

* * *

143-15

143-14

Ground Floor Use Requirements

Streetscape Regulations

[UPDATING TO REFLECT NEW STREETScape FRAMEWORK IN SECTION 32-30, INCLUSIVE]

~~The provisions of this Section shall apply to #developments# and #ground floor level enlargements#.~~

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along #streets# designated on Map 1 in the Appendix to this Chapter shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #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). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

Any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 1 in the Appendix of this Chapter shall be considered #Tier C street frontages#.

* * *

143-30 SPECIAL PERMITS

143-31 Special Permit for Certain Retail Uses

[UPDATING CROSS REFERENCE]

Within the #Special SoHo-NoHo Mixed Use District#, the City Planning Commission may, by special permit, allow retail #uses# in Use Group 10A #uses# that exceed the size limitations of paragraph (c) of Section 143-11, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

For #buildings# that do not contain #accessory# off-street loading berths, the application shall include a delivery plan for the retail #use#. Such loading plans shall be based upon a traffic and curbside management study prepared by a qualified professional, outlining and identifying the operational needs of the tenant as well as adjacent #uses#.

(b) Findings

The Commission shall find that:

- (1) in consultation with the Department of Transportation, where a loading plan is provided, such plan will incorporate sustainable best practices in loading, consolidating, timing of deliveries and other delivery methods and procedures;
- (2) such retail #use# will not create or contribute to serious safety concerns, unduly inhibit pedestrian, cyclist or vehicular movement adjacent to the site; and
- (3) such retail #use# will not impair the character or the future #use# or #development# of the surrounding mixed-use neighborhood.

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

* * *

Article XIV - Special Purpose Districts

Chapter 4 Special Brooklyn Navy Yard District

144-00 GENERAL PURPOSES

* * *

144-10 SPECIAL USE REGULATIONS

Within the #Special Brooklyn Navy Yard District#, the #use# provisions of Article IV, Chapter 2 are modified by the provisions of this Section, inclusive.

144-11 Additional Uses Permitted in All Districts

In all districts, the underlying #use# regulations are modified as follows:

[INCORPORATED INTO UNDERLYING RULE]

(a) ~~Alcoholic beverages and breweries~~

~~The manufacture of alcoholic beverages and breweries, as specified in Section 42-15 (Use Group 18), shall be permitted, subject to the applicable performance standards, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply.~~

(b) ~~Water dependent #uses#~~

[REMOVING INDENT]

The provisions of Section 62-21 (Classification of Uses in the Waterfront Area), Section 62-22 (Commercial Docking Facilities), Section 62-24 (Uses on Piers and Platforms), and Section 62-25 (Uses on Floating Structures) shall apply, provided that all #uses# existing on #piers# and #platforms# as of December 15, 2021, shall be deemed conforming #uses#.

144-12 Additional Uses Permitted in M2-1 Districts

The provisions of Section 42-10 (~~USES PERMITTED AS OF RIGHT~~) (USE ALLOWANCES) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section 144-212 (Floor area limitations on additional uses):

- (a) ~~all Use Group 3A #uses#, as set forth in Section 22-13, not otherwise permitted by the underlying regulations other than #uses# containing sleeping accommodations~~ all #uses# listed in Use Group 3B, as set forth in Section 42-13, shall be permitted; and
- (b) ~~all Use Group 6C, 9A, 10A and 12B #uses#, as set forth in Sections 32-15, 32-18, 32-19 and 32-21, respectively, not otherwise permitted by the underlying regulations.~~ all #uses# listed in Use Group 6, as set forth in Section 32-16, shall be permitted, and where #uses# have a size limitation, as denoted in the Use Group table with an “S”, such size limitation shall not apply.

**144-13
Additional Uses in M3-1 Districts**

[UPDATING REFERENCE TO REFLECT NEW UNDERLYING]

Within M3-1 Districts, the City Planning Commission may allow, by authorization, #schools#, colleges or universities, without sleeping accommodations, as listed in Use Group 3A, provided that the Commission finds that:

- (a) such #school#, college or university has an academic program compatible with a tenant or industrial operation in the #Special Brooklyn Navy Yard District#; and
- (b) the location of the #school#, college or university will not interfere with any #manufacturing use# or alter the essential industrial character of the #Special Brooklyn Navy Yard District#.

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

* * *

**144-36
Certificates of Occupancy for Developments or Enlargements in Public Access Areas**

[UPDATING REFERENCE TO REFLECT THE NEW FRAMEWORK]

No temporary certificate of occupancy shall be issued by the Department of Buildings or Department of Small Business Services for #floor area# in a #development# or #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) without the substantial completion of the public access area required for such #development# or #enlargement#, and no final certificate of occupancy shall be issued prior to the final completion of the required public access area.

Notwithstanding the provisions above, the Department of Buildings or the Department of Small Business Services, as applicable, may issue a temporary certificate of occupancy allowing for #floor area# allocated to #uses# in ~~Use Groups 11, 16, 17, or 18~~ Use Group 4B, 9 or 10 without the substantial completion of the required public access area, in which case the public access area shall be completed within one year of the issuance of the first such certificate of occupancy. Following such one-year period, no additional #floor area# within the #development# or #enlargement# shall receive a certificate of occupancy until the substantial completion of the required public access area.

144-40

MANDATORY DISTRICT PLAN ELEMENTS

Within the #Special Brooklyn Navy Yard District#, mandatory district plan elements shall be provided in connection with #developments# or #enlargements# in the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict.

144-41

Ground Floor Streetscape Provisions

[UPDATING USE GROUP REFERENCE]

The provisions of this Section shall apply to #developments# and #ground floor level# #enlargements#.

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive, a #ground floor level# #street# frontage designated on Map 6 in the Appendix to this Chapter shall be considered a #primary street frontage#, and any #ground floor level# frontage within 50 feet of a #primary street frontage# shall be considered a #secondary street frontage#. #Primary street frontages# shall also include Priority Zones, which are also designated on Map 6.

Any #primary# or #secondary street frontages# shall be considered #streets# for the purposes of applying the provisions of this Section. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

- (a) Along #primary street frontages#
 - (1) Minimum frontage width

For portions of #buildings# fronting a #primary street frontage#, at least 50 percent of the #street wall# width of the #ground floor level# of such #primary street frontage# shall be occupied by #floor area#.

In addition, for portions of #buildings# fronting a Priority Zone of a #primary ~~street-frontage#~~, at least 50 percent of the #street wall# width of the #ground floor level# of such Priority Zone shall be occupied by #floor area#. #Floor area# provided within a Priority Zone may be counted towards the #floor area# requirement along the #primary ~~street-frontage#~~.

(2) Minimum depth

The #floor area# provided to meet the requirements of paragraph (a)(1) of this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses) within the Priority Zone, and outside of a Priority Zone shall extend to a minimum depth of 15 feet.

(3) Transparency requirement

The portion of the #ground floor level# #street wall# along a #primary ~~street frontage#~~ allocated to such minimum #floor area# requirements of paragraph (a)(1) of this Section shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements). However, where such minimum #floor area# is attributed to #uses# in Use Groups ~~11, 16, 17 or 18~~ 4B, 9 or 10, the minimum percentage to fulfill the minimum transparency requirement shall be reduced to 25 percent and the maximum width of a portion of the #ground floor level# #street wall# without transparency may exceed 10 feet provided that any portion of the #ground floor level# #street wall# without transparency shall be subject to the provisions for Type 1 blank walls.

(b) Blank wall provisions along #primary# and #secondary ~~street-frontages#~~

Along both #primary# and #secondary street frontages#, any #street wall# width of 50 feet or more with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

144-50
SPECIAL PARKING AND LOADING REGULATIONS

Within the #Special Brooklyn Navy Yard District#, the #accessory# off-street parking and loading regulations of Article IV, Chapter 4 shall not apply, except as specifically set for the in this Section.

* * *

144-57
Reporting Requirements

[UPDATING REFERENCE TO REFLECT NEW USE FRAMEWORK]

No later than April 1 of every other calendar year, beginning April 1, 2023, the Brooklyn Navy Yard Development Corporation shall submit to the Chairperson of the City Planning Commission and to the Speaker of the City Council a report on the #development# and #enlargement# of #buildings#, and the types of #uses# contained within the #Special Brooklyn Navy Yard District#. Such report shall include, but shall not be limited to:

- (a) the name of each business establishment existing in the #Special Brooklyn Navy Yard District#. For each business establishment, the address or #building# number and floor, type of business, size, and lease duration;
- (b) new leases executed during the reporting period, categorized by tenant name, type of business, size, and lease duration;
- (c) the amount of #floor area# in #developments# and #enlargements# created after December 15, 2021, in each of the following Use Groups, subgroups and specific #use# as listed in this Resolution:
 - (1) #community facility uses# in Use Groups 3 ~~and~~ 4;
 - (2) retail #uses# in ~~Use Groups 6A, 6C, 9A, 10A and 12B~~ Use Group 6;
 - (3) office and laboratory #uses# in Use Group ~~6B~~ 7;
 - (4) art, music, dancing or theatrical studios in Use Group 9 8;
 - (5) ~~photographic or motion picture production studios, or radio or television production or entertainment studios~~ in Use Group ~~10~~ 8;
 - (6) general storage #uses# listed in Use Group 9A;
 - ~~(6)~~(7) #manufacturing uses# production #uses# listed in Use Groups 11, 16A, 16D, 17, and 18 Use Group 10; and
 - ~~(7)~~(8) any other #uses#; and
- (d) the number of #buildings# #developed# or #enlarged# during the reporting period and the amount of #floor area# and #uses# contained within such #development# or #enlargement#.

* * *