

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 4, 1996

MEETING AT 1:00 P.M.
in
CITY HALL



Rudolph W. Giuliani, Mayor
City of New York
[No. 17]
Prepared by Lois McDaniel, Calendar Officer

A

CITY PLANNING COMMISSION

**GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS**

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

CALENDARS: Any member of a Community Board, any civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Commission Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 22 Reade Street, Room 2E, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list may do so by sending a certified check, made out to the City of New York -- Department of City Planning to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$64.95 for a two year subscription.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address by writing to:

**City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216**

B

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

JOSEPH B. ROSE, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
ANGELA M. BATTAGLIA
AMANDA M. BURDEN, A.I.C.P.
IRWIN G. CANTOR, P.E.
KATHY HIRATA CHIN, *Esq.*
ALEXANDER GARVIN
ANTHONY I. GIACOBBE, *Esq.*
WILLIAM J. GRINKER
BRENDA LEVIN
EDWARD T. ROGOWSKY
RONALD SHIFFMAN, A.I.C.P.
JACOB B. WARD, *Esq.*, *Commissioners*
LOIS MCDANIEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in City Hall, Manhattan, unless otherwise ordered.

The next regular public meeting of the City Planning Commission is scheduled for September 11, 1996 in the City Hall, Room 16, Manhattan, New York at 10:00 a.m.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be call in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N. Y. 10007

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position:

Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

PUBLIC HEARING

CITYWIDE

No. 1

Citywide

N 960530 ZRY

PUBLIC HEARING:

IN THE MATTER OF Amendments to the Zoning Resolution concerning modifications of various sections of the Zoning Resolution in manufacturing, commercial and mixed use districts. Changes would facilitate the retention and expansion of light industrial activities and the improvement and enlargement of retail activities.

Matter in ~~Graytone~~ is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

... indicate unchanged text omitted within a paragraph;

* * * indicate where unchanged text appears in the Zoning Resolution

Article 1

Chapter 2 Construction of Language and Definitions

* * *

12-10 (10/25/95)

Definitions

* * *

Accessory use, or accessory (10/25/93)

* * *

An "accessory use" includes:

* * *

(u) Retail ~~uses~~ in ~~wholesale~~ and ~~warehouse~~ establishments, but only to the extent retail sales areas comprise no more than ten percent of the ~~floor area~~ of the establishment or, for open ~~uses~~, ten percent of the ~~lot area~~, provided the total ~~floor area~~, or ~~lot area~~ where applicable, for such retail ~~uses~~ does not exceed 5,000 square feet.

(v) Retail sales of garden supplies, open or enclosed.

* * *

~~Industrial Loft Advisory Council~~

~~The "Industrial Loft Advisory Council" shall be the council in the Mayor's Office for Economic Development created by Executive Order of the Mayor and composed of representatives of local industry, which may advise the Mayor, the City Planning Commission and its Chairperson, or the Board of Standards and Appeals concerning applications pursuant to the Zoning Resolution. The ILAC shall be an interested party for the purpose of Section 668(c) of the New York City Charter.~~

* * *

~~Warehouse~~

~~A ~~warehouse~~ is a ~~use~~ limited to the storage of goods.~~

* * *

~~Wholesale use, or wholesale~~

~~A ~~wholesale use~~ is a ~~use~~ limited to the selling of merchandise for further distribution to retailers, industrial or commercial businesses, institutions, construction contractors, professional businesses, or to other wholesalers. Where ~~wholesale~~ is used in the text, it shall have the same meaning as ~~wholesale use~~.~~

* * *

Chapter 5

Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens

* * *

15-02 (4/9/81)
General Provisions

15-021 (9/25/86)
Special use regulations

* * *

(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# which did not contain #dwelling units# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location within Buildings). Use Group 17B #uses# are permitted in formerly #residential buildings# where #residential use# of all #dwelling units# has been discontinued.

* * *

(e) In C6-1G and C6-2G Districts, all new #dwelling units# in all manufacturing and #commercial buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, shall be provided with a minimum 40dB(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. #residential use# shall not be permitted unless the City Planning Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts). However, if the Chairman of the City Planning Commission 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.

* * *

15-40 (4/9/81)
SPECIAL PERMIT

15-41 (2/11/92)
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 Section 15-021 paragraph (e) or 15-21 in accordance with the provisions of Section 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion and #joint living-work quarters for artists# in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts).

* * *

Article III
Commercial District Regulations

Chapter 2
Use Regulations

* * *

32-00 (10/25/95)
GENERAL PROVISIONS

* * *

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#.

In C6-1G and C6-2G Districts, in #buildings# erected prior to December 15, 1961, and which did not contain #dwelling units# prior to that date, the following manufacturing #uses#, as listed in Use Group 17B, shall be considered conforming and are permitted as-of-right, subject to the provisions of Section 32-42 (Location within Buildings):

Apparel or other textile products from fabric or other materials, including hat bodies, or similar products

Electronic equipment, including computers and audio and video equipment

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Leather products, including shoes, machine belting or similar products

Luggage

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades,

bottle caps, buttons, kitchen utensils or similar products

Plastic products, including tableware, phonograph records, buttons or similar products

* * *

32-15 (10/25/93)

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 sub-groups, both of which are permitted in all C1 Districts.

The #uses# listed in A below are also permitted within #large-scale residential developments# to provide daily convenience shopping for residents of the #development#.

A. Convenience Retail or Service Establishments

Bakeries, provided that #floor area# used for production shall be limited to 750 5,000 square feet per establishment, except that in C1 Districts, or when such #use# is permitted within #large scale residential developments# in #Residence Districts#, the #floor area# shall be limited to 750 square feet per establishment [PRC-B]

Barber shops [PRC-B]

* * *

32-16 (8/17/90)

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.

* * *

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~~ 5,000 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~~ 5,000 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~~ 5,000 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~~ 5,000 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 ~~5,000~~ square feet of #accessory# storage per establishment [PRC-B1]

* * *

32-17 (10/25/95)

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.

* * *

B. Retail or Service Establishments

* * *

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~~ [PRC-B1]

* * *

32-18 (10/25/93)

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

* * *

Plumbing, heating, or ventilating equipment showrooms, without repair facilities [PRC-B1]

* Printing establishments, limited to ~~2,500~~ 5,000 square feet of #floor area# per establishment for production [PRC-B1]

* Public auction rooms [PRC-D]

* * *

B. Wholesale Establishments

Hair products for headwear, wholesaling including styling [PRC-B1]

Photographic developing or photographic printing establishments, limited to ~~2,500~~ 5,000 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]

* * *

32-20 (12/15/61)

Use Group 11

C5 C6** C8

Use Group 11 consists of a few types of essentially custom manufacturing activities which:

- (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

* * *

- * Orthopedic or medical appliances, custom manufacturing [PRC-F]
- * Printing, custom, limited to 2,500 5,000 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 5,000 square feet of #floor area# per establishment, except that in C6-1G, C6-2G, C6-2M and C6-4M Districts, there is no #floor area# limit to #accessory# storage [PRC-B1]

* * *

32-422 (7/6/72)

Location of floors occupied by non-residential uses

C4 C5 C6

In the districts indicated, in any #building#, or portion of a #building# occupied by #residential uses# listed in Use Groups 1 or 2, non-#residential uses# listed in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 16 or 17, where permitted, pursuant to Section 32-00 (General Provisions), may be located only on a #story# below the lowest #story# occupied in whole or in part by such #residential uses#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling, or the extension of a permitted #business sign accessory# to such non-#residential 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#.

* * *

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-292 (12/15/61)

Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# which ~~that~~ 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

Maximum Level of #Yard#	Depth (in feet)	Districts
23 feet above #curb level#	30	C1 C2 C3 C4 C5 C6 C7 C8
#Curb level#		30 C8*

* Use Group 16 only

* * *

Article IV
Manufacturing District Regulations

Chapter 2
Use Regulations

* * *

42-00 (10/25/93)
GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and of tracts of land have been classified and combined

into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups ~~3A, 4B, 4C, 5 through 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 subject to the imitations listed in Sections ~~42-10 through 42-15, inclusive~~, certain #uses# listed in Use Groups ~~3A, 6C, 9A, 10A or 12B~~ are permitted in #Manufacturing Districts#; as indicated in Section ~~42-11 to 42-15, inclusive~~, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

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

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

* * *

42-03 (12/21/89)

Residential Use

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section ~~42-47 42-13#~~ (Residential Uses in M1-D Districts), paragraph (a), subject to the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and Section 44-27 (Parking Regulations for Residential Uses in M1-D Districts).

42-10 (1/28/71)

USES PERMITTED AS OF RIGHT

42-11 (8/16/79)

Use Groups ~~3 and 4B, 4C, 5, 6C, 6E, 7A, 9A, and 12B~~

M1 ~~M2~~ M3

Use Groups ~~3 and 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B~~ as set forth in Sections ~~32-14, 32-15, 32-16, 32-18, 32-19, 32-21 22-13 and 22-14~~

All health facilities listed in Use Group 4A and requiring approval under Article 28 of the Public Health Law of the State of New York, which prior to July 10, 1974 have

~~received approval of Part I of the required application from the Commissioner of Health, are allowed as of right and are not subject to the special permit provision of Sections 42-32 and 74-921.~~

~~Use Group 3 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 Group 4B shall only be permitted in M1 Districts.~~

42-12 (10/25/95)

Use Groups 3A, 6A, 6B, 6D, 6E, 7B, 7C, 7D, 7E, 5, 6, 7, 8, 9B, 9C, 9, 10, 10A, 10B, 10C, 11, 12, 12A, 12C, 12D, 12E, 13, 14, and 16

M1 M2 M3

~~Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 as set forth in Sections 32-14 through 32-23 and 32-25, except as modified by Section 42-121.~~

~~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 Group 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.~~

~~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; office or business machine stores, sales or retail; and radio or television studios.~~

~~Use Groups 5 and 7A shall only be permitted in M1 Districts.~~

~~In M3 Districts, the aggregate of all #uses# listed in Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space allotted to such #uses#, exclusive of storage and mechanical equipment, on a zoning lot.~~

In Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan, and a portion of Community Districts 1 and 2 in the Borough of Queens, #public parking

garages# and #public parking lots# in Use Group 8C and 12D are subject to the provisions of Article 1, Chapter 3.

#2-121

Special regulations for certain retail uses

M1 M2

(a) Affected uses

The #uses# listed below shall be subject to the special regulations of this Section:

(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 10A with parking categories B or B1; and

(4) the above #uses#, when listed in other #use groups#.

(b) Traffic Control Plan

The #uses# listed in paragraph (a) of this Section shall be subject to a Traffic Control Plan as may be required by Section 44-47.

For purposes of this Section, on #zoning lots# containing both new #uses# listed in paragraph (a) of this Section and #uses# not subject to the regulations of this Section, all non-required #accessory# parking spaces shall be considered attributable to such #uses#.

(c) Special urban design provisions

The #uses# listed in paragraph (a) of this Section shall be subject to the following urban design regulations when such #uses# comprise all or part of a #development#, #enlargement#, #extension# or change of #use# from a non-listed #use#, and more than a total of 150 permitted or required #accessory# parking spaces attributable to such #uses# are provided:

(1) Pedestrian circulation spaces

(i) All new #building# walls containing a public entrance or exit shall be adjoined by a continuous raised pedestrian circulation space. Such pedestrian circulation space shall be connected to the public sidewalk of a public #street# by way of additional pedestrian circulation space.

(ii) Required pedestrian circulation spaces shall have a minimum width of 10 feet but may contain trees, lighting fixtures or signage. A path clear of all obstructions having a minimum width of five feet shall be provided. All pedestrian circulation spaces shall be raised a minimum of four inches and a maximum of seven inches above the adjacent grade and be constructed of concrete, asphalt or other such hard-surface, dustless material. A pedestrian circulation space may be interrupted by driveways or vehicular aisles, but a crosswalk equal in width to the pedestrian circulation space shall be provided at such locations indicated by paint striping in the driveway or aisle or by a clearly visible change of paving material.

(2) Screening and protective barriers

(i) all open parking areas shall be separated from the street by a three foot high opaque wall or fence, a densely planted strip of shrubbery (minimum four feet wide), a berm, or any combination of the above. Above a height of three feet, such wall or fence shall be at least 65 percent open. Berms shall not exceed three feet in height above the adjacent grade.

(ii) all open parking areas on #zoning lots# adjacent to the boundary of a #Residence District#, or an existing #residential use#, shall be screened in accordance with Section 44-45 (Screening);

(iii) all refuse disposal, storage, and recycling areas shall be screened with opaque fencing to a minimum height of eight feet, and

(iv) screening may be interrupted only by vehicular driveways or pedestrian walkways, except at locations where the Commissioner of Buildings determines that such planting would be infeasible or cause a safety or security problem.

(3) Lighting standards

A minimum illumination level of 1.5 footcandles at ground level shall be provided throughout all exterior public areas, including parking lots and walkways, during operating hours.

(4) Tree planting

#Street# trees shall be planted on all #street# frontages of the #zoning lots# at

intervals of 25 feet, except at locations where the Commissioner of Buildings determines that such planting would be infeasible or cause a safety or security problem. Trees shall be of three-inch caliper at the time of planting and be planted, and replaced when necessary, in accordance with the standards of the Department of Parks and the Department of Transportation.

(5) Sign Regulations

All signs shall be subject to the sign regulations of a CB District, as set forth in Section 32-60 (SIGN REGULATIONS).

(d) Special permit

(1) The #uses# listed in paragraph (a) of this Section shall require a special permit pursuant to Section 24-922 (Certain large retail facilities) when:

- (i) the aggregate of such #uses# located on a #zoning lot# fronting on a #wide street# exceeds a total of 200,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses#, or when a total of more than 667 permitted or required #accessory# parking spaces attributable to such #uses# are provided.

For purposes of this Section, a #wide street# shall be limited to either a way shown on the City Map, or any other public way which on December 15, 1961 was performing the functions usually associated with a way shown on a City Map and meeting the dimensional requirements of a #wide street#. Furthermore, a #zoning lot# shall be considered fronting on a #wide street# if it has a minimum of 150 feet of its #street# frontage on a #wide street#, or 50 percent of its total #street# frontage on a #wide street#. If a #zoning lot# is located along the intersection of two #street lines#, frontage along a narrow #street#, within 100 feet from the #wide street# intersection, may be counted as frontage along a #wide street#.

- (ii) in all cases not covered by paragraph (d)(i) of this Section, the aggregate of such #uses# located on a #zoning lot# exceeds a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses#, or when a total of 150 required or permitted #accessory# parking spaces attributable to such #uses# are provided.

(2) A change of #use# to a #use# listed in paragraph (a) of this Section located in the Ladies' Mile Historic District in Manhattan, shall be exempt from such special permit requirement and shall be permitted as-of-right, provided that the #floor area# proposed for such change of #use# has been at any time in the past

~~occupied by a #use# listed in paragraph (a).~~

42-13 (10/25/93)

~~Use Groups 6C, 9A and 12B Special Use Regulations in Certain Mixed-Use Areas~~

~~M2 M3~~

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

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

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

42-131 (8/20/81)

M1-5A and M1-5B Districts

The regulations governing M1 Districts shall apply in M1-5A and M1-5B Districts except as set forth in this Section; where the special use regulations set forth in Section 42-14(D) (Special Uses in M1-5A and M1-5B Districts) provide otherwise.

NOTE: THE FOLLOWING TEXT IS RELOCATED FROM SECTIONS 42-14 (USE GROUP 17) PARAGRAPH (D)(SPECIAL USES IN M1-5A AND M1-5B DISTRICTS); PARAGRAPH F WAS 42-141 (MODIFICATION BY CERTIFICATION OF THE CHAIRPERSON OF THE CITY PLANNING COMMISSION OF USES IN M1-5A AND M1-5B DISTRICTS)

~~D. Special #uses# in M1-5A and M1-5B Districts~~

~~M1-5A M1-5B~~

~~(+)(a)~~ #Joint living-work quarters for artists# in #buildings# in M1-5A and M1-5B Districts provided:

~~(a)(1)~~ Such #building# was erected prior to December 15, 1961;

~~(b)(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 and Joint Living-Work Quarters for Artists in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts), or by minor modification of the Chairperson of the City Planning Commission pursuant to ~~paragraph (f) of this Section 42-141 paragraph(e).~~

~~(c)~~ In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts).

~~(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 Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts).

~~(e)(3)~~ At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be developed for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet of additional roof area shall be developed for recreational use up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to ~~paragraph (f) of this Section 42-141.~~

~~(f)(4)~~ 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)(5)~~ 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.

~~(h)(6)~~ Prior to the issuance of an alteration permit for #joint living-work quarters for artists use#, the owner shall pay a conversion contribution in accordance with the provisions of Article 1, Chapter 5.

~~(2)(b)~~ #Commercial# and #manufacturing uses# below the floor level of the second #story# provided #Uses# listed in Section 42-121, paragraph (a), are permitted up to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, except as further limited in this Section, or as otherwise provided in Section 74-922.

~~(e)~~ In M1 5A Districts, in #buildings# occupying more than 3,600 square feet of #lot area#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings#, unless modified by the Chairperson of the City

~~Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts);~~

~~(b) In M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts);~~

~~(c) In addition to the above restrictions, The following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:~~

~~(a)(1) 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)(2) Eating or drinking places of less than 5,000 square feet with entertainment other than musical entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, and with entertainment or dancing as listed in Use Groups 10A or 12A. However, such #uses# are permitted:~~

~~(i) provided that there is entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, only by special permit of the Board of Standards and Appeals in accordance with Section 73-241; or~~

~~(ii) with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A only by~~

special permit of the Board of Standards and Appeals in accordance with Section 73-244.

(e)(3) Non-commercial clubs as listed in Use Groups 6E and 14B.

(d)(4) 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)(5) Banquet halls, wedding chapels, catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments, or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash, and tennis.

(f)(6) All other #uses# listed in Use Group 12A.

(e)(7) 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.

(8) #Uses# in Use Group 18, as set forth in Section 42-15.

(4)(d) (a) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V of this Resolution (Non-Conforming Uses and Non-Complying Buildings), except that in M1-5A and M1-5B Districts Section 52-37 is hereby suspended and replaced by Section 42-14 D.(4)(b).
 (b) In M1-5A and M1-5B Districts any #non-conforming use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.

(5)(e) Museums or non-commercial art galleries, are permitted as of right in M1-5A and M1-5B Districts subject to the #bulk# regulations applicable for #manufacturing uses#, and subject to the provisions of this Section.

~~(a) As of right:~~

~~In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of Section 42-14 D.(2) or 42-14 D.(4), and above the ground floor where #joint living-work quarters for artists# are permitted pursuant to Section 42-14 D.(1).~~

~~(b) By authorization of the City Planning Commission:~~

~~In an M1-5A District, the City Planning Commission may authorize a museum or non-commercial art gallery where it is not permitted as of right, provided that the Commission finds that:~~

- ~~(i) the #use# of such space as a museum or non-commercial art gallery will not harm #manufacturing uses# in the M1-5A District or the industrial sector of the City's economy;~~
- ~~(ii) any commercial or manufacturing tenants in such space were given the opportunity by the owner or predecessors in title to remain in the space at fair market rentals, and the property owners or predecessors in title did not cause the vacating of the space through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value; and~~
- ~~(iii) any such museum or non-commercial art gallery will be supportive of the local art industry.~~

~~The Commission shall refer to a copy of any application for authorization pursuant to this Section to the #Industrial Loft Advisory Council#, the Office of Economic Development, and to the Department of Cultural Affairs, each of which shall have thirty days to comment upon such application. The Commission may set such conditions on the grant of an authorization to allow such #uses# as it deems necessary to protect #manufacturing uses# or the industrial sector of the City's economy. In no case shall such museum or non-commercial art gallery occupy more~~

~~than 65,000 square feet of #floor area#.~~

~~E. #Accessory uses#~~

NOTE: THE FOLLOWING TEXT IS RELOCATED FROM 42-141 (MODIFICATION BY CERTIFICATION OF THE CHAIRPERSON OF THE CITY PLANNING COMMISSION OF USES IN M1-5A AND M1-5B DISTRICTS)

42-141 (7/19/90)

~~(f) Modification by certification of the Chairperson of the City Planning Commission of #uses in M1-5A and M1-5B Districts the regulations governing #joint living-work quarters for artists# in paragraph (a) of this Section:~~

~~In M1-5A and M1-5B Districts, the requirements of Sections 42-14 D-(1)(b) and (c), (d) and (e) or 42-14 D.(2) paragraphs (a)(2) and (3) 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 twenty days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.~~

~~(a) The provisions of Section 42-14 D (1), (c) or (d) or Section 42-14 D.(2) 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 Section 42-14 D (1), (c) or (d) may be modified provided that:~~

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

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

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

~~(c) The provisions of Section 42-14 D.(2) 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; or~~

~~(d)(1) The requirements of 42-14 D. (1)(e) paragraph (a)(3) 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.~~

~~(e)(2) The requirements of Section 42-14 D. (1)(b) 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:~~

~~(1)(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;~~

~~(2)(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

(3)(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.

* * *

NOTE: THE FOLLOWING TEXT HAS BEEN RELOCATED FROM SECTION 42-47 (RESIDENTIAL USES IN M1-D DISTRICTS)

42-47 (12/21/89)

~~Residential Uses in M1-D Districts~~

42-134

M1-D Districts

(a) Residential uses

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

(1)(a)

On #zoning lots# containing #residential# or #community facility uses#, new #residences# or #residential enlargements# may be authorized, provided:

(1)(i)

the #zoning lot# contains a #building# which 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)(i) the #zoning lot# contains no other #commercial# or #manufacturing uses#; and

(2)(ii) 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)(2) On vacant #zoning lots#, new #residences# may be authorized, provided:

(1)(i) 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)(i) a #zoning lot# abutting on one #side lot line# and fronting on the same #street# is occupied by a #residential# or #community facility building#; and

(2)(ii) either of the following conditions exists:

(a) 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)(b) 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#.

(e)(3) On #land with minor improvements#, new #residences# may be authorized, provided:

(1)(i) such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (2)(b) above of this Section, except:

(2)(ii) new #residential use# shall not be authorized on #land with minor improvements# that is used for parking, storage, or processing in connection with a conforming enclosed #commercial# or #manufacturing use# within the district, or that 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)(4) In determining eligibility for #residential use# pursuant to paragraphs (a)(1)(e), (2)(b), or (3)(e) of this Section, the following regulations shall be applicable:

(1)(i) In order to determine whether a #corner lot# meets the criteria of paragraphs (a)(1), (b)(2) or (e)(3) 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)(ii)

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 purposes 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 uses# and more than one #story# of #commercial# or #manufacturing uses# shall be considered as a frontage of #commercial# or #manufacturing uses#.

(3)(iii)

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)(iv)

In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing use#.

(5)(v)

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)(1), (a)(2) or (a)(3) of this Section, and only on such portion may new #residences# or #residential enlargements# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

(6)(vi)

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 paragraphs ~~(b)(2)~~ or ~~(c)(3)~~ 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 (a)(2)(iii) of this Section.

~~(e)(5)~~ In authorizing such #residential uses#, the Commission shall find that:

~~(1)(i)~~ 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)(ii)~~ there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;

~~(3)(iii)~~ the #residential uses# will not adversely affect #commercial# or #manufacturing uses# in the M1-D Districts; and

~~(4)(iv)~~ 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 Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and Section 44-27 (Parking Regulations for Residential Uses in

M1-D Districts).

Regulations governing other #residential uses# in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section 52-46 (Conforming and Non-conforming Residential Uses in M1-D Districts) or of this Section.

(b) Regulations for uses in retail facilities

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, on #zoning lots# fronting on a #street# where 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#, the #uses# listed in Section 42-121, paragraph (a), are limited to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, and not more than a total of 150 permitted or required accessory parking spaces attributable to such #uses#, except as otherwise provided in Section 74-922 (Certain large retail facilities).

42-14 (10/25/93)

Use Group 17

M1 M2 M3

* * *

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~~

* * *

(B) Manufacturing Establishments

* * *

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries or similar supplies

Electronic equipment, including computers and audio and video equipment

Film, photographic

* * *

NOTE: THE FOLLOWING TEXT OF SECTION 42-14 PARAGRAPH (D)(SPECIAL USES IN M1-5A AND M1-5B DISTRICTS)IS AMENDED AND RELOCATED TO SECTION 42-131.

~~(D) Special Uses in M1-5A and M1-5B Districts~~

~~(E)(D)~~ #Accessory Uses#

NOTE: THE FOLLOWING TEXT OF SECTION 42-141 (MODIFICATION BY CERTIFICATION OF THE CHAIRPERSON OF THE CITY PLANNING COMMISSION OF USES IN M1-5A AND M1-5B DISTRICTS) DISTRICTS)IS DELETED AND RELOCATED TO SECTION 42-131(F).

* * *

7/19/90

42-141

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

42-15 (8/15/74)

Use Group 18

M3

* * *

B. Storage or Miscellaneous #Uses#, Open or Enclosed

* * *

~~Lumber yards, with no limitation on #lot area# per establishment~~

* * *

42-30 (12/15/61)

USES PERMITTED BY SPECIAL PERMIT

42-31 (2/8/90)

By the Board of Standards and Appeals

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

* * *

M1

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

~~M1-5A M1-5B~~

~~Theaters, with a capacity greater than 100 seats~~

42-32 (10/25/95)

By the City Planning Commission

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

* * *

M1

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

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

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

~~Department stores [PRC-B]~~

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]~~

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

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

M1 M2 M3

Heliports

M1*

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

M1 M2

~~Large retail facilities, exceeding the #floor area# limitation of Section 42-121~~

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

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

* * *

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]

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

M1

~~Community facility #Uses# listed in Use Group 4A Community facility~~

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

* * *

42-42 (1/10/74)

Enclosure or Screening of Storage

* * *

42-421 (12/15/61)

In M1 Districts

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#-, except that open lumber yards shall be 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.

* * *

NOTE: THE FOLLOWING TEXT OF SECTION 42-47 (RESIDENTIAL USES IN M1-D DISTRICTS) HAS BEEN RELOCATED AND INCORPORATED AS PART OF SECTION 42-134.

~~42-47 (12/21/89)~~~~Residential Uses in M1-D Districts-~~

* * *

Chapter 3

Bulk Regulations

43-23 (1/28/71)

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Manufacturing Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

* * *

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

* * *

Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 ~~30~~ feet above #curb level#

* * *

Chapter 4
Accessory Off-Street Parking and Loading Regulations

44-10 (12/15/61)
PERMITTED ACCESSORY OFF-STREET PARKING SPACES

44-11 (6/23/66)
General Provisions

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Sizes of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed, or located on a roof. However, ~~except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.~~ When permitted roof parking is located on a #zoning lot# within 60 feet of a district permitting #residential use#, except as otherwise provided in Section 73-49 (Roof Parking), such parking shall be limited to the roof immediately above the #basement#.

44-12 (6/23/66)
Maximum Size of Accessory Group Parking Facilities

M1 M2 M3

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of 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), or to retail facilities subject to Section 42-121 (Special regulations for certain retail uses).

* * *

44-14 (6/23/66)
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), or to retail facilities subject to Section 42-121 (SPECIAL REGULATIONS FOR CERTAIN RETAIL USES).

* * *

44-20 (12/15/61)

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

44-21 (10/25/93)

General Provisions

M1 M2 M3

* * *

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

* * *

Type of Use	Parking Spaces Required	Districts
Food stores with 2,000 or more square feet of #floor area# per establishment #Uses# in parking requirement category A in Use Group 6	None required	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2
1 per 200 sq. ft. of #floor area#	M1-1 M1-2 M1-3 M-2-1 M-2-2 M-3-1	

General retail or service #uses#—

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

** 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.

~~*** The parking requirements for #uses# in parking requirement category 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 Uses in Parking Requirement Category B1).~~

*** In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, the provisions of Article 1, Chapter 3, apply.

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

***** 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 purposes of these requirements.

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

* * *

44-23 (12/15/61)

Waiver of Requirements for Spaces Below Minimum Number

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 Section 44-21 (General Provisions) or Section 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:

Number of SpacesDistrict

15.	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
40	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

44-231 (12/15/61)

Exceptions to application of waiver provisions

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 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.~~

(c) the following ~~commercial uses~~ in parking requirement category H in Use Group 7 or 13:

~~Boatels~~

~~Camps, overnight or day~~

~~Motels or tourist cabins~~

~~Refreshment stands, drive-in.~~

* * *

44-27 (12/21/89)

Parking Regulations for Residential Uses in M1-D Districts

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 ~~42-134~~ (Residential Uses in M1-D Districts).

(a) In M1-1D Districts, for any new ~~residential building~~ authorized pursuant to Section 42-47 ~~42-134~~, 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 ~~development~~.

* * *

44-28

**City Planning Commission Authorization For Modification of Parking Requirements
For Large Vehicle Repair Facilities**

M1 M2 M3

In the districts indicated, where #accessory# parking is required for vehicle repair facilities listed in Use Group 16B, on #zoning lots# with a minimum of 1.5 acres of #lot area#, the City Planning Commission may authorize the parking requirement to be reduced to an amount not less than a ratio of one space per three employees, provided the Commission finds that the lowered parking requirement is sufficient for the expected demand for parking generated by expected employment and visitor traffic.

* * *

44-33 (12/15/61)

Joint Facilities

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#, except that for retail facilities subject to Section 42-121 (Special Regulations For Retail Facilities), up to one-third of the required off-street parking spaces for retail #uses# on the #zoning lot# may be used to satisfy the parking requirement for #uses# listed in Use Groups 16D, 17 or 18 served by the joint facility:

Section 44-21

(General Provisions)

Section 44-22

(Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

* * *

44-40 (12/15/61)

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

44-41 (12/15/61)

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of the following Sections:

Section 44-42	(Size of Spaces)
Section 44-43	(Location of Access to the Street)
Section 44-44	(Surfacing)
Section 44-45	(Screening)
Section 44-47	(Traffic Control Plan)

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

* * *

44-47

Traffic Control Plan

M1 M2

In the districts indicated, all #zoning lots# containing retail #uses# subject to Section 42-121 (Special regulations for retail facilities), and not requiring a special permit pursuant to Section 74-922, where (a) the aggregate of such #uses# located on a

~~#zoning lot# exceeds a total of 45,000 square feet of #floor area# and retail #cellar# space exclusive of storage and mechanical equipment space allotted to such #uses#, or (b) regardless of the amount of #floor area#, provide more than 150 required or permitted #accessory# parking spaces attributable to such #uses#, shall be subject to the provisions of this Section.~~

~~No building permit shall be issued for a #development# including such retail #uses#, or for the #enlargement# or #extension# of such retail #uses#, nor shall any #building# or portion thereof be converted to such retail #uses#, prior to the submission to and approval by the Commissioner of Buildings of a Traffic Control Plan designed to facilitate adequate vehicular and pedestrian access and egress to and from the facility and to prevent avoidable congestion on the surrounding streets.~~

~~The proposed Traffic Control Plan shall be prepared by or on behalf of the applicant for the building permit. The applicant or applicant's representative shall consult with the Department of Transportation (DOT) prior to preparing the Traffic Control Plan. The Traffic Control Plan shall provide:~~

- ~~(a) a site plan of the #zoning lot# and adjacent area indicating the location of proposed vehicular and pedestrian circulation areas for the retail facility, including:

 - ~~(1) the location and dimension of all pedestrian and vehicular access and egress points onto the #zoning lot#, and the location of pedestrian entrances to any buildings containing retail #uses#;~~
 - ~~(2) the distance of such access and egress points from the #lot lines# of the #zoning lot# and from adjacent curb cuts and street intersections;~~
 - ~~(3) the location and dimensions of parking areas and traffic lanes on the #zoning lot#; and~~
 - ~~(4) the location and dimension of all pedestrian circulation spaces on the #zoning lot#, required pursuant to Section 42-121(c)(1), and public sidewalks adjoining the #zoning lot#;~~~~
- ~~(b) estimates of hourly traffic flow to and from the retail facility;~~
- ~~(c) evaluation of the impact of such traffic on the #streets# and intersections within 1,200 linear feet or three intersections, whichever is greater, of the nearest boundary of a #zoning lot# occupied by the retail facility;~~

- (d) results of a Traffic Warrant analysis conducted at every access/egress point to the site;
- (e) proposal of specific traffic control measures to facilitate adequate vehicular and pedestrian flow in and out of the #zoning lot#, limited to the following:
- (1) installation of new traffic signals, or modification of existing equipment including signal timing changes if the Traffic Warrant analysis required by paragraph (d) of this Section indicates the need for a traffic signal;
 - (2) installation of traffic detectors;
 - (3) possible changes in #street# treatment or realignment of #street# geometry, including improvements such as traffic storage lanes, acceleration or deceleration lanes, medians or channelization islands, neck-downs and other traffic-calming features;
 - (4) traffic signage and #street# striping, with signage conforming to Department of Transportation standards or to the Manual of Uniform Traffic Control Devices (MUTCD);
 - (5) locating vehicular access and egress points to the #zoning lot#, and parking and circulation areas on the #zoning lot#, to facilitate circulation to and from the retail facility and to prevent avoidable congestion on surrounding #streets#; and
 - (6) the elimination of on-street parking.

The Commissioner of Buildings shall review the proposed Traffic Control Plan to determine whether the Plan will facilitate adequate vehicular and pedestrian access and safety, and will prevent avoidable congestion on surrounding #streets#. In making this determination, the Commissioner of Buildings may forward the proposed Plan within five days of receipt of same to the Commissioner of the Department of Transportation (DOT) for review and a written report, such report to be made within 30 days of receipt of the Plan by the (DOT). Any review and report by (DOT) shall be limited to determining whether (a) the proposed Traffic Control Plan will facilitate adequate access to and egress from the retail facility, and (b) whether proposed off-site modifications are consistent with other plans for #street# improvements in the area. The report of DOT may recommend modifications to the proposed Traffic Control Plan in order to better facilitate access and egress to and from the retail facility or to make the plan more consistent with other plans for #street# improvements; provided, however,

that DOT shall not make recommendations to respond to traffic conditions unrelated to the existence and operation of the retail facility. Upon the earlier of receipt of the report from DOT or the expiration of 30 days, or within such additional time, not to exceed 30 days, if DOT requires such additional time to complete its review of the Traffic Control Plan and prepare a report, the Commissioner of Buildings shall approve the Traffic Control Plan if it is determined that the Plan will facilitate access and egress to and from the retail facility and will prevent avoidable congestion on the surrounding streets. If DOT has recommended modifications to the Traffic Control Plan, the Commissioner of Buildings may condition approval on acceptance of the modifications by the applicant if the Commissioner determines that the modifications are necessary to facilitate adequate access and egress to the zoning lot or to avoid conflict with other plans for street improvements in the area. Such modifications shall not, however, require the applicant to provide more parking spaces than was proposed as part of their review.

If the Traffic Control Plan includes improvements to be carried out on the zoning lot, such improvements shall be undertaken by the applicant at the applicant's sole cost and expense, and the completion of all such improvements shall be a condition of obtaining a temporary certificate of occupancy for any portion of the retail facility. If the Traffic Control Plan includes improvements to be carried out off the zoning lot, at any time subsequent to the issuance of a building permit for the retail facility, DOT may at its option (a) request applicant to undertake such off-site improvements or (b) undertake such improvements and request reimbursement from applicant. Applicant shall promptly comply with such request; provided, however, that if DOT has failed to request applicant to make such off-site improvements, or has failed to request reimbursement for making such improvements within two years of receipt of a PERMANENT certificate of occupancy for the retail facility, applicant shall have no obligation to undertake or to reimburse DOT with respect to such off-site improvements.

In order to secure applicant's obligations with respect to the Traffic Control Plan, prior to obtaining a building permit from the Department of Buildings for any portion of the retail facility, the applicant shall post with the Comptroller for the City a performance bond or letter of credit in form acceptable to the Commissioner of Buildings and in an amount equal to 125% of the expected cost of making such improvements. Upon completion of such improvements, reimbursement of DOT or passage of two years after receipt of a permanent certificate of occupancy for the retail facility with no request for improvement or reimbursement, the performance bond or letter of credit shall be cancelled. Any off-site improvements, whether undertaken by the applicant or DOT, shall become the property of DOT or the City.

Any Traffic Control Plan shall continue in effect for as long as a zoning lot continues to be occupied by a retail facility satisfying the standards of Section 42-121. Any approved Traffic Control Plan may be subsequently modified upon the application of the owner or on behalf of the owner of the retail facility by the Commissioner of

Buildings in the same manner as set forth above for new, #enlarged#, or #extended# retail facilities

The existence of a Traffic Control Plan shall not in any way interfere with the right of DOT to control or regulate the City's #streets#, and DOT shall have full rights at any time to take action consistent or inconsistent with any Traffic Control Plan.

* * *

Article VI Special Regulations Applicable to Certain Areas

Chapter 2 Special Regulations Applying in the Waterfront Area

62-241 (10/25/93)
Uses on existing piers and platforms

* * *

(d) the following #uses#, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment:

- (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"; and
- (4) the preceding #uses#, when listed in other Use Groups;
- ~~(5) wholesale establishments or warehouses that provide #accessory# retail sales areas; and~~

* * *

Article VII
Administration

Chapter 3
Special Permits by the Board of Standards and Appeals

73-42 (1/28/65)
Enlargement of Uses across District Boundaries

In all districts, the Board of Standards and Appeals may permit the expansion of a conforming #use# located within a #building or other structure# into a district where such #use# is not permitted, provided that the enlarged #use# is contained within a single #block# and the expansion of either the depth or the width of the conforming #use# is no greater than 50 percent of either the depth or width, respectively, of that portion of the #zoning lot# located in the district where such #use# is a conforming #use#, but in no case shall the area of the expansion exceed 50 percent of the area of the #zoning lot# located in the district where such #use# is a conforming #use#, and provided further that the following findings are made:

- (a) there is no reasonable possibility of expanding such #use# within the existing district where it is a conforming #use#;
- (b) such conforming #use# was in existence prior to ~~January 6, 1965~~ (the effective date of this amendment), or the date of any applicable subsequent amendment to the #zoning maps#; and

* * *

73-44 (12/15/61)
Reduction of Parking Spaces for Uses in Parking Requirement Category B1

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 #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14 or 16 to the number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by #uses# in parking category B1 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 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 COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1**

Parking spaces required, per number of sq. ft. <u>of floor area#</u>	<u>Districts</u>
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

* * *

73-48 (4/29/82)

Exceptions to Maximum Size of Accessory Group Parking Facilities

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) or to the retail facilities subject to Section 42-121 in #Manufacturing Districts#.

This Section shall not apply to Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan where the regulations set forth in Article I, Chapter 3 shall apply.

* * *

73-482 (6/27/63)

In Commercial or Manufacturing Districts

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, except that in #Manufacturing Districts# this provision shall not apply to retail facilities subject to Section 42-121, 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 ten 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.

* * *

73-53 (12/17/87)

Enlargements or Extensions of Certain Manufacturing or Related Uses

- (a) In all districts, the Board of Standards and Appeals may modify #use#, and #bulk#, and #accessory# parking regulations to permit the #enlargement# or #extension# of #floor area# or permit additional #accessory# parking and/or loading of a conforming or #non-conforming use# listed in Section 15-58; provided that:

* * *

73-63 (12/15/61)

Enlargement of Non-Residential and Mixed Buildings

For a complying or #non-complying# non-#residential building# existing on December 15, 1961, the Board of Standards and Appeals may permit an #enlargement#, provided that such #enlargement# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under the applicable #bulk# regulations set forth in Article II, III or IV of this Resolution by more than 10 percent, or 10,000 square feet, whichever is less, except that retail #uses# in #mixed buildings# located in C1 or C2 Districts may expand into the #rear yard# up to the maximum commercial #floor area# permitted under Section 33-121, without regard to the maximum #floor area# allowed for the #building# or the limitations contained in this section, provided the expansion does not exceed one story, excluding basement, nor, in any event, a height of 23 feet above curb level.

* * *

Chapter 4
Special Permits by the City Planning Commission

* * *

74-78 (4/9/81)

~~Conversions of Non-Residential Buildings~~

74-781 (5/27/82)

~~Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts~~

~~In M1-5A and 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(D), (1)(c), (1)(d), (2)(a), or (2)(b) 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, notifying the New York City Office of Economic Development, 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 (2/11/92)

~~Residential Conversion and Joint Living-Work Quarters for Artists in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM 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 Sections 15-021 paragraph (e) or 15-21; in M1-5A and M1-5B Districts, the City Planning Commission may permit the modification of the requirements of Section 42-14(D) 42-131, paragraph (a)(2), and in the LMM Special Purpose District, the City Planning Commission may permit the modification of the requirements of Sections 111-102 and 111-103, provided that the Commission finds that:~~

- (a) the conversion will not harm the industrial sector of the City's economy;

- ~~(b) the applicant for the special permit or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such effort shall have been actively pursued for a minimum of one year immediately preceding the application. A good faith effort shall include, but not be limited to, advertising in local and citywide press, listing the space with brokers doing business in the industrial real estate market, notifying the New York City Office of Economic Development, and informing local and citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;~~
- (eb) there is sufficient alternative space to meet the needs of #commercial# and #manufacturing uses# in the area. The vacancy rate for industrial space in the area shall be one evidentiary element to prove the availability of alternative space;
- ~~(d) city, state and federal economic development programs, to the extent applicable, had been explored and found not suitable;~~
- ~~(e) the commercial and industrial tenants were given the opportunity by the applicant or predecessor in title to remain in the spaces at fair market rentals, and the property owner or predecessor in title did not cause the vacating of the space for the additional conversion;~~
- (fc) the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity; and
- (gd) all #dwelling units# or #joint living-work quarters for artists# permitted by this special permit meet the standards of the applicable district for such units or quarters.

If the Commission determines that #floor area# in the #building#, or portion thereof, was occupied as #dwelling units# or #joint living-work quarters for artists# on September 1, 1980, findings (b) of this Section, ~~(c), (d), and (e)~~ shall not be required for the grant of a special permit for such #floor area#, provided that a complete application to prove occupancy as a #dwelling unit# or #joint living-work quarters for artists# is submitted to the Commission by the owner of the building or the occupant of a #dwelling unit# or #joint living-work quarters for artists# in such #buildings# not later than June 21, 1983. In addition, the Commission must find that there is no substantial evidence that the landlord forced commercial or manufacturing tenants to vacate such #floor area# through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value. Notwithstanding anything to the contrary above, the Commission shall not grant or deny a special permit pursuant to the provisions of this Section unless an application for such special permit has been submitted by the owner of the building.

~~The Commission shall request a report from the Office of Economic Development regarding information useful in making findings (a), (b), (c), (d), and (e). Said report is to be provided within 30 days of the Commission's request.~~

~~The applicant shall provide a copy of any application for a special permit under this Section to the Industrial Loft Advisory Council#, c/o Mayor's Office of Economic Development.~~

In granting a special permit under this Section, the Commission shall require the preservation of the maximum amount of #floor area# for #commercial# or #manufacturing uses# that the Commission deems feasible.

* * *

74-922 (2/28/85)

Certain large retail ~~facilities~~ establishments

In M1 and M2 Districts, the City Planning Commission may permit the aggregate of retail #uses# subject to Section 42-121 to exceed 200,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# per #zoning lot#, or more than a total of 667 #accessory# parking spaces attributable to such #uses#, when such #uses# are located on a #zoning lot# fronting on a #wide street#, as defined in Section 42-121, paragraph (d), and not further restricted by other provisions of this Resolution. The City Planning Commission may also permit the total #floor area# of large retail facilities subject to Section 42-121 to exceed 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, or more than a total of 150 #accessory# parking spaces attributable to such #uses#, when such #uses# are located on any #zoning lot# in districts where such restrictions apply. Department stores; or Carpet, rug, linoleum, or other floor covering stores; or Clothing or clothing accessory stores; or Dry goods or fabric stores; or Food stores; or Furniture stores; or Television, radio, phonograph, or Household appliance stores; or Variety stores; with no limitation on #floor area# per establishment.

~~In M1-5M 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 City Planning 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 that:

- ~~(a) that the principal vehicular access for such #use# is not located on a local #narrow street#;~~
- ~~(a) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;~~
- ~~(b) 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)(c) 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~~
- ~~(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~~
- ~~(i) That in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:~~
- ~~(d) the #streets# providing access to the facility will be adequate to handle the traffic generated by such #use#; and~~
- ~~(e) where more than 150 #accessory# parking spaces are provided, the special urban design provisions of Section 42-121 have been met.~~

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 facility 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 modification of loading berth regulations to allow off-site loading berths, the Commission shall find that:

- (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 1,000 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.

~~Any special permit granted pursuant to this Section prior to (date of approval), shall remain in effect subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).~~

* * *

Article IX Special Purpose District

Chapter 7 Special Northside Mixed Use District

* * *

97-02 (3/18/76)
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Northside Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Northside Mixed Use District# shall replace and supersede the existing district regulations. In the R(M) #Special Northside Mixed Use District#, all #use#, #bulk# and off-street parking regulations of R6 Districts shall govern #residential# and #community facility uses# and the provisions of this Chapter shall apply only to #manufacturing# and #commercial uses# listed in Section 97-111 (Use Group M). Except as modified by Section 97-27 (Special Use Regulations), in the M(R) #Special Northside Mixed Use District# all #use, bulk#, off-street parking and off-street loading regulations of the applicable #Manufacturing Districts# shall govern #manufacturing, commercial# and #community facility uses#, and the provisions of this Chapter shall apply only to #residential uses# allowed in R6 Districts. #Zoning lots# adjacent to the #Special Northside Mixed Use District# shall not be subject to the provisions of Section 42-214 (Special provisions applying along district boundaries), 42-412 (In M2 or M3 Districts), 42-42 (Enclosure or Screening of Storage), 42-44 (Limitation on Business Entrances, Show Windows or Signs) 42-54 (Special Provisions Applying along District Boundaries), 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES), or 44-583 (Restrictions on locations of berths near Residence Districts).

* * *

97-27
Regulations for Uses in Retail Facilities

In the M(R) #Special Northside Mixed Use District#, retail #uses# subject to Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, and no more than 150 required or permitted #accessory# parking spaces attributable to such #uses#, except as otherwise provided in Section 74-922 (Certain large retail facilities).

* * *

Article XI
Special Purpose District

Chapter 1
Special Lower Manhattan Mixed Use District

* * *

6/28/95

111-02
General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

* * *

Museums or non-commercial art galleries are permitted #uses# within Areas B1 and B2 of the Special District in accordance with the provisions of Section 111-105~~4~~ (Museums or non-commercial art galleries), and are subject to the #bulk# regulations applicable to #manufacturing uses# in Areas B1 and B2.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect.

111-10 (4/9/81)
SPECIAL USE REGULATIONS

~~111-101 (6/28/95)~~

~~Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists.~~

~~Within Areas B1 and B2, #loft dwellings# and #joint living-work quarters for artists# are not permitted below the floor level of the third #story#.~~

111-102~~1~~ (6/28/95)
Ground floor use restrictions

(e) In Areas A1 and A4, G~~g~~round 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 Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway.

~~(b) Areas B1 and B2~~

- ~~(1) Use of the ground floor in #buildings# constructed prior to March 10, 1976 shall be restricted to #uses# in Use Groups 7, 9, 11, 16, 17a, 17b, 17c, or 17e, except that where a #use# other than these occupied the ground floor of a #building# prior to March 10, 1976, it shall be permitted in conformance with the underlying district regulations.~~
- ~~(2) In #buildings# having frontage on Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor #uses# shall be permitted in conformance with the underlying districts, except as provided in Section 111-103, paragraph (c).~~

111-103~~2~~ (6/28/95)

Additional use regulations

* * *

(b) In Areas B1 and B2,

- (1) #Loft dwellings# and #joint living-work quarters for artists# shall be permitted in #buildings# where the #lot coverage# is less than 5,000 square feet. #Loft dwellings# and #joint living-work quarters for artists# shall be permitted in other #buildings or other structures# only by special permit of the City Planning Commission pursuant to Section 74-782 (Special permit) 74-78 (Residential Conversion and Joint Living-Work Quarters for Artists in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts) or by minor modification of the Chairman of the City Planning Commission pursuant to Section 111-20, paragraph (d).
- (2) Retail #uses# subject to Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, except as otherwise provided in Section 74-922.

* * *

6/28/95

111-1043

Special provisions for Areas A1, A2, A3, A4 and B2

111-1054 (6/28/95)

Museums or non-commercial art galleries

Areas B1 and B2

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 Section 111-102 and above the ground floor where #joint living-work quarters for artists# or #loft dwellings# are permitted pursuant to the provisions of Sections 111-101 or 111-1032.

* * *

111-20 (6/28/95)

MINOR MODIFICATIONS

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

- (a) ~~The requirements of Section 111-101 relating to location of #loft dwellings# or #joint living work quarters for artists# below the floor level of the third #story# of a #building# in Areas B1 and B2, and Section 111-102, paragraph (b), relating to #use# restrictions in #floor area# on the ground floor may be modified provided that the Chairperson of the Commission finds that the owner of the space 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 city wide press;~~

~~listing the space with brokers;~~

~~notifying the New York City Office of Economic Development; and~~

~~informing local and city wide 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.~~

- (ba) The requirements of Section 111-111 relating to #loft dwellings# may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the design of the #loft dwellings# or #joint living-work quarters for artists# provides sufficient light and air to allow minor modifications of these provisions.
- (bb) The requirements of Section 111-112 relating to roof top #open space# 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 reasonable cost.
- (bc) The requirements of Section 111-103~~2~~ (Additional use restrictions), paragraph (b), relating to #loft dwellings# and #joint living-work quarters for artists# in #buildings# within Area B1 and B2, where the #lot coverage# is 5,000 square feet or more, may be modified provided that:
- (1) such #floor area# was occupied on September 1, 1980 as #loft dwellings# or #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#.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least ten 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 30 days of such notification.

6/28/95

111-40

SPECIAL PERMIT FOR CERTAIN LARGE RETAIL FACILITIES

The City Planning Commission may permit the total #floor area# of large retail facilities subject to Section 111-103², paragraph (a)(3), to exceed 20,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on other #streets#.

* * *

(On August 21, 1996, Cal. No. 1, the Commission rescheduled September 4, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Wednesday, September 4, 1996 at 1:00 p.m. in City Hall, New York, a public hearing is being held by the City Planning Commission to receive comments related to the Draft Generic Environmental Impact Statement (DGEIS) concerning the Retail & Industrial Zoning Text Amendments, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review Act (CEQR) CEQR No. 96DCP001Y.

