



## Legislation Text

---

**File #:** Res 1045-2011, **Version:** \*

---

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1045

Resolution approving the decision of the City Planning Commission on ULURP No. N 110285 ZRY, for an amendment of the Zoning Resolution of the City of New York to create a new zoning district, M1-6D, and to modify related Sections pertaining to the establishment of the new district; and to modify Appendix F to facilitate a new Inclusionary Housing designated area (L.U. No. 475).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 26, 2011 its decision dated August 24, 2011 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Text of the Zoning Resolution of the City of New York to facilitate the creation of high-density, mixed-use areas through the preservation of existing concentrations of commercial office and light industrial space, and introduction of contextual, infill residential development, with ground floor retail. The proposed text would also create opportunities for affordable housing development through the Inclusionary Housing Program (ULURP No. N 110285 ZRY), Citywide (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 15, 2011;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on April 25, 2011 (CEQR No. 10DCP004M);

#### RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110285 ZRY, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

## **Article 1**

### **General Provisions**

#### **Chapter 1**

##### **Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

#### **11-122**

##### **Districts established**

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

\* \* \*

##### **Manufacturing Districts**

\* \* \*

M1-6 Light Manufacturing District (High Performance)

M1-6D Light Manufacturing District (High Performance)

M1-6M Light Manufacturing District (High Performance)

\* \* \*

#### **Chapter 5**

##### **Residential Conversion of Existing Non-Residential Buildings**

\* \* \*

#### **15-012**

##### **Applicability within C6-1G, C6-2G, M1-5A, ~~or~~ M1-5B or M1-6D Districts**

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion within C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of non-#residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (Minor Modifications), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential uses).

\* \* \*

## Article II Residence District Regulations

### Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

\* \* \*

#### 23-90 INCLUSIONARY HOUSING

\* \* \*

#### 23-954 Additional requirements for compensated developments

- (a) Height and setback in #Inclusionary Housing designated areas#
- (1) In #Inclusionary Housing designated areas#, except within:
- (i) #Special Mixed Use Districts#;
  - (ii) R10 Districts without a letter suffix; and
  - (iii) #large-scale general developments# in C4-7 Districts within the boundaries of Manhattan Community District 7, subject to the provisions of a restrictive declaration; ;
- the #compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
- (2) In #Inclusionary Housing designated areas# within #Special Mixed Use Districts#, the #compensated development# must comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633, regardless of whether the #building# is #developed#

or #enlarged# pursuant to the Quality Housing Program.

\* \* \*

## Article IV Manufacturing District Regulations

### Chapter 1 Statement of Legislative Intent

\* \* \*

#### 41-10 PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

#### 41-11 M1 Light Manufacturing Districts (High Performance)

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

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

\* \* \*

### Chapter 2 Use Regulations

\* \* \*

#### 42-02 Residential Use

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section 42-47 (Residential Uses in M1-1D through M1-5D Districts), subject

to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43- 01 (Applicability of this Chapter) and the #accessory# off-street parking regulations of Section 44-024 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

In M1-6D Districts, #residences# shall be permitted in accordance with the #use# regulations set forth in Section 42-48, the #bulk# regulations set forth in Section 43-62, and the parking regulations applicable in C6-4 Districts as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations 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).

\* \* \*

## **42-10 USES PERMITTED AS-OF-RIGHT**

\* \* \*

### **42-131 M1-5A and M1-5B Districts**

#### **M1-5A M1-5B**

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

\* \* \*

### **42-133 Provisions for dwelling units in certain M1-5 or M1-6 Districts**

- (a) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980 shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

Such #dwelling units# shall comply with the requirements of Sections 15-026 or 15-22, where applicable and with Section 15-23. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

- (b) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981 shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#; ~~and~~
  - (2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this subsection shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued; and
  - (3) in M1-6D Districts, #residential use# shall be permitted as-of-right subject to the supplemental #use# regulations set forth in Section 42-48 (Supplemental Use Regulations in M1-6D Districts).

\* \* \*

#### 42-40

### SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

\* \* \*

#### 42-47

### Residential Uses in M1-1D through M1-5D Districts

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

\* \* \*

#### 42-48

### Supplemental Use Regulations in M1-6D Districts

All permitted #uses# in M1-6D Districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

#### 42-481

### Residential use

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(a) Residential use as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) Residential use by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:

- (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area# converted to #residential# vertical circulation and lobby space need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

## **42-482**

### **Community facility uses**

The #community facility use# regulations applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying

#building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

- (b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:
- (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
  - (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility# with sleeping accommodations, or for a new #building# containing a #community facility# with sleeping accommodations.

- (c) On #narrow streets#, ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 42-485 (Streetscape Provisions).

## **42-483**

### **Commercial uses**

The #commercial use# regulations applicable in M1 Districts shall apply in M1-6D Districts, except:

- (a) #Transient hotels# shall be allowed, except that #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 42-481, shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the area in which such #transient hotel# is located, as set forth in this paragraph, (a), or where such residential development goal has not been met, by special permit pursuant to Section 74-802 (In M1-6D Districts).

The residential development goal shall be met when at least 865 #dwelling units#, permitted pursuant to the provisions of Section 42-481 (Residential use), on #zoning lots# located within an area bounded by West 28th Street, West 30th Street, a line 100 feet west of Seventh Avenue, and a line 100 feet east of Eighth Avenue, have received temporary or final certificates of occupancy subsequent to [date of enactment].



- (b) Food stores, including supermarkets, grocery stores, and delicatessen stores, shall not be limited as to size of establishment.
- (c) On #narrow streets#, ground floor #commercial uses# shall be subject to special streetscape provisions, as set forth in Section 42-485 (Streetscape Provisions).
- (d) All #uses# listed in Use Group 10 shall be permitted without limitation, except as provided for in paragraph (c) of this Section.

#### **42-484**

##### **Manufacturing uses**

In M1-6D Districts, the #manufacturing use# regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive, shall apply.

#### **42-485**

##### **Streetscape Provisions**

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall have a depth of at least 30 feet from the #street wall# and shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies, or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet. No minimum 30 foot depth requirement shall apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided they are located beyond 30 feet of the #street wall#.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include show windows, transom windows or glazed portions of doors. Such transparency shall occupy at least 50 percent of the surface area of that portion of the ground floor #street wall# located between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, above the level of the adjoining sidewalk. The lowest point of any such required transparency shall not be higher than four feet above the level of the adjoining sidewalk, with the exception of transom windows, and the minimum width of any such required transparency shall be two feet. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, the transparency requirements of this Section shall not apply to that portion of the ground floor level #street wall# occupied by an entrance to a parking facility.

\* \* \*

#### **42-50**

##### **SIGN REGULATIONS**

\* \* \*

## 42-59

### Sign Regulations in M1-6D Districts

In M1-6D Districts, #signs# are permitted subject to the signage regulations applicable in C6-4 Districts, as set forth in Section 32-60 (Sign Regulations), inclusive.

\* \* \*

## Chapter 3

### Bulk Regulations

\* \* \*

## 43-01

### Applicability of this Chapter

\* \* \*

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #bulk# regulations governing M1 Districts shall apply to #community facility#, #commercial#, and #manufacturing uses#, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts). M1-6D Districts shall be subject to the #bulk# regulations set forth in Section 43-62 (Bulk Regulations in M1-6D Districts).

\* \* \*

## 43-12

### Maximum Floor Area Ratio

M1 M2 M3

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

Section 43-121 (Expansion of existing manufacturing buildings)

Section 43-122 (Maximum floor area ratio for community facility buildings)

Section 43-13 (Floor Area Bonus for Public Plazas)

Section 43-14 (Floor Area Bonus for Arcades)

Section 43-15 (Existing Public Amenities for which Floor Area Bonuses Have Been Received)

Section 43-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

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

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

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

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

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

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

\* \* \*

**43-122**

**Maximum floor area ratio for community facilities**

**M1**

In the districts indicated, for any #community facility use# on a #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table:

Maximum Permitted #Floor Area Ratio#	Districts
2.40	M1-1
4.80	M1-2
6.50	M1-3 M1-4 M1-5
10.00	M1-6

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, for any #zoning lot# containing both

#residential use# and #community facility use#, the total #floor area# used for #residential use# shall not exceed the amount permitted in Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts).

\* \* \*

#### 43-13

##### Floor Area Bonus for Public Plazas

M1-6

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

#### 43-14

##### Floor Area Bonus for Arcades

M1-6

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

\* \* \*

#### 43-43

##### Maximum Height of Front Wall and Required Front Setbacks

M1 M2 M3

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

The regulations of this Section shall apply except as otherwise provided in Sections 43-42 (Permitted Obstructions), 43-44 (Alternate Front Setbacks) or 43-45 (Tower Regulations). In M1-1 Districts, for #community facility buildings# the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above the #street line# shall be 35 feet, and in M1-4 Districts, for #community facility buildings#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

For #zoning lots# in M1-6 Districts that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan, the following #streetwall#

regulations shall apply to #street# frontages not occupied by a #public plaza#. The #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to a minimum height of 125 feet or the height of the #building#, whichever is less, and a maximum height of 150 feet. Above a height of 150 feet, no portion of a #building# may penetrate a #sky exposure plane# except for towers, pursuant to Section 43-45 (Tower Regulations). The #sky exposure plane# shall begin at a height of 150 feet above the #street line# and rise over the #zoning lot# at a slope of 5.6 feet of vertical distance for each foot of horizontal distance on a #wide street#, and at a slope of 2.7 feet of vertical distance for each foot of horizontal distance on a #narrow street#. The provisions of Section 43-44 (Alternate Front Setbacks) shall not apply. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

\* \* \*

## 43-61

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

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

- (a) The total amount of #residential floor area# permitted on any #zoning lot# shall not exceed a #floor area ratio# of 1.65.

On #zoning lots# containing both #residential use# and #community facility#, #manufacturing# or #commercial use#, the maximum #floor area# shall be the maximum #floor area# permitted for either the #commercial# or #manufacturing use# as set forth in Sections 43-12 (Maximum Floor Area Ratio) through 43-14 (Floor Area Bonus for Arcades), or the #community facility use# as set forth in Section 43-122 (Maximum floor area ratio for community facility buildings), or the #residential use# as set forth in this Section, whichever permits the greatest amount of #floor area#.

On #zoning lots# containing both #residential use# and #manufacturing# or #commercial use#, the total #floor area# used for #manufacturing# or #commercial use# shall not exceed the amount permitted by Sections 43-12 through 43-14.

- (b) The maximum number of #dwelling units# shall equal the total #residential floor area# provided on the #zoning lot# divided by 675. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.
- (c) The maximum #building# height above #curb level# shall be 32 feet.
- (d) No such #development# or #enlargement# shall be permitted within 30 feet of the #rear lot line#.
- (e) The maximum distance from the #street line# to the #street wall# of such #development# shall be ten feet, unless modified by the Commission pursuant to Section 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

- (f) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988, shall be exempt from this requirement, provided such #enlarged building# does not exceed a height of two #stories#.

\* \* \*

## **43-62**

### **Bulk Regulations in M1-6D Districts**

## **43-621**

### **Floor area regulations in M1-6D Districts**

- (a) The maximum #floor area# ratio for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as set forth in paragraph (b) of this Section.

- (b) In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section.

- (1) For #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0.
- (2) The maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only through the provision of #lower income housing#, pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

## **43-622**

### **Maximum lot coverage in M1-6D Districts**

Any #story# of a #building# containing #dwelling units# shall not exceed a maximum #lot coverage# of 70 percent for #interior# or #through lots# and 100 percent for #corner lots#. However, where any such level contains parking spaces or non-#residential uses#, such level shall be exempt from #lot coverage# regulations.

## **43-623**

### **Density in M1-6D Districts**

The provisions of 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be 790.

## **43-624**

### **Height and setback in M1-6D Districts**

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, on #narrow streets#, a maximum base height or #sky exposure plane# may be penetrated, as follows:

(i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

(a) On any #street# frontage, the aggregate width of all dormers at the maximum base height shall not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(b) The aggregate width of dormers at the maximum base height facing the #rear yard line# or #rear yard equivalent# shall not exceed 60 percent of the length of wall of the #building# facing a #rear yard line# at the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such rear dormers shall be decreased by one percent of the width of the #building# wall facing the #rear lot line#, at the level of the highest #story# entirely below the maximum base height.

Where two rear setbacks are provided as set forth in paragraph (b)(3)(ii) of this Section, the aggregate width of rear dormers, measured separately within each setback, shall not exceed 60 percent of the length of #building# wall facing a #rear yard line# at the highest #story# entirely below each rear setback. For each foot of height that a dormer is above the level of a setback, the aggregate width of dormers within such setback shall be decreased by one percent of the width of the highest #story# entirely below such setback.

In the case of a #through lot# on which a #rear yard equivalent# is provided, the

requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.

(2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #nonresidential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

(2) Base height

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 150 feet.

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and a maximum base height of 125 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

The provisions of this paragraph, (b)(3)(i), shall apply to #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#. The portion of such #building# above a height of 150 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# shall not exceed 80 percent of the gross area of the #story# directly below



such highest two or three #stories#.

(ii) Along #narrow streets#

The provisions of this paragraph, (b)(3)(ii), shall apply to #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#. No portion of such #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 125 feet above the #narrow street line# and rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance. The maximum height of such #buildings# shall be 210 feet. However, any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may penetrate such #sky exposure plane#, provided such portion does not exceed a height of 210 feet. In addition, the gross area of each of the top two #stories# of a #building# may not be greater than 80 percent of the gross area of the #story# directly below such top two #stories#.

In addition, for #buildings# containing #residences#, no portion of such #building# exceeding a height of 125 feet shall be nearer to a #rear yard line# than ten feet. Alternatively, a pair of setbacks may be provided in accordance with the following:

- (a) a setback of five feet from the #rear yard line# shall be provided between a height of 85 feet and 125 feet; and
- (b) a setback of ten feet from the #rear yard line# shall be provided between a height of 125 and 165 feet.

However the heights of such setbacks shall be vertically equidistant from a height of 125 feet.

In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.

(4) Maximum length of #building# wall

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet.

## **43-625**

### **Courts in M1-6D Districts**

Residential portions of #buildings# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (Court Regulations, Minimum Distance between Windows and Walls or Lot Lines and Open Area Requirements), inclusive.

\* \* \*

## Chapter 4

### Accessory Off-Street Parking and Loading Regulations

\* \* \*

#### 44-022

#### **Applicability of regulations 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**

Special regulations governing permitted or required #accessory# off-street parking are set forth in Article I, Chapter 3.

#### 44-023

#### **Applicability of regulations in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility uses#, and the regulations of Section 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

#### 44-024

#### **Applicability of regulations in M1-6D Districts**

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to #commercial# and #manufacturing uses#. For #residential# and #community facility uses#, the parking regulations applicable in C6-4 Districts as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by Article 1, Chapter 3 (Comprehensive Off- Street Parking Regulations 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), as applicable.

#### ~~44-024~~ 44-025

#### **Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens**

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

\* \* \*

#### 44-28

#### **Parking Regulations for Residential Uses in M1-1D through M1-5D 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 (Residential Uses in M1-1D through M1-5D Districts).

\* \* \*

## 52-46

### Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a #building# containing conforming or #non-conforming residential uses# may be #enlarged# and the #residential uses extended# thereby, provided that no non-#residential uses# exist above the level of the first #story# ceiling.

Such #enlargement# is subject to all of the following regulations:

- (1) There shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence on December 21, 1989.
- (2) The total amount of #residential floor area# in the #building# shall not exceed 500 square feet additional to the #residential floor area# in existence on December 21, 1989, or a #floor area ratio# of 1.65, whichever is less.
- (3) No #residential enlargement# shall be permitted within 30 feet of the #rear lot line#.
- (4) No #enlarged# portion shall exceed a height of 32 feet above #curb level#.
- (5) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less ~~then~~ than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988 shall be exempt from this requirement, provided such #enlarged building# does not exceed a height of two #stories#.

#Enlargements# in excess of those permitted above, and #enlargements# that create additional #dwelling units# may be permitted by authorization of the City Planning Commission, pursuant to the regulations of Sections 42-47 (Residential Uses in M1-1D through M1-5D Districts) and 42-48 (Supplemental Use Regulations in M1-6D Districts).

\* \* \*

## 52-50

### DAMAGE OR DESTRUCTION

\* \* \*

## 52-53

### Buildings or Other Structures in All Districts

\* \* \*

## 52-531

### Permitted reconstruction or continued use

In all districts, if any #building#, except a #building# subject to the provisions of Section 52-54 (Buildings

Designed for Residential Use in Residence Districts), or of Section 52-56 (Multiple Dwellings in M1-D Districts), which is substantially occupied by a #non-conforming use# is damaged or destroyed by any means, including any demolition as set forth in Sections 52-50 et seq., to the extent of 50 percent or more of its total #floor area#, such #building# may either:

\* \* \*

For the purposes of this Section, any #single-family# or #two family residence# located within an M1-1D, M1-2D, M1-3D, M1-4D, or M1-5D or M1-6D District and existing on June 20, 1988 shall be a conforming #use#.

\* \* \*

## **52-56**

### **Multiple Dwellings in M1-1D through M1-5D Districts**

In the case of damage or destruction of less than 75 percent of the total #floor area# of a #nonconforming building# containing three or more #dwelling units# in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such #building# may be repaired or reconstructed, and its #residential use# continued, subject to the following regulations:

- (a) there shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence prior to such damage and destruction; and
- (b) there shall be no increase to the pre-existing amount of #floor area# except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-D Districts).

#Enlargements# in excess of those permitted above, and #enlargements# that create additional #dwelling units# may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

\* \* \*

## **52-62**

### **Buildings Containing Residences in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

\* \* \*

## **74-80**

### **Transient Hotels**

## **74-80 74-801**

### **Transient Hotels In R10H Districts**

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel use# to occur without further Commission approval, subject to the conditions of the special permit.

\* \* \*

## **74-802**

### **In M1-6D Districts**

In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:

- (a) sufficient development sites are available in the area to meet the residential development goal; or
- (b) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with such character of the surrounding area.

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

\* \* \*

## **APPENDIX F: Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

### Table of Inclusionary Housing Designated Areas by Zoning Map

<b>Zoning Map</b>	<b>Community District</b>	<b>Maps of Inclusionary Housing Designated Areas</b>
1d	Bronx CD 7	Map 1
3b	Bronx CD 4	Map 1
3c	Bronx CD 6	Map 1, Map 2, Map 3

3c	Bronx CD 7	Map 1
3d	Bronx CD 6	Map 2, Map 3, Map 4
5d	Manhattan CD 7	Map 1
6a	Manhattan CD 9	Map 1
6a	Manhattan CD 10	Map 1
6a	Manhattan CD 11	Map 1
6a	Bronx CD 1	Map 1
6a	Bronx CD 4	Map 1
6b	Manhattan CD 10	Map 1
6b	Manhattan CD 11	Map 1
8b	Manhattan CD 4	Map 1
8c	Manhattan CD 4	Map 2
8c	Manhattan CD 7	Map 2
8d	Manhattan CD 4	Map 3, Map 4
<u>8d</u>	<u>Manhattan CD 5</u>	<u>Map 1</u>
8d	Manhattan CD 6	Map 1
8d	Queens CD 2	Map 3
9a	Queens CD 1	Map 1
9b	Queens CD 1	Map 2
9b	Queens CD 2	Map 1
9d	Queens CD 2	Map 1, Map 2
12a	Manhattan CD 1	Map 1
12c	Manhattan CD 3	Map 1
12c	Brooklyn CD 1	Map 1, Map 2
12d	Brooklyn CD 1	Map 2, Map 3
12d	Brooklyn CD 2	Map 1, Map 4
13a	Brooklyn CD 1	Map 1, Map 2
13b	Brooklyn CD 1	Map 2, Map 4
14d	Queens CD 8	Map 1
14d	Queens CD 12	Map 1
16b	Brooklyn CD 7	Map 2
16c	Brooklyn CD 2	Map 1, Map 2, Map 3
16c	Brooklyn CD 3	Map 1
16c	Brooklyn CD 6	Map 1
16d	Brooklyn CD 7	Map 1
16d	Brooklyn CD 14	Map 2
17a	Brooklyn CD 3	Map 1, Map 2
17b	Brooklyn CD 14	Map 2
22a	Brooklyn CD 7	Map 2
22c	Brooklyn CD 7	Map 2
22c	Brooklyn CD 14	Map 1, Map 2, Map 3
23a	Brooklyn CD 14	Map 2
28d	Brooklyn CD 13	Map 1

\* \* \*

**Manhattan, Community District 5**

In the M1-6D Districts within the areas shown on the following Map 1:

Map 1:



Map \_\_\_\_\_. Portion of Community District 5, Manhattan

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The

City of New York on September 21, 2011, on file in this office.

City Clerk, Clerk of The Council