



Legislation Text

File #: Res 1729-2001, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1729

Resolution approving the decision of the City Planning Commission on Application No. N 000647 ZRK, an amendment to the text of the Zoning Resolution relating to Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), extending its applicability to Community District 8, Brooklyn (L.U. No. 861).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on December 22, 2000 its decision dated December 13, 2000 (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 to the text of the Zoning Resolution (Application No. N 000647 ZRK) (the "Application");

WHEREAS, the Application is related to ULURP Application C 000024 ZMK (L.U. No. 860), an amendment of the Zoning Map;

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 February 1, 2001;

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 July 10, 2000 (CEQR No. 00DCP020K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

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 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

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Article I
General Provisions

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Chapter 5
Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and

Queens

* * *

15-00
GENERAL PURPOSES

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, special regulations for the conversion to dwelling units of non-residential buildings or portions thereof erected prior to December 15, 1961, have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

* * *

15-01
Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential

buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter. In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter. Existing floor space used for mechanical equipment and not counted as #floor area# in non-#residential buildings# built prior to January 1, 1977 may be converted to #dwelling units# under the provisions of this Chapter.

* * *

15-013
Building permits and variances issued before the effective date of amendment

(b) Building permits in Brooklyn Community Districts 1, 2, 6 and 68, and 6 and Queens Community Districts 1 and 2

If, before October 25, 1984, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.

(c) Variances

If, before April 9, 1981, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or before October 25, 1984, in Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, a variance to permit the conversion of a #building# or portion thereof, to #residential# or #joint living-work quarters for artists use#, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such conversion by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.

* * *

15-025
Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section 15-50 (REFERENCED COMMERCIAL AND MANUFACTURING USES) and converted under the provisions of this Chapter shall be required to have double glazing on all windows. However, #dwelling units# occupied by #residential# tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1, 2, 6 and 6 8, and Queens

Community Districts 1 and 2, shall not be required to have double glazed windows.

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Article II
Residence District Regulations

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Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

23-01
Applicability of This Chapter

The #bulk# regulations of this Chapter apply to any #building or other structure#, other than a #community facility building# or a #building# used partly for #community facility use#, on any #zoning lot# or portion of a #zoning lot# located in any #Residence District#, including all new #developments#, #enlargements# and, where so specified, #extensions# or conversions. As used in this Chapter, the term "any #building#" shall therefore not include a #community facility building# or a #building# used partly for #community facility uses#, the #bulk# regulations for which are set forth in Article II, Chapter 4. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

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

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

Special regulations applying only to Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

Special regulations applying to conversion to #dwelling units# non-#residential buildings#, or portions thereof, located in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2 are set forth in Article I, Chapter 5.

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Chapter 8 The Quality Housing Program

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28-01 Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single-# or #two-family residences#.

In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, #residential developments#, or #residential enlargements# where permitted, electing to use the optional Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the mandatory Quality Housing Program standards and requirements set forth in this Chapter.

The provisions of Article VII, Chapter 8 (Large-Scale Residential Developments), are not applicable to #residential developments# pursuant to the Quality Housing Program.

The provisions of this Chapter shall not apply to the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 6,8, and Queens Community Districts 1 and 2, unless such conversions meet the requirements for new #residential developments# of Article II (Residence District Regulations).

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Article III Commercial District Regulations

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Chapter 2 Use Regulations

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32-00 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 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, including each #use# listed separately therein, are permitted in #Commercial Districts# as indicated in Sections 32-11 to 32-25, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 32-01 (Special Provisions for Adult Establishments).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

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33-01 Applicability of this Chapter

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial use# and partly for #community facility use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all new #development# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

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

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

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

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Sections 33-122, 33-123 and 33-126.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-14, paragraph (a) and 33-16, paragraph (a).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Chapter 4 Bulk Regulations for Residential Buildings in Commercial Districts

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34-01 Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #residential building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings

or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

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

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 34-114.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 6,8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions of Existing Non-Residential Buildings in certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

35-00
APPLICABILITY AND DEFINITIONS

35-01
Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed building#, the regulations set forth in Sections 35-21 to 35-23, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, in Sections 35-31 to 35-33, relating to Applicability of Floor Area and Open Space Regulations to Mixed Buildings, and in Sections 35-41 and 35-42, relating to the Applicability of Lot Area Requirements to Mixed Buildings, shall apply as if such #buildings# were a single #mixed

building#. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

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

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

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 35-24.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 35-23 and 35-412.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 6,8, and Queens Community Districts I and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Article IV
Manufacturing District Regulations

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Chapter 3
Bulk Regulations

43-01
Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#, including all new

#development# or #enlargements#. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

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

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

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

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Article V
Non-conforming Uses and Non-complying Buildings

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Chapter 2
Non-Conforming Uses

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52-31
General Provisions

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

A #non-conforming use# may be changed to any conforming #use#, and the applicable district

#bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8 shall apply to such change of #use#.

However, notwithstanding the provisions above, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

* * *

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 February 7, 2001, on file in this office.

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City Clerk, Clerk of Council

Page 11 of 1
N 000647 ZRK
Reso. No. 1729 (L.U. No. 861)