



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **42-48 - Supplemental Use Regulations in M1-6D Districts**

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## 42-48 - Supplemental Use Regulations in M1-6D Districts

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LAST AMENDED  
9/21/2011

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.

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### 42-481 - Residential use

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LAST AMENDED  
9/21/2011

#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#.

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### 42-482 - Community facility use

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LAST AMENDED  
9/21/2011

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).

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## **42-483 - Commercial uses**

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LAST AMENDED  
9/21/2011

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

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

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## **42-484 - Manufacturing uses**

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LAST AMENDED

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.

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## 42-485 - Streetscape provisions

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LAST AMENDED

9/21/2011

For the purposes of applying the special “ground floor level” streetscape provisions set forth in Section [37-30](#) to this Section, #narrow streets# with a #street# frontage of 50 feet or more shall be considered “primary street frontages”, as defined in Section 37-311.

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. Such #uses# shall extend to a depth in accordance with the provisions of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses). The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, provided that lobbies shall comply with the provisions for Type 2 lobbies set forth in Section [37-33](#) (Maximum Width of Certain Uses).

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided that such spaces are wrapped by #floor area# or screened in accordance with the provisions of Section [37-35](#) (Parking Wrap and Screening Requirements), as applicable.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

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## 42-486 - Authorization for modification of streetscape provisions

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LAST AMENDED

10/13/2016

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial# #uses# set forth in Section [42-485](#) (Streetscape provisions), provided that the Commission finds that such modifications:

- (a) are the minimum necessary to provide sufficient space for access to off-street parking or loading facilities;
- (b) will not adversely affect the streetscape experiences or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district; and
- (c) to the greatest extent feasible will result in a ground floor that meets the height requirements for #qualifying ground floors#.