



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

42-141 - Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts

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LAST AMENDED
12/6/2023

In M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D.(2) of Section [42-14](#) (Use Group 17) may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

- (a) The provisions of paragraphs D.(1)(c) or (d) or D.(2) of Section [42-14](#) may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.
- (b) The provisions of paragraphs D.(1)(c) or (d) of Section [42-14](#) may be modified, provided that:
 - (1) the #floor area# below the level of the second #story# was occupied by #joint living-work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building#, or the occupant of a #joint living-work quarters for artists# in the #building#, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living-work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as-of-right for such quarters; or
 - (2) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.
- (c) The provisions of paragraph D.(2) of Section [42-14](#) may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B or 17C occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.
- (d) The requirements of D.(1)(e) of Section [42-14](#) may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.
- (e) The requirements of D.(1)(b) of Section [42-14](#) relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:
 - (1) such #floor area# was occupied on September 1, 1980, as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;

- (2) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and
- (3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.