Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

52-62 - Buildings Containing Residences in M1-1D Through M1-5D Districts

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LAST AMENDED
12/5/2024

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.

(a) #Residential uses# in such #buildings# may be reactivated as-of-right, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not exceed 60 feet in length (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet); and

(3) the #zoning lots# #abutting# on both #side lot lines# and fronting on the same #street# (or #streets#, if a #corner lot#) are occupied by #buildings designed for residential use# and contain no #manufacturing# #uses#.

(b) #Residential uses# in such #buildings# may be reactivated by authorization of the City Planning Commission, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not form a continuous frontage with vacant land or #land with minor improvements# whose aggregate length exceeds 60 feet (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet);

(3) the #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by either:

(i) a #building designed for residential use# or a #community facility# #building#; or

(ii) a #building# originally designed as #dwelling units# or #rooming units# for which an application to reactivate #residential use# in such #building# has been combined with the subject application;

(4) 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 #community facility# #buildings# or #buildings# containing #residences#; and

(5) the Commission finds that:

(i) reactivating the #residential use# will not adversely affect #manufacturing# or #commercial# #uses# in the district; and

(ii) such #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, or other adverse impacts from #manufacturing# or #commercial# #uses#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

The number of #dwelling units# permitted in such reactivated #building# containing #residences# shall not exceed the greater of the number of lawful #dwelling units# last recorded by the Department of Buildings, or as would be permitted through the provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, in accordance with the applicable geography.

No #dwelling unit# shall be permitted on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Sections 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts) or 42-311 (Residential uses in M1-1D through M1-5D Districts) as applicable.