

## Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

## 88-11-Residential Use

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## 88-11 - Residential Use

LAST AMENDED
3/20/2013
\#Residential use\# shall be permitted in accordance with the provisions of this Section.
(a) \#Residential use\# as-of-right
\#Residential use\# shall be permitted as-of-right on any \#zoning lot\# that, on March 20, 2013, was not occupied by a \#qualifying building\#. As a condition to receiving a building permit, such absence of a \#qualifying building\# on the \#zoning lot\# must 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 March 20, 2013, was occupied by one or more \#qualifying buildings\#, only upon certification by the Chairperson of the City Planning Commission that the \#zoning lot\#, as it existed on March 20, 2013, will contain at least the amount of \#commercial\# or \#manufacturing floor area\# that existed within such \#qualifying buildings\# on the \#zoning lot\# on March 20, 2013, subject to the following:
(1) \#commercial\# or \#manufacturing\# \#floor area\# that is preserved within existing non-\#qualifying buildings\# on the \#zoning lot\# through restrictive declaration may count towards meeting the requirements of this certification; and
(2) \#floor area\# from \#community facility uses\# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, \#commercial\# or \#manufacturing\# \#floor area\# converted to \#residential\# vertical circulation space and lobby space need not be replaced as \#commercial\# or \#manufacturing\# \#floor area\#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of \#commercial\# or \#manufacturing\# \#floor area\# that existed within such \#qualifying buildings\# on March 20, 2013, 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 of \#use\# from \#commercial\# or \#manufacturing\# to \#residential\#, or for any \#development\# containing \#residences\#.

