15-01 - Applicability

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15-01 - Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, conversions in 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, conversions in buildings, or portions thereof, erected prior to January 1, 1977, shall be subject to the provisions of this Chapter.

For the purposes of this Chapter, conversion shall mean the change of non-residential floor area to residences or joint living-work quarters for artists. Conversions shall also include the conversion of existing floor space used for mechanical equipment and not counted as floor area to residences or joint living-work quarters for artists.

All conversions to residences shall be permitted only in districts where residential use is allowed by the district regulations, or in those Manufacturing Districts where residential use is allowed pursuant to this Chapter or by authorization or special permit. All conversions to joint living-work quarters for artists shall be permitted only in districts where such use is allowed by the district regulations.

The provisions of Article II, Chapter 8, shall not apply to buildings converted pursuant to the provisions of this Chapter.

However, conversions that meet all the requirements for residential development of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 Districts are exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

Developments or enlargements shall be in accordance with the applicable requirements of Article II and Article III, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

15-011 - Applicability within Special Purpose Districts

The provisions of this Chapter shall apply in Special Purpose Districts in the Community Districts listed in Section 15-01, as may be modified in the provisions of such Special Purpose Districts, except that the Preservation Area of the Special Clinton District is excluded from the applicability of the provisions of this Chapter.

In Community Districts not listed in Section 15-01, the provisions of this Chapter shall apply in the following Special Purpose Districts:

any Special Mixed Use District as modified by Article XII, Chapter 3 (Special Mixed Use Districts);
the Special Downtown Jamaica District as modified by Article XI, Chapter 5 (Special Downtown Jamaica District);
the Special St. George District as modified by Article XII, Chapter 8 (Special St. George District); and
the Special Coney Island District as modified by Article XIII, Chapter 1 (Special Coney Island District).
15-012 - Applicability within C6-1G, C6-2G, M1-5A, M1-5B or M1-6D Districts

LAST AMENDED
3/22/2016

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-024, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of #non-residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted, subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential use).

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

LAST AMENDED
2/2/2011

(a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6

If, before April 9, 1981, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before September 1, 1980, construction pursuant to such permit may be continued, at the option of the owner, without regard to the other provisions of this Chapter. In the event that the construction permitted herein is not completed within 2 years from the issuance of said building permit or prior to April 9, 1982, whichever is later, and a temporary or permanent certificate of occupancy has not been issued, the building permit shall automatically lapse for any portion of a #building# for which a permanent or temporary certificate of occupancy has not been obtained and the right to continue construction on such #floor area# shall terminate, except that the Board of Standards and Appeals may reinstate said permit pursuant to the provisions of paragraphs (a)(1) or (a)(2) of this Section:

(1) for all #floor area# for which the Board has made a finding that, as of April 9, 1981;

   (i) there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit had been granted; and

   (ii) the completed construction demonstrated a physical commitment of the #floor area# to a layout as #residential# or #joint living-work quarters for artists use#, which construction could not be readily adapted to a non-#residential use# permitted by the Zoning Resolution.

A finding of substantial construction shall not be made unless, on April 9, 1981, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists use#, and unless the expenditures prior to April 9, 1981 were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing;

(2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists use#, and
unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the building for which said permit is reinstated:

(i) the conversion shall comply with the provisions of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), as appropriate in the zoning district in which the building being converted is located, except that the Board may modify the requirements of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost;

(ii) there shall be double glazing on all windows in all dwelling units or such other window treatment as the Board deems appropriate;

(b) Building permits in Brooklyn Community Districts 1, 2, 6 and 8 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 8 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.

Dwelling units converted pursuant to the provisions of this Section which are not subject to the provisions of this Chapter shall also not be subject to the provisions of Section 32-42 (Location Within Buildings).