15-021 - Special use regulations
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LAST AMENDED
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(a) In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in #buildings# erected prior to December 15, 1961, shall be considered conforming. Such #uses# may be extended within such #buildings#.

(b) In C6-2M and C6-4M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all new #uses# listed in Use Groups 17B or E are permitted as-of-right in #buildings# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location Within Buildings).

(c) In M1-5 and M1-6 Districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

All #dwelling units# permitted pursuant to this paragraph (c) shall be required to comply with the requirements of Sections 15-22 (Number of Permitted Dwelling Units) or 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) where applicable, and with Section 15-23 (Light and Air Provisions).

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

(1) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;

(2) any #use# listed in Section 15-60 which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of two years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

(3) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95 percent of the amount of #floor area# in the #dwelling unit# previously occupied; and

(4) as a result of such action by the Chairperson, #residential uses# will be located on #stories# above #manufacturing uses#.

(d) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

(1) #dwelling units# which the Chairperson determines were occupied on May 18, 1981, shall be a permitted #use#
provided that a complete application to permit such use is filed by the owner of the building or the occupant of the dwelling unit not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of residential occupancy shall be deemed to permit residential use as-of-right for such dwelling unit.

(2) in any building for which an alteration application for conversion of floor area used for non-residential use to dwelling units or for an extension or minor enlargement of existing residential use, was filed prior to May 18, 1981, dwelling units shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to dwelling units or extend or enlarge existing residential use pursuant to the provisions of this paragraph (d) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

(e) In C6-1G and C6-2G Districts, in all manufacturing and commercial buildings except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, residential use shall not be permitted unless the Commission has granted a 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). However, if the Chairperson determines that floor area in such buildings was occupied for residential use on April 1, 1984, such residential use shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the building or the occupant of a dwelling unit in such building not later than April 17, 1985.

(f) In C8 and M1 Districts, no new dwelling units are permitted. However, within such districts in the following areas:

(1) Areas in Brooklyn Community District 1
   (i) bounded by South 10th Street, Berry Street, Division Avenue and Wythe Avenue;
   (ii) bounded by South 6th Street, Broadway, Driggs Avenue, South 8th Street and Wythe Avenue;
   (iii) bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street;
   (iv) bounded by North 4th Street, Berry Street, North 3rd Street and Wythe Avenue;
   (v) bounded by Metropolitan Avenue, Havemeyer Street, Hope Street and Roebling Street; and

(2) Area in Brooklyn Community District 2, bounded by Water Street, Washington Street, Plymouth Street, Bridge Street, Front Street, Jay Street, York Street, Washington Street, Front Street and Dock Street;

such dwelling units which the Commissioner of the Department of Buildings determines were occupied on June 4, 1981, and are located in a building in which more than 45 percent of the floor area consists of dwelling units that were occupied on June 4, 1981, shall be a permitted use, provided that a complete application for a determination of occupancy is filed by the owner of the building or the occupant of a dwelling unit in such building not later than May 30, 1986.

Such a determination of residential occupancy on June 4, 1981, shall be deemed to permit residential use as-of-right for such dwelling units.