Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

15-00 - GENERAL PURPOSES

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LAST AMENDED
12/5/2024

Special regulations for the conversion of non-residential floor area to residences have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

(a) to permit owners to increase the return on their investment in appropriate existing buildings by authorizing the conversion to residences or community facilities with sleeping accommodations without requiring that such uses conform to the provisions of Article II of this Resolution;

(b) to provide for adequate returns to property owners by allowing more profitable residential or community facilities with sleeping accommodations uses with a limited mix of commercial and manufacturing uses;

(c) to ensure the provision of safe and sanitary housing units in converted buildings; and

(d) to ensure the provision of adequate amenities in conjunction with residential development.

15-01 - Applicability

LAST AMENDED
12/5/2024

#Conversions# in #buildings# or portions thereof, existing on December 31, 1990, 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# of any type, #joint living-work quarters for artists# or #community facilities# with sleeping accommodations. However, non-profit institutions with sleeping accommodations shall be limited to those with Class A occupancy as defined in the New York State Multiple Dwelling Law.

#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# or #community facilities# with sleeping accommodations.

The provisions of this Chapter shall apply in any #Special Mixed Use District# to #buildings# or portions thereof, existing on to December 10, 1997.

All #conversions# to #residences# or #community facilities# with sleeping accommodations 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.

However, #conversions# that meet all the requirements for #residential# #developments# or #community facilities# with sleeping accommodations #developments# pursuant to Article II (Residence District Regulations) and are located in R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, 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 15-21 (Enlargements of Converted Buildings).

Except as specifically set forth in Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists), the provisions of this Chapter are not applicable in M1-5B Districts.

The #conversion# of #floor area# within #transient hotels# to #residences# or #community facility# #uses# with sleeping accommodations pursuant to the provisions of this Chapter shall be limited to those #buildings# eligible for #conversion# pursuant to the rules of this Chapter in effect prior to December 5, 2024.

15-02 - General Provisions

LAST AMENDED
4/9/1981

15-021 - Special use regulations

LAST AMENDED
8/14/2025

In M1-5 and M1-6 Districts located within the rectangle formed by West 31st Street, Eighth Avenue, West 30th Street, and Sixth 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 Section shall be required to comply with the requirements of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) where applicable.

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 #referenced commercial and manufacturing uses#, the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

(a) 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;

(b) #referenced commercial and manufacturing uses# located on #floor area# to be used for #dwelling units# that 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;

(c) 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

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

15-022 - Location within building

LAST AMENDED
2/2/2011

#Dwelling units# #converted# under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).

15-023 - Notice to residential tenants in mixed use buildings

LAST AMENDED
2/2/2011

The owner or developer of a #building# #converted# under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing# #uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:

(a) such #dwelling units# are located in a #building# containing #commercial# or #manufacturing# #uses# which the City is committed to maintain; and

(b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.

15-024 - Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists

LAST AMENDED
12/5/2024

(a) The minimum size, #yard# and density requirements of Sections 15-111 (Number of permitted dwelling units) and 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) may be replaced by the requirements of this Section for #dwelling units# and #joint living-work quarters for artists#:

(1) existing on September 1, 1980, for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to paragraph (b) of Section 15-021 (Special use regulations), paragraph (b) of Section 42-314 (Use regulations in certain M1-1, M1-5 and M1-6 Districts), paragraph (c)(2) of Section 42-315 (Use regulations in M1-5B Districts); or

(2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

(b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet.

No #building# that meets the density requirements of Section 15-111, may subsequently add additional units or quarters except in accordance thereof. No #building# to which the

regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111.

(c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111 and 43-17, the following regulations shall apply:

(1) The minimum size of a #dwelling unit# or #joint living-work quarters for artists# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:

(i) the unit or quarters shall contain one or more windows that open onto a #street# or 30 foot #yard#;

(ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and

(iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or

(2) The minimum size of a #dwelling unit# or #joint living-work quarters for artists# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:

(i) the unit or quarters shall contain one or more windows that open onto either:

(a) a 10 foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#;

(b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#;

(c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or

(d) a #street#;

(ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;

(iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;

(iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;

(v) the average width of such unit or quarters shall be no less than 14 feet; and

(vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.