Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

88-10 - SUPPLEMENTAL USE REGULATIONS

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88-10 - SUPPLEMENTAL USE REGULATIONS

LAST AMENDED
6/6/2024

All permitted #uses# in the underlying districts, as set forth in Section 42-10 (USE ALLOWANCES), inclusive, shall comply with the provisions set forth in this Section, inclusive.

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#.

88-12 - Community Facility Use

LAST AMENDED
6/6/2024

The #community facility use# regulations for Use Group III that are applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In lieu thereof, all #uses# listed under Use Group III shall be permitted, except that those listed under Use Group III(A) shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

(a) #Community facilities# with sleeping accommodations 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# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Community facilities# with sleeping accommodations 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# will contain at least the amount of #commercial# or #manufacturing# #floor area# that existed within #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 vertical circulation and lobby space associated with a #community facility# with sleeping accommodations 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 #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.

88-13 - Commercial Use

LAST AMENDED
6/6/2024

The #commercial# #use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

(a) #uses# listed under Food and Beverage Retailers in Use Group VI shall not be limited as to the size of the establishment;

(b) other #uses# listed under Use Group VI, as well as #uses# listed under Use Group VIII shall be limited to a size of 10,000 square feet on the #ground floor level# of #floor area# per establishment;

(c) #commercial# #uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Additional Conditions for Certain Uses), inclusive;

(d) #transient hotels# listed under Use Group V shall be subject to the provisions of Section 32-153 (Use Group V – uses subject to additional conditions) applicable to a C7 District; and

(e) eating or drinking establishments listed under Use Group VI, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor,

shall be limited to a capacity of 200 persons or fewer. A capacity of more than 200 persons may be permitted by the Board of Standards and Appeals pursuant to Section 73-162 (Eating or drinking establishments).

88-131 - Streetscape provisions

LAST AMENDED
6/6/2024

For the purposes of applying the underlying provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, to the #Special Hudson Square District#, the streetscape regulations for C7 Districts shall apply to all M1 Districts.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30, inclusive, shall apply, except that #ground floor level# #street# frontages along #wide streets# shall be considered #Tier C street frontages#.

88-14 - Manufacturing Use

LAST AMENDED
6/6/2024

In the #Special Hudson Square District#, #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Additional conditions for certain uses), inclusive.