Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

42-315 - Use regulations in M1-5B Districts

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LAST AMENDED
12/5/2024

The regulations governing M1 Districts shall apply in M1-5B Districts except where the special #use# regulations set forth in paragraphs (a) and (b) of this Section, provide otherwise.

(a) #Joint living-work quarters for artists# in #buildings# in M1-5B Districts, provided:

(1) Such #building# was erected prior to December 15, 1961.

(2) The #lot coverage# of such #building# does not exceed 5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative ownership by #artists# on September 15, 1970. #Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by minor modification of the Chairperson of the City Planning Commission pursuant to paragraph (c)(5) of this Section or by authorization of the Commission pursuant to paragraph (d) of this Section.

(3) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section, Section 74-781 (Modification by special permit of the Commission of uses in M1-5B Districts), or by authorization of the

Commission pursuant to paragraph (d) of this Section.

(4) In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section, 74-781 or by authorization of the Commission pursuant to paragraph (d) of this Section.

(5) At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be provided for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet of additional roof area shall be provided for recreational use up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to paragraph (c) of this Section.

(6) In any #building# which, as a result of #zoning map# change CP-23167 is zoned M1-5B, any existing occupant of a #joint living-work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.

(7) In a #building# for which an alteration permit for #joint living-work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.

(b) #Uses# permitted in M1 Districts, pursuant to Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses), inclusive, shall be allowed below

the floor level of the second #story# except that all eating or drinking establishments, as listed in Use Group VI, shall be limited to 5,000 square feet of floor area per establishment. Such #use# provisions may be modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section or by the Commission pursuant to Section 74-781 (Modifications by special permit of the Commission of uses in M1-5B Districts).

(c) Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts

In M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3), (a)(4) and (a)(5) or paragraph (b) of this Section may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

(1) The provisions of paragraphs (a)(3) or (a)(4) or paragraph (b) of this Section may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.

(2) The provisions of paragraphs (a)(3) or (a)(4) of this Section may be modified, provided that:

(i) the #floor area# below the level of the second #story# was occupied by #joint living-work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the

#building#, or the occupant of a #joint living-work quarters for artists# in the #building#, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living-work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as-of-right for such quarters; or

(ii) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.

(3) The provisions of paragraph (b) of this Section may be modified provided a #use# not otherwise permitted occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.

(4) The requirements of paragraph (a)(5) of this Section may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.

(5) The requirements of paragraph (a)(2) of this Section relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:

(i) such #floor area# was occupied on September 1, 1980, as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;

(ii) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and

(iii) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.

(d) Modification by authorization of the City Planning Commission of use regulations in M1-5B DistrictsIn M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3) and (a)(4) of this Section may be modified by authorization of the City Planning Commission, provided that:such #non-residential building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;any alterations to the subject #building# required in connection with such #conversion# to #joint living-work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; anda program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.In order to grant an authorization, the City Planning Commission shall find that such modification of #use# requirements shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.The City Planning Commission may prescribe appropriate additional

conditions and safeguards in order to enhance the character of the subject #building# and to minimize adverse effects on the character of the surrounding area.