

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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Article XII: Special Purpose Districts Chapter 1: Special Garment Center District

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(3/26/87)

Article XII - Special Purpose Districts

Chapter 1

Special Garment Center District

(1/19/05)

121-00

GENERAL PURPOSES

The "Special Garment Center District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to retain adequate wage and job producing industries within the Garment Center;
- (b) to preserve apparel production and showroom space in designated areas of the Garment Center;
- (c) to limit conversion of manufacturing space to office use in designated areas of the Garment Center;
- (d) to recognize the unique character of the western edge of the Special District as integral to the adjacent #Special Hudson Yards District#;
- (e) to establish an appropriate visual character for wide streets within the Garment Center; and
- (f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

(2/2/11)

121-01

General Provisions

In harmony with the general purposes of the #Special Garment Center District# the signage requirements of this Chapter shall apply to any #development#, #enlargement#, alteration, #extension#, #conversion# or change of #use#. The #use#

regulations of this Chapter shall apply to any #conversion#, change of #use# and #extension#. Special #bulk# regulations apply within Preservation Area P-2. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

(2/2/11)

121-02

District Plan (Appendix A)

The District Plan (Appendix A) for the #Special Garment Center District# shows the Preservation Areas, indicated by "P-1" and "P-2." Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.

(3/26/87)

121-10

PRESERVATION AREA

(2/2/11)

121-11

Special Use Regulations

- (a) In Preservation Area P-1, permitted uses are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, a change of #use# to a Use Group 6B #use# is permitted, subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation).
- (b) In Preservation Area P-2, for #buildings# with less than 70,000 square feet of #floor area# on January 19, 2005, the underlying #use# regulations shall apply, except that the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to the #conversion# to #dwelling units# of #non-residential buildings#.
- (c) In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, permitted #uses# are listed in Use Groups A and B, as set

forth in Sections 121-111 and 121-112. In addition, a change to any #use# permitted by the underlying #use# regulations is permitted subject to the #floor area# preservation requirements of Section 121-113. For portions of such #buildings converted# to #dwelling units#, the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to such #conversions#. Such #floor area# preservation requirements may be waived by authorization of the City Planning Commission pursuant to Section 121-13.

- (d) In Preservation Area P-2, any #development# or #enlargement# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(5/8/13)

121-111

Use Group A

Changes of #use# to Use Group A #uses# are exempt from the #floor area# preservation requirements of Section 121-113. In Preservation Area P-1, in the case of a change of #use# of #floor area# to a Use Group 6B #use#, Use Group A #uses# may not be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of a change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations, Use Group A #uses# may not be used to satisfy the preservation requirement.

In Use Group 6A:

All #uses#

In Use Group 6C:

All #uses# except loan offices, telegraph offices and travel bureaus

In Use Group 6D:

All #uses#

In Use Group 9A:

Blueprinting or photostatting establishments

Musical instrument repair shops

Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Typewriter or other small business machine sales, rentals or repairs

In Use Group 12B:

All #uses#

Additional #uses#:

#Accessory uses#

Automobile rental establishments

#Public parking lots# and #public parking garages#, pursuant to the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core)

Wholesale establishments, with a minimum of 15 percent of #accessory# storage

Wholesale showrooms

(2/2/11)

121-112

Use Group B

Changes of #use# to Use Group B #uses# are exempt from the #floor area# preservation requirements of Section 121-113. In Preservation Area P-1, in the case of a change of #use# of #floor area# to a Use Group 6B #use#, only Use Group B #uses# may be used to satisfy the #floor area# preservation requirements. In Preservation Area P-2, in the case of a change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations, only Use Group B #uses#, and #uses# in Use Group 6A and 6C may be used to satisfy the preservation requirement.

In Use Group 11A:

Art needlework, hand weaving or tapestries

Books, hand binding or tooling

Ceramic products, custom manufacturing

Clothing, custom manufacturing or altering for retail

Hair products, custom manufacturing

Jewelry manufacturing from precious metals

In Use Group 16A:

Household or office equipment or machinery repair shops,
such as refrigerators, washing machines, stoves, deep
freezers or air conditioning units

Tool, die, or pattern making establishments or similar small
machine shops

In Use Group 16D:

Packing or crating establishments

Trucking terminals or motor freight stations, limited to
20,000 square feet of #lot area# per establishment

Warehouses

In Use Group 17B:

All #uses#

Additional #Uses#:

#Accessory uses#

(2/2/11)

121-113

Floor area preservation

In Preservation Area P-1, the change of #use# of #floor area# to Use Group 6B #use# after March 26, 1987, and, in Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, the change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations is permitted only by certification of the Chairperson of the City Planning Commission that #floor area# has been preserved subject to the provisions of Section 121-115

(Certification and other requirements of preservation and conversion) for #uses# specified in Section 121-112 (Use Group B).

The amount of #floor area# to be preserved shall be equal to the amount of #floor area# changed to a Use Group 6B #use# or any #use# permitted by the underlying #use# regulations, as applicable. Such #floor area# may be preserved in the same #building# or in any other comparable #building# in Preservation Areas P-1 or P-2, subject to the provisions of Section 121-114 (Comparability).

#Floor area# may not be preserved on portions of floors. If the #floor area# to be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for a permitted #use# in Use Group B. At the time of such change of #use#, #floor area# to be preserved must either be vacant or occupied by a #use# in Use Group B.

(2/2/11)

121-114

Comparability

Where the #floor area# to be preserved is not located within the same #building# where the #use# will be changed, such #floor area# must be comparable to #floor area# in the #building# where the #use# will be changed. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the #floor area# to be preserved meets the following criteria:

(a) Elevators: Load and number

(1) Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

<u>Total load</u> Gross #floor area# of #building# to be preserved	is greater than or equal to 90% of	<u>Total load</u> Gross #floor area# of #building# that will be occupied by the change of #use#
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(2) Number

There shall be a minimum of two elevators. The number of elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

<u>Number of elevators</u> Gross #floor area# of #building# to be preserved	is greater than or equal to 90% of	<u>Number of elevators</u> Gross #floor area# of #building# that will be occupied by the change of #use#
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Notwithstanding the above, where there is only one elevator servicing the #floor area# to be occupied by the change of #use#, there may be one elevator servicing the #floor area# to be preserved if the following exist:

- (i) the #floor area# to be serviced by the elevator in the #building# to be preserved does not exceed the #floor area# serviced by the elevator in the #building# to be occupied by the change of #use# by more than 10 percent; and
- (ii) the ratio of the volume of the elevator servicing the #floor area# to be preserved to the #floor area# to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the #floor area# to be occupied by the change of #use# to the #floor area# to be occupied by the change of #use#. If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.

(b) Floor load

The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).

(c) Size of floors

The #floor area# shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the #building# to be occupied by the change of #use#, whichever is greater. #Floor area# may not be preserved on portions of floors.

(d) Loading facilities

The loading facilities shall be at least equal in number to those in the #building# to be occupied by the change of #use#. In addition, if such #building# has an off-street loading dock, the #building# containing the #floor area# to be preserved must have such off-street loading facilities.

(e) Column spacing

There shall be a minimum distance between columns of 16 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the #building# to be occupied by the change of #use#.

(f) Height of #stories#

The #stories# shall have an average minimum height of ten feet.

(2/2/11)

121-115

Certification and other requirements of preservation and conversion

- (a) Prior to the issuance of an alteration permit for the change of #use# of #floor area# to Use Group 6B #use# in Preservation Area P-1, or the change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations in Preservation Area P-2, the Chairperson of the City Planning Commission shall certify compliance with the requirements of Section 121-113 (Floor area preservation), upon proof of a legal commitment to preserve and maintain the required #floor area# for a permitted #use# in Use Group B. Such legal commitment shall be executed by all parties

having any interest in the #floor area# to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.

A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.

A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.

- (b) The amount of #floor area# required to be preserved in any #building# pursuant to Section 121-113 shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the #floor area# in the #building#.
- (c) If any #floor area# to be preserved for a #use# in Use Group B pursuant to Section 121-113 is damaged, destroyed or becomes unusable, it shall be repaired or reconstructed only in accordance with the conditions and restrictions set forth in the certification granted by the City Planning Commission and the legal commitment constituting part of such certification. Failure to comply with any other conditions and restrictions or failure to rebuild such preserved #floor area# set forth above shall constitute a violation of the certification and may constitute a basis for denial or revocation of the building permit or certificate of occupancy issued for the #building# containing preserved #floor area#.

(3/26/87)

121-12

Conditions for Application of Preservation Area Regulations to Entire Zoning Lot

For the purposes of this Chapter, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) are hereby made inapplicable. In lieu thereof, #zoning lots# existing on March 26, 1987, divided by the boundary of the Preservation Area as shown in Appendix A shall be subject to the #use# regulations applicable to the district in which more than 50 percent of the #lot area# is located. However, #zoning lots# fronting on a #wide street# shall not be subject to the preservation requirements of this Chapter.

(2/2/11)

121-13

Authorization for Waiver of Floor Area Preservation Requirements

In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, the City Planning Commission may authorize the #conversion# or change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations without complying with the #floor area# preservation requirements set forth in Section 121-113, provided the Commission finds that:

- (a) the #floor area# to be occupied by the change of #use# has not been occupied by any #manufacturing#, wholesale or showroom #use# for a period of at least three years prior to the date that a complete application has been filed with the Department of City Planning;
- (b) the #conversion# or change of #use# will not harm the commercial and manufacturing sectors of the City's economy;
- (c) the #conversion# or change of #use# will not harm the commercial and manufacturing character of the surrounding area;
- (d) the process of #conversion# or a change of #use# will not unduly burden #commercial# and #manufacturing uses# in the #building#; and
- (e) the neighborhood in which the #conversion# or change of #use# is taking place will not be excessively burdened by increased #residential# activity.

(4/8/98)

121-20

SIGN REGULATIONS

The following provisions apply on #wide streets# within the #Special Garment Center District#:

- (a) no #sign# shall project across the #street line# of a #wide street# more than 18 inches for double or multifaced #signs# or 12 inches for other #signs#;
- (b) no canopies, marquees, or awnings shall be permitted on the exterior of any #building# with the exception of theaters or hotels;
- (c) where a permit is issued by the Department of Highways for the temporary display of banners/pennants across a #street# (or sidewalk) such banners/pennants shall be removed after 30 days of the issuance of the permit; and
- (d) no banners or pennants shall be permanently displayed from the exterior of any #building# unless the design of such banners or pennants has been approved by the Mayor's Fashion Industry Advisory Council.

For the purpose of this Section, any #signs# including canopies, marquees, awnings, banners or pennants which do not conform to the above regulations may be continued for one year after March 26, 1987, provided that after expiration of that period such #non-conforming signs#, including canopies, marquees, awnings, banners or pennants shall terminate.

(1/19/05)

121-30

SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2

The following special #bulk# regulations shall apply within Preservation Area P-2, as shown in Appendix A of this Chapter.

(2/2/11)

121-31

Maximum Permitted Floor Area

The basic maximum #floor area ratio# of a #zoning lot# containing

#non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

(3/22/16)

121-32

Height of Street Walls and Maximum Building Height

(a) Height of #street walls#

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

- (1) where the height of an adjacent #street wall# fronting

on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#; or

- (2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph, (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph, (a).

- (b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) (1) of Section 23-621, may penetrate the #sky exposure plane#.

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth

of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

(5/8/13)

121-40

PARKING PROVISIONS FOR PRESERVATION AREA P-2

Within Preservation Area P-2, as shown in Appendix A of this Chapter, the underlying parking provisions shall not apply. In lieu thereof, the parking regulations of the Special Hudson Yards District, as set forth in Section 93-80 (OFF-STREET PARKING) shall apply.

(10/27/10)

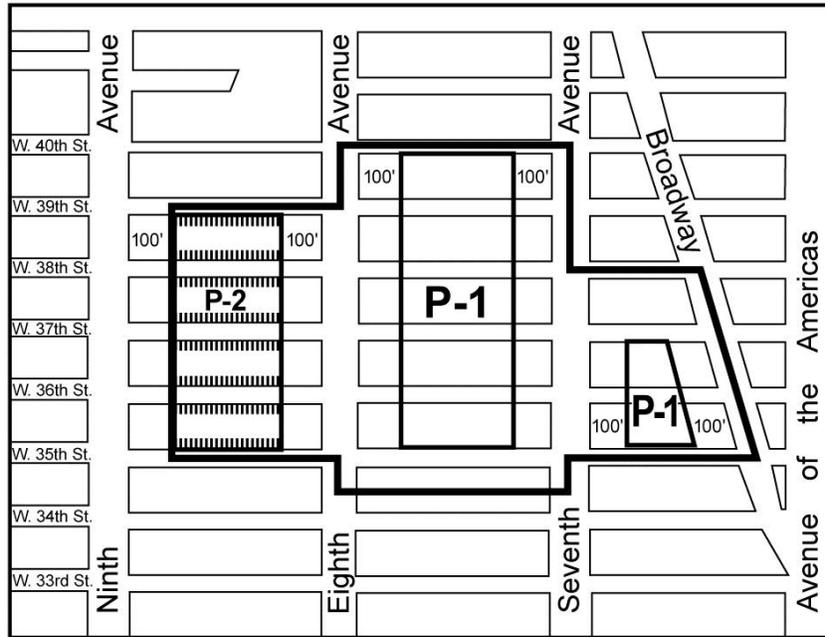
121-50

SUPPLEMENTAL REGULATIONS IN PRESERVATION AREA P-2

In Preservation Area P-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (Demolition), inclusive, shall apply.

(6/29/10)

Appendix A
Special Garment Center District Plan



-  *Special Garment Center District*
-  Preservation Area
-  *Street Wall* required pursuant to 121-32(a)