*M1 HOTEL TEXT*

**CITY WIDE**                                                          **N 180349(A) ZRY**

**IN THE MATTER OF** an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article IV, Chapter 2 (Use Regulations), and related Sections, to create a special permit for new hotels, motels, tourist cabins and boatels in M1 Districts, and to establish APPENDIX K (Excluded Areas in M1 Districts).

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE IV**
**MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2**
**Use Regulations**

<p align="center">*     *     *</p>

**42-10**
**USES PERMITTED AS-OF-RIGHT**

**42-11**
**Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B**

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18 and 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of

Section 42-111 (Special provisions for hotels in M1 Districts). For the purposes of this Section, inclusive, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

**42-111**
**Special provisions for hotels in M1 Districts**

In M1 Districts, #transient hotels# shall only be permitted by special permit of the City Planning Commission pursuant to Section 74-803 (Transient hotels within M1 Districts).

(a)     Such special permit for #transient hotels# shall be applicable to:

(1)     #development# of a #transient hotel#;

(2)     a change of #use# or #conversion# to a #transient hotel#, or an #enlargement# of a #building# that, as of [date of adoption], did not contain such #use#; or

(3)     #enlargement# or #extension# of a #transient hotel# that existed prior to [date of adoption] that increases the #floor area# of such #use# by 20 percent or more.

(b)     Exclusions

A special permit shall not be required for a #transient hotel# operated for a public purpose by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying a public purpose.

In addition, a special permit pursuant to the provisions of Section 74-803 shall not be required for #developments#, #enlargements#, #extensions# or changes of #use# of #transient hotels# in:

(1)     the areas designated on the map in APPENDIX K (Excluded Areas in M1 Districts) of this Resolution;

(2)     a #Special Mixed Use District# or where any M1 District is paired with a #Residence District#; or

(3)     an M1 District that is subject to another special permit in this Resolution for such #use#, including, but not limited to, a special permit for a #transient hotel# applicable within a Special Purpose District.

Any #transient hotel# existing prior to [date of adoption] within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in paragraph (a) of this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other

structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be #used# for a #transient hotel# only if the Commission grants a special permit in accordance with the provisions of Section 74-803. In addition, in the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of [date of adoption], such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

However, if on or before April 23, 2018, a building permit or a partial permit for a #development# was lawfully issued by the Department of Buildings, such construction, may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by [date - three years after the effective date], the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

\*    \*    \*

**42-30**
**USES PERMITTED BY SPECIAL PERMIT**

\*    \*    \*

**42-32**
**By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

\*    \*    \*

M1  M2  M3

Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts).

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

#Uses# listed in Use Group 4A Community Facilities, except ambulatory diagnostic or treatment health care facilities and houses of worship

Variety stores, with no limitation on #floor area# per establishment [PRC-B]


\*  In M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix "D," indoor interactive entertainment facilities with eating and drinking are not permitted

\*\*  In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

\* \* \*

# ARTICLE VII
# ADMINISTRATION

## Chapter 4
## Special Permits by the City Planning Commission

\* \* \*

## 74-80
## TRANSIENT HOTELS


## 74-801
## In R10H Districts

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-802**
**In M1-6D Districts**

In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:

(a)     a sufficient development sites ~~are~~ is available in the area to meet the residential development goal; or

(b)     a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with such character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-803**
**Transient hotels within M1 Districts**

In M1 Districts, pursuant to Section 42-111 (Special provisions for hotels in M1 Districts), #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

(a)     the site plan incorporates elements that are necessary to address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building#, the #building's# orientation and landscaping;

(b)     such #use# will not cause undue vehicular or pedestrian congestion on local #streets; and

(c)     such #use# will not impair the essential character or future use or development of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.
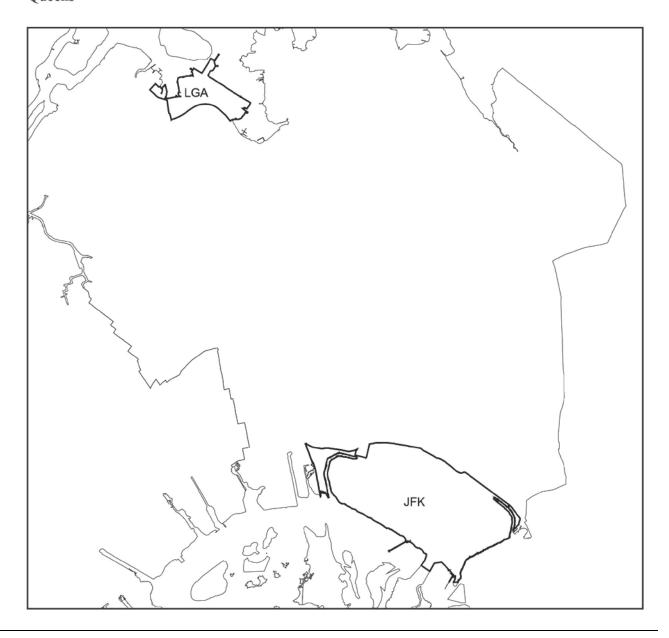
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**APPENDIX K – Excluded Areas in M1 Districts**

The boundaries of the excluded areas in M1 Districts are shown on the map in this APPENDIX.

[PROPOSED MAP]

Queens



\*     \*     \*