

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article I: General Provisions

Chapter 1 - Title, Establishment of Controls and Interpretation of
Regulations

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CITY PLANNING COMMISSION
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(12/15/61)

Preamble

This Resolution is adopted in order to promote and protect public health, safety and general welfare. These general goals include, among others, the specific purposes set forth in the statements of legislative intent for the respective districts and groups of districts.

Article 1

General Provisions

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

(12/15/61)

11-00

Title

(12/15/61)

11-01

Long Title

A Resolution regulating the height and bulk of buildings and other structures, regulating and determining the area of yards, courts and other open spaces, and the density of population, and regulating and restricting the location of trades and industries and the location of buildings designed for specific uses within the City of New York, and for such purposes dividing the City into districts.

(12/15/61)

11-02

Short Title

This Resolution shall be known and may be cited as the Zoning Resolution of the City of New York.

(12/15/61)

11-10

**ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS,
AND INCORPORATION OF MAPS**

(12/15/61)

11-11

Establishment of Control over Use and Bulk

(2/2/11)

11-111

Applicability of this Resolution

In all districts, after December 15, 1961, any #zoning lot# or other tract of land, as applicable, and anything therein or thereupon, including any #development#, #enlargement#, #extension#, change of #use#, new or existing #use#, #conversion#, alteration, site alteration, relocation, reconstruction and any #building or other structure# shall be subject to the regulations of this Resolution; and shall continue to be subject to the provisions of this Resolution in effect at the time of such #development#, #enlargement#, establishment of or change of #use#, #conversion#, alteration, site alteration, relocation or reconstruction, unless such provisions are modified by an amendment of this Resolution applicable to #buildings or other structures# or #uses# existing at the time of such amendment.

Where an existing #use# or #building or other structure# is #non-conforming# or #non-complying#, the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) may apply.

(2/2/11)

11-12

Establishment of Districts

(2/2/11)

11-121

District names

Each zoning district is designated by a letter indicating the general land use classification - R for Residence, C for Commercial and M for Manufacturing - followed by one or two numbers and, sometimes, a letter suffix. In residence districts, generally, the higher the first number, the greater the density permitted and the larger the building. Parking requirements usually decrease as density increases. A second number, following a hyphen (such as R3-1 or R3-2), denotes variations in use, bulk or parking regulations among districts within a common density category. In commercial and manufacturing districts, the first number denotes the intensity of permitted uses; the higher the first number, generally, the broader the scope of uses that are permitted and the more significant the land use impact of such uses. The second number, following a hyphen, denotes differences in bulk or parking regulations within a common use category. The higher the second number, generally, the larger the building permitted and/or the lower the parking requirements. Letter suffixes have been added to the designations of certain districts (such as R10A) to indicate contextual counterparts that seek to maintain, enhance or establish new neighborhood characteristics or building scale.

(12/15/16)

11-122

Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

R1-1	Single-Family Detached Residence District
R1-2	Single-Family Detached Residence District
R1-2A	Single-Family Detached Residence District
R2	Single-Family Detached Residence District
R2A	Single-Family Detached Residence District
R2X	Single-Family Detached Residence District
R3-1	Detached and Semi-Detached Residence District
R3-2	General Residence District

R3A	Detached Residence District
R3X	Detached Residence District
R4	General Residence District
R4-1	Detached and Semi-Detached Residence District
R4A	Detached Residence District
R4B	General Residence District
R5	General Residence District
R5A	Detached Residence District
R5B	General Residence District
R5D	General Residence District
R6	General Residence District
R6A	General Residence District
R6B	General Residence District
R7-1	General Residence District
R7-2	General Residence District
R7-3	General Residence District
R7A	General Residence District
R7B	General Residence District
R7D	General Residence District
R7X	General Residence District
R8	General Residence District
R8A	General Residence District
R8B	General Residence District
R8X	General Residence District
R9	General Residence District
R9-1	General Residence District
R9A	General Residence District
R9D	General Residence District
R9X	General Residence District
R10	General Residence District
R10A	General Residence District
R10H	General Residence District
R10X	General Residence District

Commercial Districts

C1-1	Local Retail District
C1-2	Local Retail District
C1-3	Local Retail District
C1-4	Local Retail District
C1-5	Local Retail District
C1-6	Local Retail District

C1-6A Local Retail District
C1-7 Local Retail District
C1-7A Local Retail District
C1-8 Local Retail District
C1-8A Local Retail District
C1-8X Local Retail District
C1-9 Local Retail District
C1-9A Local Retail District

C2-1 Local Service District
C2-2 Local Service District
C2-3 Local Service District
C2-4 Local Service District
C2-5 Local Service District
C2-6 Local Service District
C2-6A Local Service District
C2-7 Local Service District
C2-7A Local Service District
C2-7X Local Service District
C2-8 Local Service District
C2-8A Local Service District

C3 Waterfront Recreation District
C3A Waterfront Recreation District

C4-1 General Commercial District
C4-2 General Commercial District
C4-2A General Commercial District
C4-2F General Commercial District
C4-3 General Commercial District
C4-3A General Commercial District
C4-4 General Commercial District
C4-4A General Commercial District
C4-4D General Commercial District
C4-4L General Commercial District
C4-5 General Commercial District
C4-5A General Commercial District
C4-5D General Commercial District
C4-5X General Commercial District
C4-6 General Commercial District
C4-6A General Commercial District
C4-7 General Commercial District
C4-7A General Commercial District

C5-1 Restricted Central Commercial District
C5-1A Restricted Central Commercial District
C5-2 Restricted Central Commercial District
C5-2.5 Restricted Central Commercial District
C5-2A Restricted Central Commercial District
C5-3 Restricted Central Commercial District

C5-3.5 Restricted Central Commercial District
C5-4 Restricted Central Commercial District
C5-5 Restricted Central Commercial District
C5-P Restricted Central Commercial District

C6-1 General Central Commercial District
C6-1A General Central Commercial District
C6-1G General Central Commercial District
C6-2 General Central Commercial District
C6-2A General Central Commercial District
C6-2G General Central Commercial District
C6-2M General Central Commercial District
C6-3 General Central Commercial District
C6-3A General Central Commercial District
C6-3D General Central Commercial District
C6-3X General Central Commercial District
C6-4 General Central Commercial District
C6-4.5 Restricted Central Commercial District
C6-4A General Central Commercial District
C6-4M General Central Commercial District
C6-4X General Central Commercial District
C6-5 General Central Commercial District
C6-5.5 Restricted Central Commercial District
C6-6 General Central Commercial District
C6-6.5 Restricted Central Commercial District
C6-7 General Central Commercial District
C6-7.5 Restricted Central Commercial District
C6-7T Restricted Central Commercial District
C6-8 General Central Commercial District
C6-9 General Central Commercial District

C7 Commercial Amusement District

C8-1 General Service District
C8-2 General Service District
C8-3 General Service District
C8-4 General Service District

Manufacturing Districts

M1-1 Light Manufacturing District (High Performance)
M1-1D Light Manufacturing District (High Performance)
M1-2 Light Manufacturing District (High Performance)
M1-2D Light Manufacturing District (High Performance)
M1-3 Light Manufacturing District (High Performance)
M1-3D Light Manufacturing District (High Performance)
M1-4 Light Manufacturing District (High Performance)
M1-4D Light Manufacturing District (High Performance)
M1-5 Light Manufacturing District (High Performance)

M1-5A Light Manufacturing District (High Performance)
M1-5B Light Manufacturing District (High Performance)
M1-5D Light Manufacturing District (High Performance)
M1-5M Light Manufacturing District (High Performance)
M1-6 Light Manufacturing District (High Performance)
M1-6D Light Manufacturing District (High Performance)
M1-6M Light Manufacturing District (High Performance)

M2-1 Medium Manufacturing District (Medium Performance)
M2-2 Medium Manufacturing District (Medium Performance)
M2-3 Medium Manufacturing District (Medium Performance)
M2-4 Medium Manufacturing District (Medium Performance)

M3-1 Heavy Manufacturing District (Low Performance)
M3-2 Heavy Manufacturing District (Low Performance)

Special Purpose Districts

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the #Special 125th Street District# is hereby established.

Establishment of the Special Battery Park City District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 4, the #Special Battery Park City District# is hereby established.

Establishment of the Special Bay Ridge District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 4, the #Special Bay Ridge District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as

set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 6, the #Special Coney Island Mixed Use District# is hereby established.

Establishment of the Special Downtown Brooklyn District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 1, the #Special Downtown Brooklyn District# is hereby established.

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

Establishment of the Special Forest Hills District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Forest Hills

District# is hereby established.

Establishment of the Special Garment Center District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 1, the #Special Garment Center District# is hereby established.

Establishment of the Special Governors Island District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 4, the #Special Governors Island District# is hereby established.

Establishment of the Special Grand Concourse Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 2, the #Special Grand Concourse Preservation District# is hereby established.

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

Establishment of the Special Hillside Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillside Preservation District# is hereby established.

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

Establishment of the Special Hudson Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 8, the #Special Hudson Square

District# is hereby established.

Establishment of the Special Hudson Yards District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 3, the #Special Hudson Yards District# is hereby established.

Establishment of the Special Hunts Point District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special Hunts Point District# is hereby established.

Establishment of Special Limited Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 3, the #Special Limited Commercial District# is hereby established.

Establishment of Limited Height Districts

The following are hereby established as #Limited Height Districts# to which the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts) shall apply either directly or in other provisions of this Resolution, where they are incorporated by cross-reference:

- LH-1 Limited Height District No. 1
- LH-1A Limited Height District No. 1A
- LH-2 Limited Height District No. 2
- LH-3 Limited Height District No. 3

Establishment of the Special Lincoln Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 2, the #Special Lincoln Square District# is hereby established.

Establishment of the Special Little Italy District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 9, the #Special Little Italy District# is hereby established.

Establishment of the Special Long Island City Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 7, the #Special Long Island City Mixed Use District# is hereby established.

Establishment of the Special Lower Manhattan District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 1, the #Special Lower Manhattan District# is hereby established.

Establishment of the Special Madison Avenue Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 9, the #Special Madison Avenue Preservation District# is hereby established.

Establishment of the Special Manhattanville Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 4, the #Special Manhattanville Mixed Use District# is hereby established.

Establishment of the Special Midtown District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 1, the #Special Midtown District# is hereby established.

Establishment of the Special Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 3, the #Special Mixed Use District# is hereby established.

Establishment of the Special Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

Establishment of the Special Park Improvement District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 2, the #Special Park Improvement District# is hereby established.

Establishment of the Special Planned Community Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 3, the #Special Planned Community Preservation District# is hereby established.

Establishment of the Special Scenic View District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 2, the #Special Scenic View District# is hereby established.

Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

Establishment of the Special South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

Establishment of the Special Southern Hunters Point District

In order to carry out the special purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

Establishment of the Special Southern Roosevelt Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 3, the #Special Southern Roosevelt Island District# is hereby established.

Establishment of the Special St. George District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 8, the #Special St. George District# is hereby established.

Establishment of the Special Stapleton Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 6, the #Special Stapleton Waterfront District# is hereby established.

Establishment of the Special Transit Land Use District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 5, a #Special Transit Land Use District# is hereby established.

Establishment of the Special Tribeca Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 1, the #Special Tribeca Mixed Use District# is hereby established.

Establishment of the Special Union Square District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 8, the #Special Union Square District# is hereby established.

Establishment of the Special United Nations Development District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 5, the #Special United Nations Development District# is hereby established.

Establishment of the Special West Chelsea District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 8, the #Special West Chelsea District# is hereby established.

Establishment of the Special Willets Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 4, the #Special Willets Point District# is hereby established.

(2/2/11)

11-123

Special Purpose Districts

For the Special Purpose Districts listed in Section 11-122 (Districts established), each Special Purpose District appears on the #zoning maps# superimposed on other districts and its regulations supplement or modify those of the districts upon which it is superimposed.

(12/10/13)

11-13

Public Parks

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks) and in paragraph (c) of Section 62-351 (Special floor area regulations). In the event that a #public park# or portion thereof is sold, transferred, exchanged or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefor has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 71-10 (PROCEDURE FOR AMENDMENTS).

(12/15/61)

11-14

Incorporation of Maps

The location and boundaries of the districts established by this Resolution are shown upon the #zoning maps#, which are hereby incorporated into the provisions of this Resolution. The said #zoning maps# in their entirety, including all amendments thereto, shall be as much a part of this Resolution as if fully set forth and described herein.

(3/28/12)

11-15

Environmental Requirements

The designation (E) or an environmental restrictive declaration, where listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of this Resolution, indicate that environmental requirements pertaining to potential hazardous materials, noise or air quality impacts have been established in connection with an amendment of or an action pursuant to this Resolution for one or more tax lots. Such environmental requirements are set forth in the CEQR determination related to such amendment or action.

CEQR determinations are on file with the lead agency and the Mayor's Office of Environmental Coordination (MOEC). A listing of such CEQR determinations and their related environmental requirements is found within APPENDIX C of this Resolution. (E) designations and environmental restrictive declarations may only be removed from APPENDIX C or modified in accordance with the provisions of paragraph (d) of this Section.

In the case of a merger or subdivision of lots, any of which is subject to an (E) designation or environmental restrictive declaration, such (E) designation or environmental restrictive declaration shall be considered assigned to all portions of the merged or subdivided lots. The environmental requirements of such (E) designation or environmental restrictive declaration shall apply to the merged or subdivided lots, or portions thereof, as determined by the Office of Environmental Remediation (OER).

Tax lots with environmental requirements shall be subject to the following:

- (a) Building permit conditions

Prior to issuing a building permit or temporary or final certificate of occupancy, for any action listed in

paragraphs (a) (1), (a) (2) or (a) (3) of this Section, on a tax lot that has an (E) designation or an environmental restrictive declaration related to hazardous materials, noise or air quality, the Department of Buildings (DOB) shall be furnished with a notice issued by OER stating that OER does not object to the issuance of such building permit, or temporary or final certificate of occupancy, in accordance with the applicable rules of the City of New York (OER Notice).

(1) For hazardous materials

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#, any of which involves a #residential# or a #community facility use#; or

(iii) an #enlargement# or alteration of a #building# for any #use# that involves a disturbance of the soil;

(2) For air quality

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#;
or

(iii) an alteration that involves ventilation or exhaust systems, including, but not limited to, stack relocation or vent replacement; or

(3) For noise

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#;
or

(iii) an alteration that involves window or exterior wall relocation or replacement.

(b) Ongoing site management

In the event that a duly issued OER Notice indicates that a tax lot that has an (E) designation or an environmental restrictive declaration requires ongoing site management, OER may require that a declaration of covenants and restrictions governing the ongoing site management requirements be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the

County Clerk's Office in the county where the lot is located.

As a condition to the issuance of a temporary or final certificate of occupancy or granting of permit sign-off, if no certificate of occupancy is required, DOB shall be provided with proof that the declaration of covenants and restrictions for ongoing site management has been duly recorded. The recording information for the ongoing site management declaration shall be referenced on the first certificate of occupancy to be issued after such declaration is recorded, as well as all subsequent certificates of occupancy, for as long as the declaration remains in effect.

(c) Modifications

Upon application to OER by the owner of the affected lot(s), OER may, with the consent of the lead agency, modify the environmental requirements set forth in a CEQR determination based upon new information, additional facts or updated standards, as applicable, provided that such modifications are equally protective.

(d) Completion of environmental requirements

- (1) Removal of tax lots subject to an (E) designation or an environmental restrictive declaration from APPENDIX C

The Department of City Planning (DCP) shall administratively modify APPENDIX C after receiving a duly issued OER Notice, stating that the environmental requirements related to an (E) designation or contained in an environmental restrictive declaration related to potential hazardous materials, noise or air quality have been completed or otherwise no longer apply to a tax lot(s), because:

- (i) no further testing, remediation or ongoing site management is required for hazardous materials contamination;
- (ii) the noise-generating source has been permanently eliminated; or
- (iii) the emissions source related to air quality has been permanently eliminated.

- (2) Removal of an (E) designation from APPENDIX C

DCP shall administratively remove an (E) designation

from APPENDIX C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements for all tax lots subject to the (E) designation have been completed.

- (3) Cancellation of an environmental restrictive declaration and modification of APPENDIX C

DCP shall administratively remove an environmental restrictive declaration from APPENDIX C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements contained in such environmental restrictive declaration have been completed for all tax lots and a Notice of Cancellation of the environmental restrictive declaration has been duly recorded against the subject tax lots in the Office of the City Register or, where applicable, in the County Clerk's Office in the county where the lots are located.

- (4) Notification

DCP shall notify DOB, MOEC and OER when modifications to APPENDIX C are made.

- (e) The provisions of this Section shall apply to all (E) designations and environmental restrictive declarations, notwithstanding the date such environmental requirements were established.

(3/28/12)

11-151

Special requirements for properties in the Borough of Queens

- (a) Block 9898, Lots 1 and 117, in the Borough of Queens, shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of the Zoning Resolution.
- (b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (1) through (5) of this paragraph,
(b).

- (1) The regulations of an R4 District shall apply within an area bounded by Liberty Avenue, 170th Street, a line 100 feet southeasterly of Liberty Avenue, and a line 100 feet southwesterly of 168th Place.
- (2) The regulations of a C8-1 District shall apply within an area bounded by Liberty Avenue, a line 100 feet southwesterly of 168th Place, a line 150 feet northwesterly of 104th Avenue, and Merrick Boulevard.
- (3) The regulations of an M1-1 District shall apply within an area bounded by Liberty Avenue, Sutphin Boulevard, 105th Avenue, a line 50 feet southwesterly of 148th Street, a line 100 feet northwesterly of 105th Avenue, and a line 150 feet northeasterly of Sutphin Boulevard.
- (4) The regulations of an R6 District with a C2-2 District overlay shall apply within an area bounded by 163rd Street, a line perpendicular to 163rd Street passing through a point distant 109.42 feet as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street, a line 86 feet northeasterly of 163rd Street, a line perpendicular to 163rd Street passing through a point 146.92 feet distant as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street.
- (5) The regulations of a C8-1 District shall apply within an area bounded by Hillside Avenue, a line 388 feet westerly of 144th Street, a line 100 feet northwesterly of 88th Avenue, a line 100 feet northeasterly of 139th Street, a line 120 feet northwesterly of 88th Avenue, a line 60 feet northeasterly of 139th Street, a line 70 feet southeasterly of Hillside Avenue, and 139th Street; and within an area bounded by Queens Boulevard, Hillside Avenue, 139th Street, a line 100 feet southeasterly of Hillside Avenue, a line midblock between 139th Street and Queens Boulevard, a line perpendicular to Queens Boulevard passing through a point distant 140 feet as measured along the northeasterly #street line# of Queens Boulevard from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of Queens Boulevard.

However, in the event that the Chairperson of the City

Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in paragraph (b) of this Section, the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

(10/25/93)

11-16

Pierhead Lines, Bulkhead Lines and Marginal Streets

The pierhead and bulkhead lines shown on the #zoning maps# shall be the lines adopted by the United States Army Corps of Engineers, except where a New York City pierhead or bulkhead line is adopted, in which case the New York City line shall be the governing line for the purposes of this Resolution. In the event a provision of this Resolution refers to a pierhead or bulkhead line and no such line is shown on the #zoning map#, then the #shoreline# shall control.

Marginal streets, ways, places or wharves shown on the #zoning maps# shall not be deemed to be #streets# for the purposes of this Resolution, unless expressly stated otherwise.

(12/15/61)

11-20

INTERPRETATION OF PROVISIONS

(12/15/61)

11-21

Provisions Are Minimum Requirements

In interpreting and applying the provisions of this Resolution, such provisions shall be considered as the minimum requirements:

- (a) to promote and protect public health, safety and general welfare, as set forth in the Preamble to this Resolution and

in the statements of legislative intent for the respective districts and other regulations; and

- (b) to provide a gradual remedy for existing conditions which are detrimental thereto.

(12/15/61)

11-22

Application of Overlapping Regulations

Whenever any provision of this Resolution and any other provisions of law, whether set forth in this Resolution or in any other law, ordinance or resolution of any kind, impose overlapping or contradictory regulations over the #use# of land, or over the #use# or #bulk# of #buildings or other structures#, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

(3/22/16)

11-23

Demolition and Replacement

The alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development# for the purposes of the following provisions. The provisions of this Section shall apply notwithstanding the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings). However, these provisions shall not apply where the #building# to be replaced is a #single-# or #two-family residence# utilizing the provisions of Article V.

Section 23-03 (Street Tree Planting in Residence Districts)

Section 23-04 (Planting Strips in Residence Districts)

Section 33-03 (Street Tree Planting in Commercial Districts)

Section 37-35 (Parking Wrap and Screening Requirements)

Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR)

Section 81-42 (Retail Continuity along Designated Streets)

Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair)

Section 81-72 (Use Regulations Modified)

Section 82-12 (Mandatory Off-Street Relocation of a Subway Stair)

Section 82-23 (Street Wall Transparency)

Section 91-12 (Uses on Designated Retail Streets)

Section 91-41 (Regulations for Designated Retail Streets)

Section 91-43 (Off-Street Relocation or Renovation of a Subway Stair)

Section 93-14 (Ground Floor Level Requirements)

Section 93-65 (Transit Facilities)

Section 93-66 (Open Area Requirements in the Large-Scale Plan Subdistrict A)

Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES)

Section 95-03 (Transit Easement)

Section 95-04 (Certification of Transit Easement Volume)

Section 95-08 (Special Use Regulations)

Section 97-12 (Arts and Entertainment Use Requirement)

Section 97-22 (Uses Not Permitted on the Ground Floor of Buildings)

Section 97-23 (Transparency Requirements)

Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue)

Section 98-53 (Required Open Areas on the East Side of the High Line)

Section 98-54 (Transparency Requirements on the East Side of the High Line)

Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS)

Section 101-11 (Special Ground Floor Use Regulations)

Section 101-12 (Transparency Requirements)

Section 101-43 (Off-street Relocation or Renovation of a Subway Stair)

Section 108-30 (MODIFICATION OF STREET TREE REQUIREMENTS)

Section 109-132 (Treatment of the ground level wall)

Section 109-21 (Use Regulations)

Section 109-33 (Special Front Wall Regulations)

Section 115-14 (Transparency Requirement in C4-5X and C6 Districts)

Section 116-12 (Mandatory Ground Floor Use and Frontage Requirements)

Section 116-13 (Transparency Requirements)

Section 117-31 (Special Use Regulations)

Section 117-42 (Special Bulk and Use Regulations in the Court Square Subdistrict)

Section 117-44 (Mandatory Subway Improvements)

Section 117-45 (Developer's Notice)

Section 117-513 (Transparency requirement)

Section 117-553 (Mandatory sidewalk widening)

Section 118-40 (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS)

Section 118-50 (OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT)

Section 119-112 (Tier I tree planting requirements)

Section 119-216 (Tier II tree planting requirements)

Section 122-50 (SPECIAL PROVISIONS FOR PLANTING STRIPS)

Section 124-30 (MANDATORY IMPROVEMENTS)

Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS)

Section 126-21 (Street Tree Planting)

(6/29/94)

11-25

District Designations Appended with Suffixes

All regulations applicable to a district designation shall be applicable to such district designation appended with a suffix, except as otherwise set forth in express provisions of this Resolution. If a section lists an R4 District, therefore, the provisions of that section shall also apply to R4-1, R4A and R4B Districts, unless separate provisions for the districts with suffixes are listed within such section. Wherever a section lists only a district with a suffix, the provisions applicable to such district are different from the provisions of that district without a suffix. If a section lists only a C4-6A District, therefore, the provisions of that section are not applicable to a C4-6 District.

(6/30/89)

11-27

Regulations Concerning Effective Date of Amendment and Alteration Permits

(6/30/89)

11-271

Alteration permits filed for residential occupancy prior to May 18, 1981, in certain M1-6 Districts

In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no

#dwelling units# shall be permitted, except that:

- (a) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# 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 shall be deemed to permit #residential use# as-of-right for such #dwelling unit#; and
- (b) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

(6/30/89)

11-272

Alteration applications filed prior to effective date of amendment C821182 ZMM, rezoning the area between Canal Street, Baxter Street, White Street and Broadway

In the #Manufacturing District# located in the area between Canal Street, Baxter Street, Walker Street, Centre Street, White Street and Broadway, #residential use# shall not be permitted. However:

- (a) all #dwelling units# for which an alteration application to permit such #use# was filed with the Department of Buildings prior to December 16, 1982, and a temporary or permanent certificate of occupancy is obtained not later than December 16, 1984, shall be a permitted #use#; and
- (b) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on August 31, 1982, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than August 31, 1983. For the

purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.

(6/30/89)

11-28

Regulations Concerning Effective Date of Permits Issued Pursuant to BSA Variances

(6/30/89)

11-281

Permits issued pursuant to variances granted prior to the effective date of amendment C880800 ZMM, removing the Special Yorkville-East 86th Street District

If, within the area affected by #zoning map# amendment C880800 ZMM, a variance to modify #bulk# regulations was granted prior to June 30, 1989, and a permit was issued in accordance with the terms of said variance within two years of the grant of said variance, construction pursuant to said permit may be continued.

(12/5/91)

11-30

BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT

(2/2/11)

11-31

General Provisions

For the purposes of Section 11-33, relating to Building Permits Issued before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply:

- (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction

and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution.

In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met.

- (b) The rights set forth in these Sections shall be retained only if all modifications, made in such plans after the effective date of any applicable amendment to this Resolution, do not create a new #non-compliance# or #non-conformity# or increase the degree of #non-compliance# or #non-conformity# with the provisions of this Resolution, as amended.
- (c) For the purposes of this paragraph (c), #abutting buildings# on a single #zoning lot# shall be considered to be a single #building#. As used in Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment):
 - (1) "minor development" shall include:
 - (i) construction of any single #building# which will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution; or
 - (ii) construction of two or more #buildings# on a single #zoning lot# which under the provisions of any applicable amendment to this Resolution will be #non-conforming#; or
 - (iii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a #street# or #street# intersection; and
 - (a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and
 - (b) will be #non-conforming# under the provisions of any applicable amendment to this Resolution; or
 - (iv) a major #enlargement#, which is an #enlargement#

requiring the installation of foundations and involving at least 50 percent of the total #floor area# of such #enlarged building#, and which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution. For the purposes of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment) only, a major #enlargement# shall also include any other #enlargement# adding at least 50,000 square feet to the #floor area# of an existing #building#, which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution.

(2) "major development" shall include:

- (i) construction of two or more #buildings# on a single #zoning lot# which will be #non-complying# under the provisions of any applicable amendment to this Resolution; or
- (ii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a #street# or #street# intersection; and
 - (a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and
 - (b) will be #non-complying# under the provisions of any applicable amendment to this Resolution.

(3) "Other construction" shall include:

- (i) any #enlargement# other than a major #enlargement#; or
- (ii) any #extension#, #conversion# or structural alteration; or
- (iii) construction of any structure other than a #building#;

which will be #non-conforming# or #non-complying# under

the provisions of any applicable amendment to this Resolution.

(12/5/91)

11-33

Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment

The provisions of this Section shall apply to minor developments, major developments or other construction authorized by building permits lawfully issued before the effective date of an applicable amendment of this Resolution except as specifically provided elsewhere in this Resolution.

(2/2/11)

11-331

Right to construct if foundations completed

If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued, as set forth in paragraph (a) of Section 11-31, to a person with a possessory interest in a #zoning lot#, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that:

- (a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or
- (b) in the case of a major development, the foundations for at least one #building# had been completed prior to such effective date.

In the event that such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date 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. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations.

(6/29/94)

11-332

Extension of period to complete construction

- (a) In the event that the construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy including a temporary certificate of occupancy, issued therefore within two years after the effective date of any applicable amendment, or for other construction if construction has not been completed on the effective date of any applicable amendment, 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. The Board may renew such building permit for two terms of not more than two years each for a minor development or three terms of not more than two years each for a major development or one term of not more than three months for other construction. In granting such an extension, the Board shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit.
- (b) However, in the event that construction has not been completed at the expiration of the extended terms specified in paragraph (a) of this Section, or in Sections 11-333 (Residential developments with building permits issued on or before June 30, 1989) or 11-334 (Building permits issued prior to June 29, 1994), such building permit may be renewed by the Board for terms of one year each upon the following findings:
- (1) that the applicant has been prevented from completing such construction by hardship or circumstances beyond the applicant's control;
 - (2) that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable amendment to this Resolution; and

- (3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the applicable amendment to this Resolution.
- (c) The rights or obligations that accrue or are created by this Section shall commence on December 5, 1991.
- (d) If judicial proceedings affecting the validity of the building permit have been instituted, the rights or obligations that accrue or are created by this Section shall commence upon the date of entry of the final order in such proceedings, including all appeals.

(12/5/91)

11-333

Residential developments with building permits issued on or before June 30, 1989

If on or before June 30, 1989, the foundations of a #residential# major or minor development have been completed and permits issued pursuant to the requirements of Section 11-331 (Right to construct if foundations completed), and a certificate of occupancy has not been issued by June 30, 1991, construction may continue until June 30, 1995, for a minor development, or until June 30, 1997, for a major development, provided the Commissioner of Buildings determines that 30 percent of the #floor area# of the major or minor development was roofed and enclosed by walls by June 30, 1991. Applications to continue construction under this Section must be filed with the Commissioner of Buildings within 90 days of December 5, 1991. If the Commissioner of Buildings has granted the right to continue construction of a major or minor development pursuant to this Section, the Board of Standards and Appeals may not grant the right to continue construction pursuant to paragraph (a) of Section 11-332.

(6/29/94)

11-334

Building permits issued prior to June 29, 1994

If, before June 29, 1994, a building permit has been lawfully issued, as set forth in paragraph (a) of Section 11-31, to a person with a possessory interest in a #zoning lot# authorizing

construction, such construction may be started or continued for a period of one year pursuant to the regulations governing R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10A Districts or #Commercial Districts# with such #Residence District bulk# regulations, or in any other district in which such construction complies with the Quality Housing Program, prior to the adoption of N940257 ZRY - Quality Housing Follow-Up Text Amendments.

(4/22/09)

11-335

Building permits for other construction in R1-2A and R2A Districts

In R1-2A Districts established on or after April 22, 2009, and R2A Districts established on or after December 20, 2006, if a building permit for other construction has been lawfully issued prior to the dates establishing such districts, such construction may be continued, notwithstanding the provisions of paragraph (a) of Section 11-332 (Extension of period to complete construction), provided that the Department of Buildings determines that all of the requisite structural framing to perform the work authorized under the permit was completed on or before the date establishing the district. If the Commissioner of Buildings determines that such framing was not complete on such date, the provisions of paragraph (a) of Section 11-332 shall apply.

(4/30/08)

11-336

Building permits issued before April 30, 2008

In all districts other than R1, R2, R3, R4 or R5 Districts, if, before April 30, 2008, a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N080078 ZRY, pertaining to #yards# and N080081 ZRY, pertaining to #street# trees, shall not apply, provided that foundations have been completed in accordance with paragraphs (a) and (b) of Section 11-331 (Right to construct if foundations completed), as applicable, before April 30, 2009. The provisions of Section 11-332 (Extension of period to complete construction) shall not apply.

(4/22/09)

11-337**Building permits issued and applications filed before April 22, 2009**

If, before April 22, 2009, a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

If, on or before November 17, 2008, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been certified or referred to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

For hospitals, if, before April 22, 2009, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been filed to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

(2/2/11)

11-338**Building permits issued before February 2, 2011**

If a building permit has been lawfully issued on or before February 2, 2011, authorizing "other construction" as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), construction pursuant to such permit may continue pursuant to the regulations governing such construction prior to the adoption of N110090(A) ZRY (Key Terms Clarification zoning text amendment) until February 2, 2012.

However, this Section shall not apply to "other construction" subject to Sections 23-692 (Height limitations for narrow buildings or enlargements) or 109-124 (Height and setback regulations).

(7/23/15)

11-339**Post-Hurricane Sandy construction**

The provisions of this Section shall apply within the #flood zone#. The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the Building Code of the City of New York, or its successors, including those pertaining to expiration, reinstatement, revocation and suspension. Changes in #flood maps# shall be considered an amendment of the Zoning Resolution pursuant to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT).

- (a) Applications for approval of construction documents approved pursuant to Executive Order 230

If an application for approval of construction documents has been approved on or before October 9, 2013, pursuant to Executive Order No. 230 (Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards), dated January 31, 2013, and its successors, including Executive Order No. 427 in effect on October 9, 2013, relating to #Hurricane Sandy# as defined in Section 64-11 of this Resolution, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, and such construction may continue until October 9, 2019. After such date, the vesting provisions of Section 11-30 shall apply.

- (b) Construction approved pursuant to previous versions of #flood maps#

If, within one year prior to a change in the #flood maps# affecting a property, the Department of Buildings issued an approval of construction documents or issued a building permit for construction on that property pursuant to the previous #flood maps#, the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), shall be deemed modified so as to substitute the previous #flood maps# for the current #flood maps#, and such construction may continue pursuant to such prior #flood maps# until October 9, 2019. After this date, the vesting provisions of Section 11-30 shall apply.

- (c) Provisions applying in the event that Flood Resilience Zoning Text Amendment expires

This provision shall become effective only upon the expiration of Article VI, Chapter 4, adopted on October 9, 2013. If an application for approval of construction documents has been approved on or before the expiration of

Article VI, Chapter 4, a building permit authorizing such construction may be issued pursuant to Article VI, Chapter 4, and such construction may continue until a date six years after the expiration of Article VI, Chapter 4. After such date, the vesting provisions of Section 11-30 shall apply.

- (d) Provisions applying when Appendix A (Special Regulations for Neighborhood Recovery) of Article VI, Chapter 4 expires

This provision shall become effective only upon the expiration of Appendix A of Article VI, Chapter 4 (Special Regulations for Neighborhood Recovery), adopted on July 23, 2015. If a building permit authorizing construction pursuant to Appendix A has been approved on or before the expiration of such Appendix, construction may continue up to two years after the expiration. After such date, the provisions of Section 11-30 shall apply.

(7/18/95)

11-40

EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

(7/18/95)

11-41

Exceptions, Variances or Permits Previously Authorized Pursuant to the 1916 Zoning Resolution

Whenever under the provisions of the 1916 Zoning Resolution as amended, either the Board of Standards and Appeals or the City Planning Commission with the approval of the Board of Estimate or the City Council, has authorized any #use# to locate in a district in which it is not permitted as-of-right by issuing a variance, exception or permit, such existing #use# established pursuant to such grant may be continued, changed, #extended#, #enlarged# or structurally altered only as provided in this Section or in Article VII, Chapter 3 or 4, provided that the #lot area# of the #zoning lot# occupied by such #use# is not increased.

(12/15/61)

11-411

Renewals

Where no limitation as to duration of the #use# was imposed at the time of authorization, such #use# may be continued. Where such #use# was authorized subject to a term of years, such #use# may be continued until the expiration of the term, and thereafter, the agency which originally authorized such #use# may, in appropriate cases, extend the period of continuance for one or more terms of not more than 10 years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such #use# on the character of the neighborhood.

(12/5/91)

11-412

Alterations, extensions or enlargements

Repairs or #incidental alterations# may be made and in appropriate cases the authorizing agency may permit structural alterations, #extensions# or #enlargements# limited to the #zoning lot# that was granted a variance, exception or permit prior to December 15, 1961. However, the #use# of any #building or other structure# shall not be #extended#, and the #building or other structure# shall not be #enlarged#, in excess of 50 percent of the #floor area# of such #building# (or size of such structure) occupied or utilized by the #use# on December 15, 1961, and, except as otherwise provided in Article VII, no structural alterations, #extensions# or #enlargements# shall be authorized for a new #non-conforming use# authorized under the provisions of Section 11-413 (Change of use).

(10/25/67)

11-413

Change of use

Such #use# may be changed to a conforming #use# and in appropriate cases the authorizing agency may permit such #use# to be changed to another #non-conforming use# which would be permitted under the provisions applicable to #non-conforming uses# as set forth in Sections 52-31 to 52-36, inclusive, relating to Change of Non-Conforming Use, provided that the authorizing agency finds that such change of #use# will not impair the essential character or the future use or development of the surrounding area.

In permitting a change to another #non-conforming use#, such authorizing agency may impose appropriate conditions and safeguards to minimize any adverse effects upon the character of the surrounding area.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other Use Group. A change in ownership or occupancy shall not, by itself, constitute a change of #use#.

(2/2/11)

11-42

Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution

- (a) Except as otherwise provided in paragraphs (b), (c) or (d) of this Section, any authorization or special permit granted by the City Planning Commission under the provisions of the 1961 Zoning Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such special permit or authorization was granted, has not been completed within four years from the effective date of such permit or authorization. Substantial construction shall mean, in the case of a new #building# or #buildings#, the substantial construction of at least one #building#. For the purposes of this paragraph (a), #abutting buildings# on a single #zoning lot# shall be considered to be one #building#.
- (b) Any authorization or special permit for a site that is part of an urban renewal area or other government-sponsored or government-assisted project shall automatically lapse within four years from the date of the applicant's possession of the site, or sites, or the effective date of an authorization or special permit, whichever is later; or
- (c) Upon a showing that a longer time period for substantial construction is required for a phased construction program of a multi-#building# complex, the Commission may, at the time of granting an authorization or special permit, extend the period set forth in paragraph (a) of this Section to a period not to exceed 10 years; or
- (d) In the event judicial proceedings have been instituted to review the decision to grant any authorization or special permit, the lapse period set forth in paragraph (a), (b) or

(c) of this Section, whichever is applicable, shall commence upon the date of entry of the final order in such proceedings, including appeals.

(7/18/95)

11-43

Renewal of Authorization or Special Permit

Any authorization or special permit granted by the City Planning Commission, except one granted with a 10 year lapse period, that would automatically lapse as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) may be renewed without public hearing, for two additional three-year terms, provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed. However, all special permits or authorizations granted by the Commission shall lapse after a total of 10 years from the date of their original granting if substantial construction has not taken place at such time. An application for a renewal of authorization or special permit shall be filed with the Commission before it lapses.

(8/12/04)

11-44

Special Permits Granted Prior to August 12, 2004

Within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, any special permit granted by the City Planning Commission may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the #bulk# regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

(8/12/04)

11-45

Authorizations or Permits in Lower Density Growth Management Areas

The provisions of this Section shall apply within #lower density growth management areas#.

- (a) Notwithstanding the provisions of N040414ZRY, pertaining to #lower density growth management areas#, and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N040414ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to August 12, 2004:
- (1) Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the Commission and, where applicable, the City Council, prior to August 12, 2004, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.
 - (2) Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.
- (b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:
- (1) #Developments#, including minor modifications thereto, within the #Special South Richmond Development

District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

- (2) #Developments# within the #Special South Richmond Development District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

(11/16/78)

11-50

SEPARABILITY

It is hereby declared to be the legislative intent that:

- (a) if a court of competent jurisdiction finds any provisions of this Resolution to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Resolution shall continue to be separately and fully effective.
- (b) if a court of competent jurisdiction finds the application of any provision or provisions of this Resolution to any #zoning lot#, #building or other structure#, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

(9/14/89)

**11-60
VIOLATIONS**

(9/14/89)

**11-61
General Provisions**

The owner, general agent, lessee or tenant of any #building or other structure# or tract of land in which a violation of this Resolution has been committed or shall exist; or the general agent, architect, builder or contractor; or any other person who commits, takes part or assists in any such violation or who maintains any #building or other structure# or tract of land in which any such violation shall exist, shall be guilty of a misdemeanor.

Any such person, having been served with an order to remove any such violation, who shall fail to comply with such order within 10 days after such service or who shall continue to violate any provision of this Resolution in the respect named in such order shall be guilty of a misdemeanor.

In addition to the foregoing remedies, the City may maintain an action for an injunction to restrain any violation of this Resolution.

(9/14/89)

**11-62
Failure to Comply with Special Permits, Variances, Authorizations
or Certifications**

Failure to comply with any conditions or restrictions in special permits, variances, authorizations or certifications granted under this Resolution shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for revocation of such special permit, variance, authorization or certification, and for all other applicable remedies.

In any application for modification, renewal or extension of a previously granted special permit, authorization or

certification, or for modification or renewal of a previously granted variance, the applicant shall verify whether it has complied with each of the conditions and safeguards theretofore prescribed by the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable. In the event that the applicant has not complied with such conditions and safeguards, such #non-compliance# may constitute grounds for the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable, to disapprove the application for modification, renewal or extension.

(12/15/61)

11-70

EFFECTIVE DATE

This Resolution shall take effect one year after the date of its approval by the Board of Estimate.

After the date of approval by the Board of Estimate, applications for permits to build in accordance with the provisions of this Resolution may be filed with and approved by the Department of Buildings, provided that no building permit shall be lawfully issued under this Resolution until such effective date or thereafter.