**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 11-41 - Exceptions, Variances or Permits Previously Authorized Pursuant to the 1916 Zoning Resolution

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## 11-41 - Exceptions, Variances or Permits Previously Authorized Pursuant to the 1916 Zoning Resolution

LAST AMENDED
7/18/1995

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.

## 11-411 - Renewals

LAST AMENDED
12/15/1961

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.

## 11-412 - Alterations, extensions or enlargements

LAST AMENDED
12/5/1991

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).

## 11-413 - Change of use

LAST AMENDED
10/25/1967

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#.