Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

88-12 - Community Facility Use

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LAST AMENDED
6/6/2024

The #community facility use# regulations for Use Group III that are applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In lieu thereof, all #uses# listed under Use Group III shall be permitted, except that those listed under Use Group III(A) shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

(a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, such absence of a #qualifying building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of #commercial# or #manufacturing# #floor area# that existed within #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:

(1) #commercial# or #manufacturing# #floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count towards meeting the requirements of this certification; and

(2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing# #floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as #commercial# or #manufacturing# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing# #floor area# that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from #commercial# or #manufacturing# to #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.