Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

73-64 - Modifications for Community Facility Uses

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73-64 - Modifications for Community Facility Uses

LAST AMENDED
6/6/2024

On a #zoning lot# occupied by any of the #community facility# #uses# specified in this Section, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility# #uses# include the following #uses# listed under Use Group III:

College or school student dormitories or fraternity and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools

Community centers

Houses of worship, rectories, parish houses or seminaries

Libraries, museums or non-commercial art galleries

Monasteries, convents or novitiates

#Non-profit hospital staff dwellings#

Non-profit or voluntary hospitals and related facilities

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group III(B)

#Schools#.

73-641 - Integration of new buildings or enlargements with existing buildings

LAST AMENDED
11/30/2017

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-50 through 24-55, inclusive, paragraphs (b) through (d) of Section 24-56, Sections 33-40 through 33-45, inclusive, or Sections 43-41 through 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 through 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility# #use#, from December 15, 1961, until the time of application. However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Sections 24-50 and 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

As a condition of granting such modification, the Board shall find:

(a) that such modification is required in order to enable such #use# to provide an essential service to the community;

(b) that without such modification there is no way to design and construct the new #buildings# or #enlargements# in satisfactory physical relationships to the existing #buildings# which are to remain upon the site, so as to produce an integrated development; and

(c) that such modification is the minimum modification necessary to permit the development of such integrated community facility, and thereby creates the least detriment to the character of the neighborhood and the use of nearby #zoning lots#.

73-642 - Temporary failure to comply

LAST AMENDED
2/2/2011

In any district where such a specified #community facility# #use# is permitted, and on any #zoning lot# where one or more #buildings# occupied by such #use# exist on the date of application for the special permit, the Board of Standards and Appeals may permit #development# or #enlargements# which, only because of the continued existence of such #buildings# on a temporary basis, fail to comply with one or more of the applicable district #bulk# regulations, provided that the Board finds that continued use of the existing #buildings# is essential as a service to the community until the new construction makes it possible to replace the facilities contained therein.

The Board shall prescribe as a condition of such permit that such existing #buildings# will be removed within a stated period of time not to exceed two years after completion of the #development# or #enlargement#.

73-643 - Community centers

LAST AMENDED
2/2/2011

In any such #development# or #enlargement# consisting of a community center serving primarily the residents of the #zoning lot#, the Board of Standards and Appeals may permit the density regulations set forth in Sections 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACUILITY USES) or 35-40 (APPLICABILITY OF DENSITY REGULATIONS) to be modified, provided that the total number of #dwelling units# permitted by these Sections and all other applicable #bulk# regulations set forth in Articles II and III of this Resolution shall not be increased by more than 10 percent.