Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

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

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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#.