Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

11-332 - Extension of period to complete construction

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LAST AMENDED
6/29/1994

(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 therefor 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.