Zoning Resolution

THE CITY OF NEW YORK  CITY PLANNING COMMISSION
Bill de Blasio, Mayor  Marisa Lago, Chair

74-71 - Landmark Preservation

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74-71 - Landmark Preservation

LAST AMENDED
11/25/1997

74-711 - Landmark preservation in all districts

LAST AMENDED
2/2/2011

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

(a) The following conditions are met:

   (1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

   (2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such #bulk# modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and

   (3) the maximum number of #dwelling units# shall be as set forth in Section 15-111 (Number of permitted dwelling units).

(b) In order to grant a special permit, the City Planning Commission shall find that:

   (1) such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

   (2) such #use# modifications shall have minimal adverse effects on the conforming #uses# within the #building# and in the surrounding area.

The Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# and #buildings# on the #zoning lot#.
Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

(a) In M1-5A and M1-5B Districts, on a zoning lot that, as of December 15, 2003, is vacant, is land with minor improvements, or has not more than 40 percent of the lot area occupied by existing buildings, the Commission may modify use regulations to permit residential development and, below the floor level of the second story of any development, uses permitted under Section 32-15 (Use Group 6), provided:

1. the use modifications shall meet the following conditions, that:
   
   i. residential development complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
   
   ii. total floor area ratio on the zoning lot shall be limited to 5.0;
   
   iii. the minimum floor area of each dwelling unit permitted by this Section shall be 1,200 square feet;
   
   iv. all signs for residential or commercial uses permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
   
   v. eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and

2. the Commission shall find that such use modifications:

   i. have minimal adverse effects on the conforming uses in the surrounding area;
   
   ii. are compatible with the character of the surrounding area; and
   
   iii. for modifications that permit residential use, result in a development that is compatible with the scale of the surrounding area.

(b) In all districts, the Commission may modify bulk regulations, except floor area ratio regulations, for any development on a zoning lot that is vacant or is land with minor improvements, and in M1-5A and M1-5B Districts, the Commission may make such modifications for zoning lots where not more than 40 percent of the lot area is occupied by existing buildings as of December 15, 2003, provided the Commission finds that such
bulk modifications:

(1) shall not adversely affect structures or open space in the vicinity in terms of scale, location and access to light and air; and

(2) relate harmoniously to buildings in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the development and to minimize adverse effects on the character of the surrounding area.