



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

73-20 - ADDITIONAL SPECIAL PERMIT USES

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73-20 - ADDITIONAL SPECIAL PERMIT USES

LAST AMENDED
5/12/2021

73-21 - Production Uses

LAST AMENDED
6/6/2024

73-211 - Production uses

LAST AMENDED
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to #uses# listed under Use Group X, as set forth in Sections [32-20](#) and [42-20](#) (Use Group X – Production Uses), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For #uses# listed under Use Group X, other than those #uses# for which another permit exists pursuant to Section [73-21](#), inclusive, the Board may permit:
- (1) modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group X;
 - (2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or
 - (3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.
- (b) In order to grant such permit, the Board shall find that:
- (1) such #use# will not impair the character or the future use or development of the surrounding area;
 - (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
 - (3) the modifications are necessary to support the operation of such #use#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-24 - Eating or Drinking Places

LAST AMENDED
12/18/1980

73-244 - In C2, C3, C4*, C6-4**, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District

In C2, C3, C4*, C6-4**, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

- (a) that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;
- (b) that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;
- (c) that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;
- (d) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;
- (e) that such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code; and
- (f) that the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

Any violation of the terms of a special permit may be grounds for its revocation.

* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue