Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

62-83 - Special Permits by the City Planning Commission

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62-83 - Special Permits by the City Planning Commission

LAST AMENDED
4/22/2009

62-831 - General provisions

LAST AMENDED
3/22/2016

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of Section 27-131 (Mandatory Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 27-12 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

62-832 - Docks for passenger ocean vessels in C6 Districts

LAST AMENDED
3/22/2016

In C6 Districts, the City Planning Commission may permit docks for passenger ocean vessels, other than #gambling vessels#.

As a condition for granting a special permit, the Commission shall find that:

(a) such facility will not create serious pedestrian or vehicular traffic congestion that would unduly inhibit surface traffic and pedestrian flow in the surrounding area;

(b) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby;

(c) an area will be provided for the drop-off and pick-up of passengers by private car, taxi, van and bus that, at a minimum, meets the requirements of Section 62-462 (Passenger drop-off and pick-up areas for docking facilities), and which is so designed as to avoid traffic or pedestrian conflict on the #streets# providing access to the facility; and

(d) such #use# will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including the provision of #accessory# off-street parking spaces, #accessory# off-street loading berths or additional area for the temporary parking of vehicles or buses for drop-off and pick-up of passengers.

62-833 - Docks for ferries or water taxis in Residence Districts

LAST AMENDED
6/6/2024

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1 in the Borough of Brooklyn, where the certification provisions of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group IV(B), provided that:

(a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

(b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;

(c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;

(d) #accessory# off-street parking spaces are provided in accordance with Section 62-43 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

(e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

62-834 - Uses on floating structures

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section 62-25 to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations and the #floating structure# complies with the height and setback regulations of Section 62-345.

An application for a #use# on a #floating structure# pursuant to this Section shall be made jointly by the property owner and the owner of the #floating structure#, if they are separate entities. In addition, the application shall include copies of all Federal and State permit applications that are required to be filed in conjunction with the proposed #use#.

As a condition for granting a special permit, the Commission shall find that:

(a) the proposed #use# is a WE #use# or is either a power plant or government-owned and operated facility that requires such a location due to the absence of a reasonable way to site the facility without use of a #floating structure#;

(b) a plan for public access on the #floating structure#, elsewhere on the #zoning lot#, or off-site on public property adjacent to the #zoning lot#, is provided that is appropriate to the size and intensity of #use# on the #floating structure#;

(c) except for power plants or government-owned and operated facilities, the location of such #use# on a #floating structure# will enhance public access to and use of the waterfront; and

(d) the location of such #use# on a #floating structure# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

However, the Commission may waive the public access requirement for a power plant or government-owned and operated facility either where such access would conflict with the operation of the facility or be detrimental to the public welfare.

The Commission may also permit modification of the #visual corridor# requirements of Section 62-51, inclusive, provided it makes the additional finding that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public #streets# or other public places.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #floating structures# on the same or adjoining #zoning lots# and limitations on lighting or signage.

62-835 - Developments on piers or platforms

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit:

(a) a change of #use# on a #new pier# or #new platform# from a WD #use# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31, paragraph (a), or the maximum #floor area ratio#, provided the Commission finds that:

(1) existing permitted WD #uses# and open WE #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;

(2) the proposed WE #use# will significantly enhance public use and enjoyment of the waterfront;

(3) there is no increase in #water coverage#; and

(4) in the case of modification of #bulk# regulations for an existing #building#, findings (b)(3) through (b)(6) of this Section are also met. Finding (b)(4) shall also include #platforms# within the #seaward lot#.

(b) for an #existing pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and 62-344 (Developments on piers), provided the Commission finds that:

(1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;

(2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#;

(3) the proposed #development# does not violate the #bulk# provisions of Section 62-34 (Height and Setback Regulations on Waterfront Blocks);

(4) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;

(5) such #bulk# modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and

(6) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

(c) for #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, provided the Commission finds that:

(1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60, inclusive; and

(2) an alternative #waterfront public access area# and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.

In the event that the Commission determines there is no feasible way to provide substantially equal alternative public access areas, either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

62-836 - Public parking facilities on waterfront blocks

LAST AMENDED
12/5/2024

In C1, C2, C4, C5, C6 and C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# on #waterfront blocks# in accordance with applicable district regulations, provided the parking facility is an interim #use# limited to a term of not more than five years, or the Commission finds that:

(a) the facility is needed to serve primarily waterfront #developments# containing WD or WE #uses#; and

(b) there is no practical possibility of locating such facility on a non-#waterfront block# because appropriate sites on such #blocks# are occupied by substantial improvements.

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

62-837 - Bulk modifications on waterfront blocks

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations, for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new platform#, provided the Commission finds that such modifications will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties; and

(a) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or

(b) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.

62-838 - Docks for gambling vessels

LAST AMENDED
6/6/2024

In all #Commercial Districts# and in all #Manufacturing Districts#, the City Planning Commission may permit docks for #gambling vessels#, provided that, in #Commercial Districts#, the maximum aggregate dock capacity per #zoning lot# set forth in paragraph (b)(3) of Section 32-142 (Use Group IV – uses subject to size limitations) shall apply.

As a condition for permitting such #use#, the Commission shall find that:

(a) the #streets# providing access to such docking facility will be adequate to ensure that the traffic generated will not unduly impede surface traffic and pedestrian flow in the surrounding area;

(b) any noise and activity related to the docking facility, including vessel operations, will not have a detrimental impact on the waterfront and surrounding area; and

(c) such #use# will not be incompatible with the essential character, #use# or future growth of the waterfront and surrounding area.

Docks for #gambling vessels# shall comply with all provisions of the Resolution, including the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), applicable to the type of vessel on which the shipboard gambling business is operated.

The Commission may prescribe additional conditions and safeguards to minimize any adverse effects on the waterfront and surrounding area.