



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **74-00 - POWERS OF THE CITY PLANNING COMMISSION**

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## 74-00 - POWERS OF THE CITY PLANNING COMMISSION

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LAST AMENDED  
12/15/1961

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### 74-01 - General Provisions

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LAST AMENDED  
3/22/2016

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits in specific districts for the #uses# listed in this Chapter, whose location or control requires special consideration or major planning factors, or for specified modifications of the #use# or #bulk# regulations of this Resolution, provided that in each specific case the requirement for findings as set forth in this Chapter shall constitute a condition precedent to the grant of such special permit.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such special permit #use# or #building or other structure# permitted hereunder shall conform to and comply with all of the applicable regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory# #signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution except as otherwise specifically provided in this Chapter.

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section [11-41](#) relating to Exceptions, Variances or Permits Previously Authorized.

In all Special Purpose Districts, the provisions of [23-934](#) (Special permit approval in Special Purpose Districts), with respect to special permits that modify #use# or #bulk#, shall apply. In the #Special Midtown District#, the powers of the Commission to permit special permit #uses# are modified by the provisions of Section [81-13](#) (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or grant bonus #floor area# for certain amenities are made inapplicable or modified in accordance with the provisions of Section [81-062](#) (Applicability of Chapter 4 of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section [62-132](#) (Applicability of Article VII, Chapters 4, 8 and 9).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

Fire stations

Police stations

Public transit, railroad or electric utility substations limited to sites of not less than 40,000 square feet and not more than 10 acres

Sewage disposal plants.

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### 74-02 - Further Requirements

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LAST AMENDED  
8/24/1967

It shall be a further requirement that the decision or determination of the City Planning Commission shall set forth each required finding in each specific grant of a special permit #use#, or modification of the #use# or #bulk# regulations, and in each denial thereof which of the required findings has not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Commission in reaching its final decision, including the personal knowledge of or inspection by the members of the Commission.

In no case shall a special permit for a proposed sewage treatment plant or pumping station under Section [74-73](#) of this Chapter be denied without a prior public hearing by the Commission. Such public hearing must be held by the Commission and decision given within six months of the date of filing of the request for such special permit with the Commission.