Zoning Resolution

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

74-30 - SPECIAL PERMIT USES

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The City Planning Commission shall have the power to permit in the districts indicated, the special permit uses set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:

(a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use, and shall find that the hazards or disadvantages to the community at large through the location of such use at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit use.

The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such use will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases, the Commission shall deny a special permit use whenever such use will interfere with a public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit use.

(c) Where, under the applicable findings, the Commission is required to determine whether the special permit use is appropriately located in relation to the street system, the Commission shall make such determination on the basis of the Master Plan of Arterial Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit use in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such streets.

(d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit use in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its
determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

(e) The Commission may authorize any special permit use for such term of years as it deems appropriate.

(f) The Commission may permit the enlargement or extension of any existing use which, if new, would be permitted by special permit in the specified districts under the provisions of Section 74-01 (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement or extension within the permitted districts, the Commission shall make all of the required findings applicable to the special permit use, except that:

(1) in the case of public parking garages or public parking lots, the Commission may waive all such applicable required findings set forth in Section 74-51 or 74-52, except that the capacity of any such garage or lot in a C1 District shall not exceed 100 spaces; and

(2) in the case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Section 74-61, except that the requirements with respect to site size shall not be waived.

No such enlargement or extension shall create a new non-compliance or increase the degree of non-compliance with the applicable bulk regulations.

74-32 - Additional Considerations for Special Permit Use and Bulk Modifications

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 paragraph (d) of Section 23-154 (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 23-92 (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).