Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-10 - SPECIAL PERMIT USES

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74-10 - SPECIAL PERMIT USES

LAST AMENDED
6/6/2024

74-11 - Agriculture and Other Open Uses

LAST AMENDED
6/6/2024

74-12 - Residences

LAST AMENDED
6/6/2024

74-121 - Residential use in C4-1 Districts in Staten Island

LAST AMENDED
12/5/2024

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block#, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

74-13 - Community Facilities

LAST AMENDED
6/6/2024

74-131 - Long-term care facilities

LAST AMENDED
12/5/2024

The Commission may permit #long-term care facilities# listed under Use Group III(A) in R1 and R2 Districts where they are not permitted as of right, provided that the following findings are made:

(a) such #use# is compatible with the character of the surrounding area;

(b) the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and

(c) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

Where such #use# is permitted by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

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

74-132 - Non-profit hospital staff dwellings

LAST AMENDED
6/6/2024

The City Planning Commission may permit #non-profit hospital staff dwellings# in accordance with the conditions of paragraph (a) of this Section, provided that the findings of paragraph (b) are met.

(a) The Commission may permit:

(1) in all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or voluntary hospital and related facilities; or

(2) in C4-2 Districts without a letter suffix, in Community District 11 in the Borough of the Bronx, #non-profit hospital staff dwellings# on #zoning lots# located not more than 1,500 feet from the non-profit or voluntary hospital and related facilities.

(b) To permit such #non-profit hospital staff dwellings#, the Commission shall find:

(1) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use

or development of the surrounding area; and

(2) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

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

74-133 - Swimming pool clubs or certain non-commercial clubs

LAST AMENDED
6/6/2024

In all #Residence Districts#, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line#, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;

(c) that such #use# has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the #streets#;

(d) that in R1, R2, R3 or R4 Districts, the pool or any #accessory# facilities affixed to the land are not located closer than 100 feet or, in the case of an #accessory# outdoor tennis court, such tennis court shall not be closer than 20 feet, to any #side# or #rear lot line# coincident with a #side# or #rear lot line# of an adjoining #zoning lot# in a #Residence District#, and not

located closer than 50 feet to any #street line#, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any #street# or #lot line#, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and

(e) that for every 200 square feet of #lot area# used for the pool and its #accessory# facilities, one #accessory# off-street parking space is provided.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.

74-134 - Other community facility uses in M1 Districts

LAST AMENDED
6/6/2024

In M1 Districts, the City Planning Commission may permit any remaining #uses# listed under Use Group III(B), other than educational institutions, provided that such #use# is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

(a) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;

(b) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;

(c) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;

(d) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

(e) within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and

(f) such facility will not impair the essential character of the surrounding area.

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

74-14 - Public Service Facilities and Infrastructure

LAST AMENDED
6/6/2024

74-141 - Fire or police stations

LAST AMENDED
6/6/2024

In all #Residence Districts#, the City Planning Commission may permit fire or police stations listed under Use Group IV(A), provided that the following findings are made:

(a) that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and

(b) in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.

For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

74-142 - Electric utility substations

LAST AMENDED
6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) listed under Use Group IV(B), limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

(a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

74-143 - Sewage pumping stations and sewage disposal plants

LAST AMENDED
6/6/2024

The City Planning Commission may permit sewage pumping stations and sewage disposal plants listed under Use Group IV(B) pursuant to paragraphs (a), (b) or (c) of this Section, as applicable.

(a) Private sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit private sanitary or storm water sewage pumping stations and sewage disposal plants, provided that:

(1) such use will serve a #development# which contains more than 15 #dwelling units#;

(2) there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area;

(3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;

(4) for sewage disposal plants:

(i) the related #development# is arranged in such a way as best to serve active and passive recreation needs; protect and preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of #buildings# to achieve these objectives; and

(ii) the proposed plant will be adequate for anticipated development in the area to be served; or

(5) in all cases, the proposal promotes and protects the public health, safety and general welfare.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Resources for a report.

The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.

(b) Private sewage disposal plants

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit private sewage disposal plants provided that:

(1) such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located;

(2) that in the case of a residential area, such area contains more than 50 #dwelling units#; and

(3) that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area or commercial area.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Protection for a report.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

(c) Municipal sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit municipal sewage pumping stations, and in all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the Commission may permit municipal sewage disposal plants, provided that:

(1) there are serious difficulties in locating it in a district where it is permitted as-of-right;

(2) in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served;

(3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities; and

(4) in all cases, the proposal promotes and protects the public health, safety and general welfare.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.

74-144 - Airports

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities listed under Use Group IV(B), in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, provided that the following findings are made:

(a) that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the

general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

74-145 - Bus stations

LAST AMENDED
11/21/2024

The City Planning Commission may permit bus stations listed under Use Group IV(B) with fewer than 10 berths pursuant to paragraph (a) of this Section, and with 10 or more berths pursuant to paragraph (b) or paragraph (c), as applicable.

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in this Section.

(a) In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;

(2) that the principal access of such #use# is not located on a local #street#;

(3) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and

(4) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

(b) In C4, C6 or #Manufacturing Districts#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;

(2) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(3) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby #residential# areas by topographical or physical conditions of the land;

(4) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and

(5) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

(c) In any #Commercial District# or #Manufacturing District#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of any size, where the

#bus station and related facilities# are located wholly or partially in the #Special Midtown District# within Community District 4 in the Borough of Manhattan.

For purposes of this paragraph (c), a "bus station and related facilities" shall refer to: any bus station and #uses# #accessory# thereto that are #developed# in accordance with a special permit granted under this paragraph (c); and any #uses# that are constructed and maintained pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York.

In conjunction with a permit for a bus station, when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# that will contain such bus station, the Commission may permit, in such demapped air space, the #development# or #enlargement# of a #building# or portion thereof which is part of such bus station. The Commission may also permit, in connection with such bus station or any other #use# #developed# on the same #zoning lot# as such bus station, the modification of any applicable mandatory district plan elements, #bulk# regulations of this Resolution other than #floor area ratio# provisions, or the distribution of total allowable #floor area# without regard for #zoning lot# lines or district boundaries.

In order to grant such a permit, the Commission shall determine that the conditions set forth in paragraph (c)(1) and the findings set forth in paragraphs (c)(2) and (c)(3) of this Section, as applicable, are met.

Where the #bus station and related facilities# allowed under this Section will be #developed# pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York, any #buildings or other structures# comprising such #bus station and related facilities# shall not be subject to the #bulk# regulations or other applicable regulations of this Resolution, and the floor space within such #buildings or other structures# shall be excluded from the calculation of #floor area#.

The curb level of a zoning lot of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of curb level as the reference plane for the applicable regulations relating to open space, yards, level of yards, equivalent rear yards, rear yard setback, minimum distance between buildings, and height and setback.

(1) Conditions

Where the #development# or #enlargement# of a #building# is allowed within one or more demapped air spaces pursuant to this Section, such demapped air spaces and any adjoining tracts of land containing such #building# may be considered as part of a single #zoning lot#, but such demapped air spaces shall not generate #floor area# to be utilized on such #zoning lot#.

(2) Findings applicable to bus station #use#

In order to allow such bus station #use#, the Commission shall find that:

(i) the operation of such bus station does not create serious traffic congestion, and is not detrimental to public health or general welfare of the city;

(ii) the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(iii) the site plan for the #bus station and related facilities# includes pedestrian-oriented public spaces that, in their sizes and locations, reflect appropriate consideration of existing or planned at-grade pedestrian circulation networks;

(iv) the design of the facility, including public entrances to the bus station, vehicular entrances and exits, bus ramps or overpasses, and accessory #uses# within the #bus station and related facilities# are sited and designed in a manner that reflects appropriate consideration of the civic importance of the site and of the experience of pedestrians within existing or planned #streets# or open areas;

(v) the locations of at-grade entrances to such #bus station and related facilities# are designed to encourage pedestrian circulation into and on the #zoning lot# and are well-situated in relation to existing and proposed at-grade pedestrian and bicycle circulation networks;

(vi) the bus station provides adequate connections to and from existing transportation facilities;

(vii) the bus station and surrounding transportation network accommodate projected bus volumes and reduces potential conflicts between buses and other modes of transportation in the surrounding area; and

(viii) the #use# and #development# of the bus station will not have undue adverse impacts on the character of or land uses in the surrounding area.

(3) Findings applicable to modifications other than those allowing the #bus station and related facilities#

In order to modify any other applicable regulations of this Resolution, the Commission shall find that:

(i) such modifications will facilitate an improved site plan for the #bus station and related facilities# or are otherwise in furtherance of the bus station project;

(ii) such modifications will not unduly obstruct access to light and air from surrounding #streets#, open areas and properties; and

(iii) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #zoning lot# or the intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area.

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

74-146 - Heliports

LAST AMENDED
6/6/2024

In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities listed under Use Group IV(B) where the applicant has submitted a site plan showing the location of landing areas, provided that the following findings are made:

(a) that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.

74-147 - Public transit or railroad electric substations

LAST AMENDED
6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit public transit or railroad electric substations, listed under Use Group IV(B), limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

(a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

74-148 - Railroad passenger stations

LAST AMENDED
6/6/2024

(a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations listed under Use Group IV(B) in all districts, provided that the following findings are made:

(1) that the principal access for such #use# is not located on a local #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and

(3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

(1) that the principal access for such railroad passenger station is not located on a local #street#;

(2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;

(4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;

(5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and

(6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:

(i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and

(ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station

emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

74-149 - Seaplane bases

LAST AMENDED
6/6/2024

In all districts, the City Planning Commission may permit seaplane bases listed under Use Group IV(B) provided that the following findings are made:

(a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

74-15 - Transient Accommodations

LAST AMENDED
6/6/2024

74-151 - In R10H Districts

LAST AMENDED
6/6/2024

In R10H Districts, the City Planning Commission may permit #transient hotels# listed under Use Group V. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel# #use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel# #use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

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

74-152 - In Commercial Districts

LAST AMENDED
6/6/2024

In C1, C2, C4, C5, C6, C7 and C8 Districts, M1 Districts paired with a #Residence District#, or M1-6D Districts, the City Planning Commission may permit #transient hotels#, #motels#, or #tourist cabins# listed under Use Group V, as set forth in Sections 32-15 and 42-15 (Use Group V – Transient

Accommodations), that are not otherwise permitted pursuant to the provisions of Section 32-152 or 42-152 (Use Group V – uses subject to additional conditions). The Commission may also permit #transient hotels#, #motels#, or #tourist cabins# made permissible in Special Purpose Districts of this Resolution.

In order to grant such special permit, the Commission shall find that:

(a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;

(b) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and

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

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

74-153 - In M1 Districts

LAST AMENDED
6/6/2024

In M1 Districts, other than those subject to the provisions of Section 74-152 (In Commercial Districts), the City Planning Commission may permit #transient hotels#, #motels# or #tourist cabins# listed in Use Group V, as set forth in Section 42-15 (Use Group V – Transient Accommodations), that are not otherwise permitted pursuant to Section 42-152 (Use Group V – uses subject to additional conditions).

In order to grant such special permit, the Commission shall find that:

(a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;

(b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;

(c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and

(d) such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.

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

74-16 - Retail and Services

LAST AMENDED
6/6/2024

74-161 - Retail and service uses

LAST AMENDED
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the City Planning Commission may permit modifications to #uses# listed under Use Group VI, as set forth in Sections 32-16 and 42-16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VI, other than those #uses# for which another permit exists pursuant to Section 74-16, inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an "S", beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-16, inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or 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 Commission 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 Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

74-17 - Offices and Laboratories

LAST AMENDED
6/6/2024

74-171 - Laboratories

LAST AMENDED
6/6/2024

In #Residence Districts# and #Commercial Districts#, C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, and in other #Commercial Districts#, the City Planning Commission may permit laboratories listed under Use Group VII, not otherwise allowed by the underlying #use# regulations. In conjunction with such modifications the Commission may also permit modifications to the underlying #sign# regulations.

In order to grant such #use# modifications, the Commission shall find that such facility meets the applicable conditions of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c)

(a) Conditions

As a condition for the special permit, such facility shall:

(1) conform to the performance standards applicable to M1 Districts;

(2) occupy a #zoning lot# containing no #residential use#; and

(3) in #Residence Districts#, occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet; and

(b) Findings

In order to grant such permit, the Commission shall find that the laboratory:

(1) will not unduly affect the essential character or impair the future use and development of the surrounding area;

(2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;

(3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and

(4) with regard to #sign# modifications:

(i) the modifications are consistent with the amount and location of signage for other laboratories and are appropriate on the #zoning lot#; and

(ii) #illuminated signs#, if provided, utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and do not alter the essential character of the adjacent area.

(c) Additional requirements

For the purposes of applying #bulk# regulations to such laboratory, the following shall apply:

(1) in all districts, where such laboratory will occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet, the #floor area# associated with such laboratory shall be considered #community facility floor area#, and all other associated #community facility bulk# regulations shall apply; and

(2) in all other instances, the #floor area# associated with such laboratory shall be considered #commercial floor area#, and all other associated #commercial bulk# regulations shall apply.

Modifications to the applicable #bulk# regulations may be made in conjunction with such laboratory, by special permit of the City Planning Commission, pursuant to Section 74-901.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

74-18 - Recreation, Entertainment, and Assembly Spaces

LAST AMENDED
6/6/2024

74-181 - Recreation, entertainment and assembly space uses

LAST AMENDED
6/6/2024

In C1 or C2 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the City Planning Commission may permit modifications to #uses# listed under Use Group VIII, as set forth in Sections 32-18 and 42-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VIII, other than those #uses# for which another permit exists pursuant to Section 74-18, inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an "S", beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-18, inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or 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 Commission 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 Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

74-182 - Arenas, auditoriums, stadiums or trade expositions

LAST AMENDED
2/24/2026

C4 C6 C7 C8 M1 M2 M3

(a) The City Planning Commission may permit arenas, auditoriums or stadiums, or trade expositions, as listed in Use Group VIII, with a capacity in excess of 2,500 seats for arenas, auditoriums or stadiums, or with a rated capacity in excess of 2,500 persons for trade expositions, provided that the following findings are made:

(1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(3) that such #use# is not located within 200 feet of a #Residence District#;

(4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;

(5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and

(6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.

(b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 17,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications to #sign# regulations and parking or loading regulations, provided that:

(1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;

(2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;

(3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;

(4) where the #sign# regulations are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and

(5) where the parking or loading regulations are modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand

generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms.

(c) In the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B of the #Special Hudson Yards District#, the Commission may permit arenas with seating in excess of 2,500 persons, provided that the following findings are made:

(1) the provisions of paragraphs (a)(1) through (a)(6) of this Section are met; and

(2) the proposed loading for the arena will not unduly: interfere with the use of public spaces; interfere with transit facilities; interrupt the flow of pedestrian traffic in the pedestrian circulation network; or interfere with the efficient functioning of adjacent #streets# including for the staging or queuing of vehicles for loading or for security checks. An application for this special permit shall include a loading operations plan that describes the number, location and arrangement of all loading berths on the #zoning lot# as well as the location and management of off-site storage and staging of vehicles associated with the arena #use#. The plan shall be referred to the Department of Transportation and affected transit agencies for a report or recommendations on the plan. The Commission shall, in its determination, give due consideration to these reports and recommendations.

The Commission may require that, within six months of approval of the special permit, the applicant submit to the Chairperson of the City Planning Commission a transportation management plan, developed in consultation with the Department of City Planning and the Department of Transportation, to detail the loading operations plan. The Chairperson shall certify that the loading operations, as described in the transportation management plan, comply with the relevant conditions of the Commission's resolution.

Special Coney Island District

(d) On Parcels B and G in the Coney West Subdistrict of the #Special Coney Island District#, the Commission may permit an arena with up to 6,000 seats and, in conjunction with such arena, permit modifications to #sign# and parking and loading regulations, provided that:

(1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;

(2) adequate pedestrian gathering, queueing and circulation spaces for such arena are provided to minimize disruption to the surrounding area, including at nearby #residences#, #public parks# and other publicly accessible open spaces;

(3) the arena will include noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#, #public parks# and other publicly accessible open spaces;

(4) where #sign# regulations are modified, a signage plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#, #public parks# and other publicly accessible open spaces;

(5) where parking regulations are modified, such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and

(6) where loading regulations are modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein.

In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such #plazas#.

74-183 - Drive-in theaters

LAST AMENDED
6/6/2024

In C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit drive-in theaters listed under Use Group VIII, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:

(a) that the principal vehicular access for such #use# is not located on a local #street# or an arterial highway but is located on a major or secondary #street# within one-quarter mile of an arterial highway;

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

(c) that such #use# is not located within 200 feet of a #Residence District#;

(d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and

(e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

74-184 - Racetracks

LAST AMENDED
6/6/2024

In C8 Districts or any #Manufacturing District#, the City Planning Commission may permit racetracks listed under Use Group VIII, provided that the following findings are made:

(a) that the principal vehicular access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

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

(c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;

(d) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and

(e) that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating #uses#.

74-19 - Storage

LAST AMENDED
6/6/2024

74-191 - Micro-distribution facilities

LAST AMENDED
6/6/2024

In C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, and in C4 through C7 Districts, C1, C2, C4, C5, C6 and C7 Districts, for

micro-distribution facilities listed under Use Group IX(A), as set forth in Sections 32-19 (Use Group IX – Storage), the City Planning Commission may permit modifications to a size limitation, denoted in the Use Group table with an "S", beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-19.

In order to grant such permit, the Commission shall find that:

(a) such #use# will not impair the character or the future use or development of the surrounding area;

(b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(c) the modifications are necessary to support the operation of such #use#.

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

74-192 - Self-service storage facility in designated areas within Manufacturing Districts

LAST AMENDED
6/6/2024

On #zoning lots# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the #development#, #enlargement# not permitted pursuant to the provisions of Section 42-193 (Use Group IX – uses subject to additional conditions), or change of #use# of a #building# for #self-service storage facility# #use# listed under Use Group IX(A).

To grant such permit, the Commission shall find that the #zoning lot# is appropriate for such #self-service storage facility# #use#, based on the land use characteristics of the proposed #zoning lot# and the surrounding area. In making this determination, the Commission may consider the following:

(a) whether such #use# is consistent with the economic development objectives of the City for the designated area in which the #self-service storage facility# seeks to be located, and may, in making this determination, consult with the Department of Small Business Services;

(b) whether recent trends for and levels of investment in "qualifying #uses#", as defined below, demonstrate that there is minimal demand for space for such #uses# in the surrounding area;

(c) whether the size and configuration of the #zoning lot# make it better suited for #self-service storage facility# #use# than for "qualifying #uses#";

(d) for changes of #use# to existing #buildings#, whether the design and layout of loading docks, interior column spacing, floor-to-ceiling height and other relevant physical characteristics of the existing #building# make the #building# better suited for #self-service storage facility# #use# than for "qualifying #uses#";

(e) whether the distance of the #zoning lot# from an arterial highway or a designated truck route, or lack of frontage on a #wide street#, makes the #zoning lot# better suited for #self-service storage facility use# than for "qualifying #uses#";

(f) whether the distance of the #zoning lot# from mass transit that serves employees makes the #zoning lot# better suited for #self-service storage facility# #use# than for "qualifying #uses#";

(g) whether the establishment of a #self-service storage facility# will cause environmental remediation work to be undertaken on the #zoning lot#; or

(h) whether there is a concentration of existing #self-service storage facilities# in the surrounding area.

For the purposes of this Section, “qualifying #uses#” shall include industrial drycleaning and laundry services listed in Use Group VI, as well as #uses# listed in Use Group IX (other than a #self-service storage facility#), or Use Group X.

The Commission may impose appropriate conditions and safeguards to minimize any adverse effects upon the existing #uses# in the surrounding area.

74-193 - Trucking terminals or motor freight stations

LAST AMENDED
6/6/2024

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations listed under Use Group IX(A), with sites in excess of 20,000 square feet, provided that the following findings are made:

(a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;

(b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;

(c) that such #use# is not located within 200 feet of a #Residence District# boundary; and

(d) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening and surfacing all access roads or driveways.

74-194 - Public parking garages or public parking lots outside high density areas

LAST AMENDED
6/6/2024

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts or, outside the #Greater Transit Zone#, in C7, or M1, M2 or M3 Districts with an A suffix, the City Planning Commission may permit #public parking garages# or #public parking lots# listed under Use Group IX(C), with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-54 or 44-44 (Surfacing) and Sections 36-55 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;

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

(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before October 17, 2019, and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

74-195 - Public parking garages or public parking lots in high density central areas

LAST AMENDED
6/6/2024

In C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C5, C6, C7 inside the #Greater Transit Zone#, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts or, inside the #Greater Transit Zone#, in C7, or M1, M2 or M3 Districts with an A suffix, the City Planning Commission may permit #public parking garages# or #public parking lots# listed under Use Group IX(C), with any capacity for #public parking garages#, or with more than 150 spaces for #public parking lots#, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-54 or 44-44 (Surfacing) and Sections 36-55 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

(e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).