Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-05 - General Provisions for Special Permit Uses

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LAST AMENDED
6/6/2024

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 Sections 74-193 or 74-194; 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 Sections 74-142 or 74-147, 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.