Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

107-70 - SPECIAL PERMITS

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107-70 - SPECIAL PERMITS

LAST AMENDED
9/11/1975

107-71 - General Provisions

LAST AMENDED
11/2/2023

On application, the City Planning Commission, may grant special permits for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-72 to 107-78, inclusive, relating to special permits.

107-72 - Qualification of Designated Open Space as Lot Area

LAST AMENDED
2/2/2011

For any #development# containing #designated open space#, the City Planning Commission may allow the amount of #designated open space# to be counted as #lot area# for #bulk# computations to exceed the amount permitted under Section 107-224.

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

(a) that for the occupants of the site itself, the ill effects of concentration of #buildings# or #accessory# off-street parking are avoided or overcome by the manner in which the #buildings# are sited and #yards# and other open areas arranged; and

(b) that the concentration of #buildings# or activities will not adversely affect any other #zoning lot# outside the development by restricting access of light and air, impairing privacy or creating traffic congestion.

107-73 - Exceptions to Height Regulations

LAST AMENDED
6/29/1989

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts) and Section 107-43, provided that the Commission finds that:

(a) such #development# is so located as not to impair the essential character of the surrounding area;

(b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space, will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and

(c) that the #development's# design proposals take full advantage of all special characteristics of the site.

107-74 - Modification of Permitted Use Regulations

LAST AMENDED
2/2/2011

For any #development#, the City Planning Commission may grant special permits to allow #semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts. As a condition for granting such special permits, the Commission shall find that:

(a) only by modifying the #residential building# type, the preservation of trees over six-inch caliper and of existing topography can be assured;

(b) by inclusion of the proposed #residential building# types, better standards of privacy and usable #open space# can be achieved; and

(c) if the #zoning lot# is located in the #designated open space#, the prohibition of #development# on the #designated open space# requires the permitted #development# to be concentrated in the remaining portion of the tract.

107-76 - Boundary Adjustments in Designated Open Space

LAST AMENDED
9/11/1975

The City Planning Commission may grant special permits to allow adjustments in the boundaries of the #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that such adjustment will:

(a) result in a substantial improvement in the quality and usefulness of the #designated open space#; or

(b) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and

(c) provide an equivalent area replacement for the area removed from the #designated open space#.

107-77 - Community Facility Buildings or Treatment Plants Permitted in Designated Open Space

LAST AMENDED
6/6/2024

The City Planning Commission may grant special permits for the construction of sewage disposal plants or pumping stations or #community facility uses# listed in Section 78-352 (Bonus for community facility space) in #designated open space# where such #uses# are permitted by the underlying district regulations provided the Commission finds that:

(a) an amount of open area outside the boundary of the #designated open space#, at least equal to the coverage of any #building or other structure# permitted under this Section, shall be added to the #designated open space#, and action shall be taken to change the boundary of the #designated open space# pursuant to Section 107-76 (Boundary Adjustments in Designated Open Space);

(b) such added open area forms a continuous part of the #open space network#, and does not interrupt or foreclose the continuity of a public pedestrian way;

(c) such added open area shall contain natural (aquatic, botanic, geologic or topographic) features that are equal or better in quality to those displaced by the #development#; and

(d) such sewage disposal plants and sewage pumping stations meet the requirements of Section 74-143, inclusive.

The City Planning Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

107-78 - Other Buildings Permitted in Designated Open Space

LAST AMENDED
9/11/1975

On any #zoning lot# located partially within the #designated open space#, the City Planning Commission may grant a special permit to allow a #building# to encroach on the #designated open space# where #development# is not feasible without encroachment on the #designated open space#. As a condition for permitting such construction, the Commission shall find that the #development#, as authorized, will result in the minimum interference with the #designated open space# that must be permitted in order to allow reasonable #development# and #bulk# distribution under the regulations of the underlying district or as such regulations are modified by the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.