



## **Zoning Resolution**

**THE CITY OF NEW YORK**  
**Zohran K. Mamdani, Mayor**

**CITY PLANNING COMMISSION**  
**Sideya Sherman, Chair**

# **119-321 - Modification of use regulations**

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## 119-321 - Modification of use regulations

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LAST AMENDED

2/2/2011

For any #Tier II site#, the City Planning Commission may grant special permits to allow #single-family# #semi-detached residences# in R1 and R2 Districts, #single-family# #attached residences# in R1, R2 and R3-1 Districts or #two-family# #attached residences# in R3-1 Districts.

As a condition for granting such special permits, the minimum required #lot area# of the underlying district shall not be reduced, and the #aggregate width of street walls# of a #building#, or a number of #buildings# separated by party walls, shall not exceed 100 feet.

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

- (a) #development# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;
- (b) the change of housing type requested constitutes the most effective method of preserving the existing topography and vegetation;
- (c) the preservation of existing topography and vegetation requires the permitted development to be concentrated, to the extent feasible, in the remaining portion of the tract;
- (d) for such concentration of development, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #building# type;

- (e) such modification is the least modification required to achieve the purpose for which it is granted;
- (f) the proposed #street# or #private road# system for the development is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area;
- (g) the siting of the #building# or #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air; and
- (h) the existing topography and vegetation and the proposed planting effectively screen all #attached# one-family #residences# from the #lot lines# along the development perimeter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

All #developments#, #enlargements# or #site alterations# that require a special permit pursuant to this Section shall also be subject to the provisions of Sections [119-33](#) (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and [119-34](#) (Special Submission Requirements for Certain Authorizations and Special Permits).