Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

107-60 - AUTHORIZATIONS

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107-60 - AUTHORIZATIONS

LAST AMENDED
9/11/1975

107-61 - General Provisions

LAST AMENDED
11/15/2006

On application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-62 to 107-69, inclusive, relating to authorizations.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorizations.

107-62 - Yard, Court and Parking Regulations

LAST AMENDED
12/5/2024

For any #plan review site# or for any #zoning lot# containing #designated open space# or an #area of no land alteration#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46, inclusive, or in the location of parking, driveway or curb cut regulations as set forth in Sections 23-311 (Permitted obstructions in all yards, courts and open areas),

25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas) and 25-632 (Driveway and curb cut regulations in lower density growth management areas) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of natural features.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots# and will preserve natural features in #areas of no disturbance#.

107-63 - Minimum Distance Between Buildings

LAST AMENDED
12/5/2024

For any #development# containing #residences#, the City Planning Commission may authorize the location of #buildings#, on a single #zoning lot# without regard for spacing between #buildings# regulations, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-371 (Distance between buildings).

107-64 - Future Subdivision of Certain Plan Review Sites

LAST AMENDED
11/2/2023

For any #plan review site# that does not comply with Section 107-08 (Future Subdivision of Certain Plan Review Sites), the City Planning Commission may authorize a future subdivision into two or more #zoning lots#, provided that the Commission finds that:

(a) to the greatest extent possible, all individual trees of six-inch #caliper# or more, the existing topography, and all land located within a #designated open space#, are preserved under future #development# options;

(b) such subdivision complies with the goals described in paragraph (c) of Section 107-00 (GENERAL PURPOSES); and

(c) where vehicular access and egress are located on an #arterial#, the location of such vehicular access and egress permits better site planning.

Any subdivision that is proposed to take place within the Special District after November 2, 2023, shall be filed with the City Planning Commission. A site plan and #area plan# shall indicate the distribution of #bulk# for the individual #zoning lots# submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#.

For the purpose of applying the provisions of this Section, a subdivision includes reconfiguration of a #zoning lot# in a manner that would change its area or any dimension of such #zoning lot#.

107-65 - Authorization for Modifications of Natural Features

LAST AMENDED

12/5/2024

For any #development#, #enlargement#, or #site alteration# on #plan review sites# or within #designated open space#, the City Planning Commission may authorize modifications of the natural topography existing on November 2, 2023, beyond the amount specified in Section 107-31 (General Regulations for Natural Features), inclusive, or modification of tree regulations pursuant to Section 107-311 (Areas within designated open space) and Section 107-312 (Regulations within plan review sites), in accordance with the provisions of either paragraph (a) or (b) of this Section.

(a) For all #zoning lots#, the Commission may authorize modifications to natural features, provided that the Commission finds that:

(1) the modifications are the minimum necessary to facilitate the project;

(2) such modification of topography is necessary to accommodate any public amenities, as applicable, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;

(3) such modification will not cause unnecessary disturbance of the drainage pattern in the area;

(4) such modification will have minimal impact on the existing natural features of the surrounding area and will blend harmoniously with such area; and

(5) areas that contain natural features are preserved within a proposed #area of no disturbance#, especially those areas which are contiguous to #designated open space#, #areas of no land alteration#, or other area containing mostly natural features.

(b) In order to support the development of renewable energy infrastructure, for #waterfront zoning lots# in #Manufacturing Districts# that contain Water-Dependent (WD) #uses#, as set forth in Section 62-211, where the area allocated to such #uses# exceeds 75 percent of the land

above water in the #upland lot#, the Commission may authorize modifications to natural features, provided that the Commission finds that:

(1) the WD #use# requires unenclosed operations, not limited to vehicle movement or storage, that would not be feasible without the modification of natural features;

(2) such modification is the minimum necessary to facilitate such #use# on the #zoning lot#;

(3) the WD #use# would provide a substantial environmental benefit; and

(4) such modification would not have an adverse effect on the surrounding area.

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

107-66 - Developments Partly Within Designated Open Space

LAST AMENDED
9/11/1975

107-661 - Modification of permitted obstructions

LAST AMENDED
2/2/2011

For #developments# containing #residences# on #zoning lots# partly within #designated open space#, the City Planning Commission, on application, may modify the requirements of Section 107-45

(Required Open Space for Residences) to permit more than 50 percent of the required #open space#, not within the #designated open space#, to be occupied by driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths, if the Commission finds that such facilities are so arranged and landscaped as to afford an acceptable standard of amenity for the #development# and its surroundings.

107-662 - Modification of required yards of building setbacks

LAST AMENDED
11/2/2023

On application, the City Planning Commission may grant an authorization modifying the #building# setback requirements of Section 107-241 (Special provisions for arterials), provided that the Commission finds that:

(a) the area of that portion of the #zoning lot# which is designated as #designated open space# on the District Plan in Appendix A of this Chapter, is at least equal to the area of the required #building# setback #front yard# or #yards#, or portion thereof, which is waived;

(b) along any #front lot line# abutting an #arterial#, a front setback shall be provided having a depth to be determined by the Commission and which shall be improved in accordance with a landscape plan approved by the Commission; and

(c) #building# placement leaves adequate spaces for the provision of #street# trees.

107-67 - Uses and Bulk Permitted in Certain Areas

LAST AMENDED

11/15/2006

107-671 - In Area SH

LAST AMENDED
12/5/2024

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, as modified by this Chapter. The provisions applicable to #qualifying residential sites# in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts) shall not apply.

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

(a) such #developments# are part of a superior site plan;

(b) such #residences# are compatible with the character of the surrounding area; and

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

107-68 - Modification of Group Parking Facility Regulations

LAST AMENDED
11/2/2023

For a permitted #commercial#, #community facility# or #manufacturing# #use# on a #plan review site# or portion of a #plan review site# existing on November 2, 2023, the City Planning Commission may authorize #accessory# off-street parking spaces in a #plan review site# or portion of a #plan review site# existing on November 2, 2023. In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

(a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) where vehicular access and egress are located on an #arterial#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial#, and does not unduly interfere with pedestrian traffic; and

(c) the design of the parking facility avoids undue conflict between pedestrian and vehicular movements in a manner that results in a better site plan.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve natural features.

107-69 - Residential Uses in Area M

LAST AMENDED
6/6/2024

(a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a disturbance of the soil, for the following:

(1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or

(2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.

(b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial# #uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations:

(c) In authorizing new #residential uses# and #residential# #enlargements#, the Commission shall find that:

(1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;

(2) there are no open #uses# included under Sewage, Storm Water and Waste Infrastructure Use Group IV(B) or other open #uses# listed under Use Group IX(B) or Use Group X within 400 feet of the #zoning lot#;

(3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and

(4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.