Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

119-31 - Authorizations

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119-31 - Authorizations

LAST AMENDED
2/2/2011

Upon application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter and for the underlying district regulations in accordance with the provisions of Sections 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer) through 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks), inclusive.

In addition, all #developments#, #enlargements# and #site alterations# that require an authorization pursuant to Sections 119-311 through 119-318, inclusive, shall 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).

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations, of any authorizations hereunder, to minimize adverse effects on the #hillsides# and the character and quality of the community.

119-311 - Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer

LAST AMENDED
2/2/2011

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #steep slope# or #steep slope buffer#.

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the requested modification will not disturb the drainage patterns and soil conditions of the area; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of Section 119-20 (PROVISIONS REGULATING TIER II SITES) for which an authorization or special permit has not been obtained.

119-312 - Authorization of certain uses within the Special Hillsides Preservation District

LAST AMENDED

2/2/2011

Any #group parking facility# with 30 cars or more and, in #Residence Districts#, any #community facility use# or #enlargement# thereof, shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of a site plan, shall find that:

(a) the proposed #development#, #enlargement# or #site alteration# will not adversely affect the drainage pattern and soil conditions of the area;

(b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;

(d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;

(e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and

(f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such development to and from such arterial.

The Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities#, if such modifications preserve vegetation and natural topography.

119-313 - Modification of landscaping, tree preservation and tree planting requirements

LAST AMENDED
12/7/1999

The City Planning Commission may authorize modifications to Sections 119-111 (Tier I tree preservation requirements), 119-112 (Tier I tree planting requirements), paragraph (b)(8) of Section 119-214 (Tier II requirements for driveways and private roads), 119-215 (Landscaping controls to preserve trees, shrubs and ground cover) and 119-216 (Tier II tree planting requirements).

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted; and

(c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the tree preservation or planting requirements being modified.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillsides Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

119-314 - Modification of lot coverage controls

LAST AMENDED
2/2/2011

For any #development# or #enlargement# subject to Section 119-211 (Lot coverage, floor area and density regulations), the City Planning Commission may authorize variations in the #lot coverage# controls.

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

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(e) the requested modification will not disturb the drainage pattern and soil conditions of the area; and

(f) the proposed modification does not impair the essential character of the surrounding area.

119-315 - Modification of height and setback regulations

LAST AMENDED
2/2/2011

For any #Tier II site#, the City Planning Commission may authorize variations in the height and setback regulations set forth in Section 119-212 (Height and setback regulations).

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

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography and vegetation and the preservation of #hillsides# having aesthetic value to the public 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;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the requested modification will not disturb the soil conditions of the area;

(e) the proposed modification does not impair the essential character of the surrounding area; and

(f) the proposed modification will not have adverse effects upon light, air and privacy of adjacent properties.

119-316 - Modification of grading controls

LAST AMENDED
2/2/2011

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 119-213.

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the requested modification will not disturb the drainage pattern and soil conditions of the area;

(e) the proposed modification does not impair the essential character of the surrounding area; and

(f) the benefits to the surrounding area from the proposed modification outweigh any disadvantages that may be incurred thereby in the area.

119-317 - Modification of requirements for private roads and driveways

LAST AMENDED
2/2/2011

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 119-214 (Tier II requirements for driveways and private roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts).

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

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the requested modification will not disturb the drainage pattern and soil conditions of the area;

(d) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and

(e) such modification will enhance the quality of the design of the development, #enlargement# or #site alteration#.

119-318 - Modifications of certain bulk regulations

LAST AMENDED
2/2/2011

For any #development# or #enlargement# subject to Section 119-20 (PROVISIONS REGULATING TIER II SITES), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, variations in required space between #buildings# on the same #zoning lot# and modifications in the underlying district height and setback regulations.

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

(a) #development# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted; and

(c) the proposed #bulk# and placement of #buildings# and the proposed arrangement of #open spaces# will not have significant adverse effects upon the light, air and privacy for existing development in adjacent areas or the opportunities therefor in future development.

119-319 - Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks

LAST AMENDED
12/7/1999

Upon application, the City Planning Commission may authorize #site alterations#, the construction of new park-related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadiums, and improvements to existing park-related facilities.

In order to grant such authorizations, the Commission shall find that the proposed action:

(a) will have a minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it;

(b) will have minimal impact on the drainage pattern and soil conditions in the area;

(c) will preserve to the greatest extent possible the trees and vegetation within the park; and

(d) is compatible with the neighborhood character of the area.

An application to the Commission for an authorization pursuant to this Section shall include the following:

(1) a survey map prepared by a licensed surveyor showing existing topography at the two-foot contour intervals;

(2) a site plan prepared by a registered architect, registered landscape architect or professional engineer indicating the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of all understory including shrubs and ground cover, and the #caliper# and species of all individual trees of six-inch #caliper# or more; and

(3) any other information necessary to evaluate the request.

In issuing authorizations under this Section, the Commission may impose conditions or safeguards, such as special landscape requirements, to minimize adverse effects on the character of the #Special Hillsides Preservation District#.