Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

105-43 - Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

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105-43 - Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

LAST AMENDED
1/19/2016

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

(a) modification of #lot coverage# controls in accordance with the provisions of Section 105-431;

(b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations);

(c) modification of grading controls in accordance with the provisions of Section 105-433; and

(d) modification of requirements for driveways and private roads on #Tier I sites# and #Tier II sites# in accordance with the provisions of Section 105-434.

105-431 - Modification of lot coverage controls

LAST AMENDED
2/2/2011

For any #development# or #enlargement# on a #Tier II site# or within a #steep slope# or a #steep slope buffer# on a #Tier I site#, the City Planning Commission may authorize variations in the #lot coverage# controls set forth in Section 105-33.

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 has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

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

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

105-432 - Modification of yard, height and setback regulations, and parking location regulations

LAST AMENDED
2/2/2011

For any #development# or #enlargement# that does not qualify under provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, parking lot landscaping or

maneuverability requirements, location of parking, driveways or curb cuts and required space between #buildings# on the same #zoning lot#, and may modify height and setback regulations for the purpose of preserving #natural features#, provided the Commission finds that:

(a) the proposed placement of #buildings# and arrangement of #open space# will not have significant adverse effects upon the light, air and privacy for existing #buildings# in adjacent areas or the opportunities therefore in future #development#; and

(b) will preserve significant #natural features#.

The Commission may condition such authorizations upon the joint submission of acceptable plans for #development# or #enlargement# of two or more adjacent #zoning lots# by the owners thereof.

105-433 - 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 105-34.

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

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

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

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

105-434 - Modification of requirements for private roads and driveways

LAST AMENDED
1/19/2016

For any #development#, #enlargement# or #site alteration#:

(a) 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 105-35 (Tier II Site Requirements for Driveways and Private Roads), as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts) provided that:

(1) 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;

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

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

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

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

(b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-33 (Screening), inclusive, provided that such modification or waiver:

(1) results in greater environmental conservation or preservation of existing natural features;

(2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;

(3) results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;

(4) enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;

(5) will not impair the essential character of the Historic District and the surrounding area;

(6) is the least required to achieve the purpose for which it is granted; and

(7) will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.