



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Anita Laremont, Chair

# **107-60 - AUTHORIZATIONS**

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## **107-60 - AUTHORIZATIONS**

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LAST AMENDED  
9/11/1975

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## **107-61 - General Provisions**

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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.

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## **107-62 - Yard, Court and Parking Regulations**

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LAST AMENDED  
2/2/2011

For any #zoning lots#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46 or in the location of parking, driveway or curb cut regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of existing topography and individual trees of six-inch caliper or more. #Rear yard#, #side yard# or #side yard# equivalent variations shall not be authorized on the periphery of a #development# unless acceptable agreements are jointly submitted for #development# of two or more adjacent #zoning lots# by the owners thereof, incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.

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#.

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## **107-63 - Minimum Distance Between Buildings**

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LAST AMENDED  
2/2/2011

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 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot).

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## **107-64 - Removal of Trees**

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LAST AMENDED  
9/11/1975

For any #development#, the City Planning Commission may authorize the removal of trees of six-inch caliper or more whose

removal would otherwise be prohibited under the provisions of Section 107-32 (Tree Regulations), provided that the Commission makes one or more of the following findings:

- (a) that the tree's retention would cause serious disadvantage in the arrangement of open areas on the lot, impairing the usefulness of such areas;
- (b) that such tree is located in an area where more than two feet of cut or fill is required and measures for saving the tree would be extremely difficult and impractical; or
- (c) that provision of a segment of the #waterfront esplanade# is not feasible without such tree's removal.

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## **107-65 - Modifications of Existing Topography**

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LAST AMENDED

2/2/2011

For any #development# or #site alteration#, the City Planning Commission may authorize modifications of the natural topography existing on September 11, 1975, beyond the amount specified in Section 107-31 (Topographic Regulations), provided that the Commission finds that:

- (a) #development# on the #zoning lot# is not feasible without such modifications;
- (b) such modification of topography is necessary to accommodate public amenities, 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;
- (c) such modification will not cause unnecessary disturbance of the drainage pattern in the area; and
- (d) such modified topography will have minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it.

Where a permit for land contour work or topographic modification is required from the Department of Transportation or the Department of Buildings, the City Planning Commission and other such agencies shall jointly determine the conditions under which such topographic modification may be permitted so as best to serve the purposes of the Special District, in accordance with the provisions of Section 107-91 (Inter-agency Coordination).

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## **107-66 - Developments Partly Within Designated Open Space**

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LAST AMENDED

9/11/1975

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## **107-661 - Modification of permitted obstructions**

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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.

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## 107-662 - Modification of required yards of building setbacks

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LAST AMENDED

2/2/2011

On application, the City Planning Commission may grant an authorization modifying the #building# setback requirements of Section 107-251 (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.

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## 107-67 - Uses and Bulk Permitted in Certain Areas

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LAST AMENDED

11/15/2006

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## 107-671 - In Areas F and K

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LAST AMENDED

2/2/2011

In Areas F and K, as shown in the District Plan (Map 4 in Appendix A), the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.

As a condition for such authorization, the Commission shall find that:

- (a) such #uses# are so located as not to impair the essential character of the surrounding area for its future development;
- (b) the minimum #lot area# of a #zoning lot# on which such #uses# are located is at least 20 acres;
- (c) vehicular access and egress for such proposed #uses# are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and
- (d) 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 proposed #uses# to and from such #arterial#.

In each case the Commission may prescribe additional conditions and safeguards, including requirements for adequate screening, planting or landscaping.

Areas (as designated on the District Map)	Permitted Use Groups

F	12
K	7A 7B 7D 7E

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## 107-672 - In Area SH

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LAST AMENDED  
2/2/2011

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, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) 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.

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## 107-68 - Modification of Group Parking Facility and Access Regulations

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LAST AMENDED  
2/2/2011

For a permitted #commercial#, #community facility# or #manufacturing use#, the City Planning Commission may authorize more than 30 #accessory# off-street parking spaces, and for any #use#, may modify access restrictions with regard to curb cuts as set forth in paragraph (a) of Section 107-251 (Special provisions for arterials) or paragraph (a) of Section 107-252 (Special provisions for park streets). 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 (a) 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# or #park street#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial# or #park street#, and does not unduly interfere with pedestrian traffic; and
- (c) the location of such vehicular access and egress permits better site planning.

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 vegetation and natural topography.

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## 107-69 - Residential Uses in Area M

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LAST AMENDED

8/17/1995

- (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# listed in Use Group 18 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.