Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

78-50 - SUBDIVISION OF LARGE-SCALE RESIDENTIAL DEVELOPMENTS

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78-50 - SUBDIVISION OF LARGE-SCALE RESIDENTIAL DEVELOPMENTS

LAST AMENDED
8/24/1967

78-51 - General Provisions

LAST AMENDED
2/2/2011

A #large-scale residential development# may be subdivided before, during or after #development# into two or more #zoning lots# which may be in different ownerships, provided that either:

(a) all resulting #zoning lots# and all #buildings# thereon comply with all the applicable regulations of this Resolution;

(b) such subdivision conforms to a subdivision plan which was included as part of the application for authorizations or special permits under the provisions of this Chapter and whose execution has been authorized in the grant of such authorizations or special permits; or

(c) such subdivision is made necessary by forced sale or foreclosure of a portion of such #large-scale residential development#, but can be accommodated to any authorization or special permit granted pursuant to the provisions of this Chapter.

All #zoning lots# resulting from such subdivisions shall be subject to all the applicable regulations of this Resolution or, in the case of a #large-scale residential development# for which any modifications were granted in accordance with the provisions of this Chapter, shall be subject to the terms, conditions and limitations of the #large-scale residential development# plan as approved.

In any subdivision of a #large-scale residential development# for which such modifications were granted, covenants running with the land which shall permit of public or private enforcement, reflecting the terms, conditions and limitations of the #large-scale residential development# plan, as approved, shall be incorporated in the deed to each parcel conveyed.

Such subdivision may result in commonly or separately owned common #open space# or common parking areas, as set forth in Sections 78-52 (Common Open Space) or 78-53 (Common Parking Areas).

78-52 - Common Open Space

LAST AMENDED
2/2/2011

An area designated on the site plan of a #large-scale residential development# as "common #open space#" and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents occupying specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it meets the following requirements:

(a) it shall be conveniently accessible to all residents of #zoning lots# for which it is intended to satisfy the #open space# requirements;

(b) it shall be made available in its improved state as set forth on the site plan in accordance with an approved time schedule;

(c) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance;

(d) provisions to ensure its continuing availability shall be included in the covenants to be incorporated in the deed to each parcel to be served by such common #open space#;

(e) it shall be entirely at natural grade level or at the principal level of pedestrian circulation in adjacent areas;

(f) it may contain only such obstructions as are specifically permitted under the provisions of Section 23-734 (Permitted obstructions in open space) or minor #accessory# structures, and the total area occupied by driveways, private streets or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale residential development#, shall not exceed 50 percent of the total required #open space# for the #large-scale residential development#; and

(g) such #open space# shall include both active and passive recreation space providing a range of recreational facilities and activities appropriate to the occupants of the #large-scale residential development#. Such space shall be physically and visually accessible to the occupants and shall be screened from unsuitable areas. Passive recreation space shall be landscaped and shall be located in areas other than access and egress spaces. Active recreation facilities, such as play equipment, court game facilities, or ball fields, shall be designed to provide the maximum possible area appropriate to the size of the #large-scale residential development#.

The approval of a subdivision plan which includes common #open space# shall be conditioned upon a finding that these requirements are met.

78-53 - Common Parking Areas

LAST AMENDED
2/2/2011

An area designated on the site plan of a #large-scale residential development# as "common off-street parking area" and on the subdivision plan as an area to be held in separate ownership for use by the occupants or visitors of specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it shall meet the following requirements:

(a) it shall be made available in its improved state as set forth in the site plan in accordance with an approved time schedule;

(b) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance; and

(c) provisions to ensure its continuing availability shall be included in the covenants to be served by such common off-street parking area.

The approval of a subdivision plan which includes common off-street parking areas shall be conditioned upon a finding that these requirements are met.