Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

136-321 - Certification

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LAST AMENDED
9/7/2017

The requirements of this Section shall apply to #zoning lots# containing #developments# or #enlargements# within the current or former Downtown Far Rockaway Urban Renewal Area.

No building permit shall be issued for any #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #development# or #enlargement# complies with the provisions of this Section.

The Chairperson shall certify that:

(a) all publicly accessible open spaces adjacent to the proposed #development# or #enlargement# comply with the provisions of Section 136-324 (Publicly accessible open space requirements);

(b) the location of private streets adjacent to the proposed #development# or #enlargement# complies with the provisions of Section 136-323 (Private streets); and

(c) for any portion of Subdistrict A outside the area of the proposed #development# or #enlargement# for which a certification pursuant to this Section has not been obtained, the applicant has submitted sufficient documentation showing that the #development# or #enlargement# that is the subject of this certification, and any associated private streets and publicly accessible open spaces required to be constructed in conjunction with such #development# or #enlargement#, shall not preclude such undeveloped portions of Subdistrict A from complying with the provisions of Sections 136-323 and 136-324 under future certifications pursuant to this Section.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including provisions for the maintenance and operation of such private streets and publicly accessible open spaces, indexed against the property, binding the owners, successors and assigns to provide and maintain such private streets and publicly accessible open spaces in accordance with the plans certified by the Chairperson. Such declaration, or any maintenance and operation agreement with the City or its designee executed in connection with such declaration, shall require that adequate security be provided to ensure that the private streets and public access areas are maintained in accordance with the declaration and any related maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building#, as indicated in the plans certified by the Chairperson, shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the declaration of restrictions shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

The property owner shall be responsible for the construction and maintenance of all required private streets and publicly accessible open spaces on the #zoning lot#. No temporary or final certificate of occupancy shall be issued for any #building# adjacent to such private street or publicly accessible open space until all required improvements are completed, except as set forth in a phasing plan that has been incorporated in a signed and duly recorded declaration of restrictions, and that has provided for interim improvements and access where these do not present conflicts with construction, staging or public safety.