Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

103-10 - GENERAL PROVISIONS

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103-10 - GENERAL PROVISIONS

LAST AMENDED
8/15/2024

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections 103-11 and 103-12.

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

103-11 - Special Permits for Bulk and Parking Modifications

LAST AMENDED
12/5/2024

(a) For any #development# or #enlargement#, either of which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:

(1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(3) minor variations in the #yard# regulations required by the applicable district regulations;

(4) minor variations in the height and setback regulations required by the applicable district regulations;

(5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-371 (Distance between buildings); or

(6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the development, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).

(b) In order to grant such special permits, the City Planning Commission shall make the following findings:

(1) that the #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the community;

(2) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that currently exists, consistent with the scale and design of the existing development, the landscaping surrounding the new landscaping arrangement, and conditions of the community;

(3) that the #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and

(4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.

(c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the Commission shall authorize waiver of all or part of the required parking.

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 special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform to the intentions of the #Special Planned Community Preservation District#.

103-12 - Special Permit for Landscaping and Topography Modifications

LAST AMENDED
6/10/2009

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

103-13 - Requirements for Application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14 - Recordation

LAST AMENDED
2/2/2011

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further development of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.