

C O P Y

City of New York
DEPARTMENT OF BUILDINGS
Departmental Memorandum

Parks, Dept. of
Zoning Resolution-Sec. 2
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To: Borough Superintendents

Date: March 13, 1969

From: T.V. Burke, Dir. of Operations

Subject: Public Parks - Zoning Resolution

Section 11-13 of the zoning resolution exempts 'public parks' from the district designations indicated on 'zoning maps'. The definition of 'public parks' contained in section 12-10 requires that the area in question be under the jurisdiction and control of the Commissioner of Parks. There is no requirement that the 'zoning maps' designate the location of any or all parks.

The designation of some parks on the 'zoning maps' shall be taken as prima facie evidence of jurisdiction and control by the Commissioner of Parks. Where an area is not designated as a park, satisfactory evidence shall be submitted that the area in question is in fact under the jurisdiction and control of the Commissioner of Parks. The approval and issuance of any certificate of occupancy shall be conditional on such jurisdiction and control remaining in effect.

Enclosed, herewith, is a copy of a letter dated March 11, 1969 signed by Donald Elliott, Chairman, City Planning Commission. This letter comes to the same conclusion and was written in direct reference to the current pool construction program of the Department of Parks. The Use and Bulk requirements of the Zoning Resolution do not apply to 'public parks'.

(SIGNED)

Thomas V. Burke
Director of Operations

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