

C O P Y

City of New York
DEPARTMENT OF BUILDINGS

DIRECTIVE NO. 3-1969

Public Parks
ZR - Section 11-13
ZR - Section 12-10

Borough Superintendents

DATE: March 24, 1969

FROM: John T. O'Neill, Commissioner

SUBJECT: Section 11-13 and Section 12-10, Zoning Resolution - Public Parks

Section 11-13 of the Zoning Resolution states, in part, in regard to "Public Parks", that district designations indicated on zoning maps do not apply to public parks.

Section 12-10 of the Zoning Resolution defines a Public Park as follows:

"A" public park" is any publicly-owned park, playground, beach, parkway or roadway within the jurisdiction and control of the Commissioner of Parks, except for park strips or malls in a street, the roadways of which are not within his jurisdiction and control."

Section 76-00 of the Zoning Resolution, in regard to procedure for amendments, stipulates that the City Planning Commission shall adopt resolutions to amend the text of this resolution or the zoning maps incorporated therein, and the Board of Estimate shall act upon such amendments, in accordance with the provisions of the New York City Charter.

Pursuant to an action of the Board of Estimate establishing a park addition at a site for which a foundation permit had been issued, this office considered said remapping pertinent in regard to invoking Section 11-33 of the Zoning Resolution relating to building permits for minor or major developments issued before the effective date of an amendment to the Zoning Resolution.

The decision of the Board of Standards and Appeals, acting on an appeal from the decision of the Department that the building permit had lapsed, pursuant to Section 11-331 of the Zoning Resolution, since the foundation had not been completed, stated in part as follows:

"The Board has been advised by the Corporation Counsel that the mapping of a park by the Board of Estimate does not constitute an amendment to the Zoning Resolution".

The premises in question was privately owned property.

You are to be guided by the above mentioned decision hereafter in similar instances.

(signed)

John T. O'Neill, Commissioner

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