

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Carl Weisbrod, Chairman

## Article X: Special Purpose Districts

### Chapter 3: Special Planned Community Preservation District

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(7/18/74)

**Article X - Special Purpose Districts**

**Chapter 3**

**Special Planned Community Preservation District**

(6/10/09)

**103-00**

**GENERAL PURPOSES**

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
- (b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;
- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;
- (d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
- (e) to guide development within each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

(2/2/11)

**103-01**

**Establishment of Special Planned Community Preservation District**

The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:

- (a) have a land area of at least 1.5 acres;
- (b) contain a minimum of three #buildings#;
- (c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and
- (d) include considerable clustered #open space# and related #commercial uses# available to all residents of the District.

The Commission has found that existing site plans resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned residential community.

(6/10/09)

### **103-02**

#### **Special Planned Community Preservation District Areas**

The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#:

Fresh Meadows in the Borough of Queens

The Harlem River Houses in the Borough of Manhattan

Parkchester in the Borough of the Bronx

Sunnyside Gardens in the Borough of Queens.

(2/2/11)

### **103-10**

#### **GENERAL PROVISIONS**

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 Permits 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 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

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

(2/2/11)

### **103-11**

#### **Special Permits for Bulk and Parking Modifications**

- (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 23-71 (Minimum Distance Between Buildings on a Single Lot); 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 presently 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 City Planning Commission shall authorize waiver of all or

part of the required parking.

The City Planning 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#.

(6/10/09)

### **103-12**

#### **Special Permit for Landscaping and Topography Modifications**

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.

(6/10/09)

### **103-13**

#### **Requirements for Application**

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.

(2/2/11)

### **103-14**

#### **Recordation**

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.

(6/10/09)

### **103-20**

#### **SPECIAL REGULATIONS FOR SUNNYSIDE GARDENS**

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable.

The special permit provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

(2/2/11)

### **103-21**

#### **Special Bulk Regulations**

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residence# and #Commercial Districts#, or modified within the Special District, are hereby further modified to the extent set forth in this

Section, inclusive.

(2/2/11)

**103-211**  
**Special floor area regulations**

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of 0.9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

(2/2/11)

**103-212**  
**Special density regulations**

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the density factor for #dwelling units# shall be 900.

(2/2/11)

**103-213**  
**Special height regulations**

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residence# and #Commercial Districts#.

(2/2/11)

**103-214**

### **Special yard regulations**

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residential# and #Commercial Districts#

(6/10/09)

### **103-22**

#### **Special Parking Regulations**

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

(6/10/09)

### **103-23**

#### **Curb Cuts**

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.