

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
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CITY PLANNING COMMISSION  
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## Article X: Special Purpose Districts

### Chapter 3: Special Planned Community Preservation District

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CITY PLANNING COMMISSION  
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7/18/74

## **Article X - Special Purpose Districts**

### **Chapter 3**

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

7/18/74

#### **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 future development within the Special Districts that is consistent with the existing character, quality and amenity of the Special District.

7/18/74

#### **103-01**

##### **Definitions**

Special Planned Community Preservation District  
(repeated from Section 12-10)

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts which are at least 1.5 acres and contain a minimum of 3 #buildings#, substantially designed and #developed# as a unit with substantial clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961, considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, and designated pursuant to Section 103-05. The Special PC District and its regulations supplement or modify those of the districts on which it is superimposed.

7/18/74

**103-02**

**General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, and in accordance with the provisions of this Chapter, no new #development#, #enlargement# which may include demolition of #buildings#, or substantial alteration of landscaping or topography, is permitted within the area designated as a #Special Planned Community Preservation District# except by special permit of the City Planning Commission.

7/18/74

**103-04**

**Requirements for Application**

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial alteration 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.

7/18/74

### **103-05**

#### **Designation of Special Planned Community Preservation Districts**

The City Planning Commission and the Board of Estimate may designate as #Special Planned Community Preservation Districts# areas of at least 1.5 acres which contain a minimum of three #buildings# designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961, with substantial clustered #open space# and related #commercial uses# available to all residents of the District, where the Commission finds that the existing site plan results 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.

7/26/01

### **103-06**

#### **Special Permit Provisions**

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

- (a) 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#;
- (b) 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#;
- (c) minor variations in the #yard# regulations required by the applicable district regulations;
- (d) minor variations in the height and setback regulations required by the applicable district regulations;

- (e) 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);
- (f) 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 Section 25-621 (Location of parking spaces in certain districts), and Section 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41. Where such requirement substantially injures the functioning of the existing planned community, waiver of all or part of the required parking may be authorized.

7/18/74

**103-061**

**Findings**

As a condition precedent to the granting of a special permit under the provisions of Section 103-06, the City Planning Commission shall make the following findings:

- (a) that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design; and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;
- (b) that the new #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;
- (c) that the new #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 which will diminish the environmental quality of the community; and
- (d) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.

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 hereunder 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 with the intentions of the #Special Planned Community Preservation Districts#.

4/16/08

**103-07**

**Special Provisions for Demolition of Buildings**

No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, 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 pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).

In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.

7/18/74

**103-08**

**Special Provisions for Alterations of Landscaping or Topography**

No substantial alterations of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such alterations are approved by special permit by the City Planning Commission after public notice and hearing and subject to Board of Estimate action.

7/18/74

**103-09**

**Recordation**

At the time of any transfer of development rights which have been authorized by special permit under Section 103-06, 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.