Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

78-00 - GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

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78-00 - GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
8/18/1977

78-01 - General Purposes

LAST AMENDED
8/24/1967

The regulations set forth in this Chapter are designed to deal with certain types of problems which arise only in connection with large-scale residential developments and to promote and facilitate better site planning and community planning through modified application of the district regulations in such developments.

For large-scale residential developments involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. For such developments, the regulations of this Chapter are designed to allow greater flexibility for the purpose of securing better site planning for development of vacant land and to provide incentives toward that end while safeguarding the present or future use and development of surrounding areas and, specifically, to achieve more efficient use of increasingly scarce land within the framework of the overall bulk controls, to enable open space in large-scale residential developments to be arranged in such a way as best to serve active and passive recreation needs of the residents, to protect and preserve scenic assets and natural features such as trees, streams and topographic features, to foster a more stable community by providing for a population of balanced family sizes, to encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings, and thus to promote and protect public health, safety and general welfare.

78-02 - Definitions

LAST AMENDED
2/2/2011

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

Floor area

For the purposes of this Chapter, in R3, R4 or R5 Districts, #floor area# shall be as defined in Section 12-10, except that:

(a) #floor area# shall not include up to 200 square feet of floor space located in any #story# used for required #accessory# off-street parking spaces within individual garages; and

(b) within the definition of #floor area# in Section 12-10, listed under "#floor area# includes," paragraph (i)(3) shall not apply, and listed under "#floor area# of a #building# shall not include," paragraph (6)(ii), shall not apply.

78-03 - Applicability of This Chapter

LAST AMENDED
2/27/2020

#Large-scale residential developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter and apply only to such #large-scale residential developments#.

Any #large-scale residential development# having a total of at least 500 #dwelling units# shall be subject to the provisions of Section 78-11 (General Provisions), relating to Provision of Public Facilities in Connection with Large-Scale Residential Developments.

#Large-scale residential developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

78-04 - Powers of the City Planning Commission

LAST AMENDED
8/24/1967

78-041 - Authorization by Commission

LAST AMENDED
8/24/1967

For any #large-scale residential development# for which proposed modifications of the applicable district regulations are limited to those which may be granted in accordance with the provisions of Sections 78-21 to 78-23, inclusive, relating to Use Regulations, Sections 78-311 and 78-313 relating to Bulk Regulations, Section 78-41 (Location of Accessory Parking Spaces), or Sections 78-51 to 78-53, inclusive, relating to Subdivision of Large-Scale Residential Developments, the City Planning Commission may grant such modifications in accordance with the provisions of such specified Sections and may prescribe appropriate conditions and safeguards thereon.

78-042 - Special permits

LAST AMENDED
12/18/1969

For #large-scale residential developments# for which proposed modifications of the applicable district regulations include those which may be granted only in accordance with the provisions of Sections 78-312 to 78-33, inclusive, relating to Bulk Regulations, or Section 78-42 (Parking Regulations for Commercial and Community Facility Uses), the City Planning Commission may grant special permits for such modifications in accordance with the applicable provisions of such specified Sections and other sections of this Chapter and may prescribe appropriate conditions and safeguards thereon.

78-043 - Requirements for findings

LAST AMENDED
2/2/2011

The requirements for findings as set forth in this Chapter shall constitute a condition precedent to the grant of any such modification by special permit or otherwise. The decision or determination of the City Planning Commission shall set forth each required finding in each grant of modifications for a #large-scale residential development#. Each finding shall be supported by substantial evidence or data considered by the Commission in reaching its final decision.

78-044 - Contractual agreements

LAST AMENDED
8/24/1967

The City of New York may enter into contractual agreements with the applicant as may be required to assure compliance with the terms and conditions of the modifications granted under the provisions of this Chapter.

78-05 - Requirements for Applications

LAST AMENDED
2/2/2011

An application to the City Planning Commission for an authorization or special permit respecting any #large-scale residential development# shall include a site plan and related schedules showing the location and proposed #use# of all #buildings or other structures# on the site, the location of existing natural features such as important trees or clusters of trees, streams or rock formations, and all information necessary to indicate the authorizations requested and their justification.

The Commission shall require, where relevant, a time schedule for carrying out the proposed #large-scale residential development#, a financial plan, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

78-06 - Ownership

LAST AMENDED
6/6/2024

(a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto, in accordance with the provisions of this Chapter, shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. Except as otherwise provided in this Section, no authorization or special permit or modification thereto, shall be granted for such #large-scale residential development# unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 for all #zoning lots# comprising the #large-scale residential development#) of, or executed a binding sales contract for, all of the property comprising such tract.

(b) Notwithstanding the provisions of paragraph (a) of this Section, the following actions shall be permitted:

(1) When a #large-scale residential development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and may be granted authorizations or special permits under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth in paragraph (a) of this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

(2) In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large-scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(2), may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5) of this Section.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	7	West Side URA

(3) The owner(s) of a developed parcel(s) within a #large-scale residential development# located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel(s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available #floor area# for #commercial# or #community facility# #uses#, subject to the conditions of paragraph (b)(5) of this Section and provided further that:

(i) no #residential use# existing prior to July 23, 2008, located above the level of the ground floor may be changed to a non-#residential use#;

(ii) the #enlarged# portion of the #building# shall be restricted to #community facility# #uses# and #commercial# #uses# listed in Use Group VI, provided that any ground floor #community facility# #use#, and any bank or loan office shall occupy not more than 25 feet of the #wide street# frontage, measured to a depth of 30 feet from the #wide# #street line#, and no #community facility# #use# shall be permitted above the level of the second #story# ceiling;

(iii) any #enlargement# fronting upon Columbus or Amsterdam Avenue shall contain a number of establishments, such that the entire #block# front on

Columbus or Amsterdam Avenue shall contain no fewer than three establishments, each with a separate entrance on Columbus or Amsterdam Avenue. The Columbus or Amsterdam Avenue frontage of any one such establishment shall not exceed 100 feet;

(iv) the ground floor #street wall# of an #enlargement# located within C1-9 or C2-8 Districts shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area;

(v) required #open space# with appropriate circulation, seating, lighting and plantings shall be accessible and usable by all residents of the #large-scale residential development#;

(vi) a plan, including elevations, shall be submitted showing the proposed #building(s)# and modification, and #open space#; and

(vii) the #enlargement# enhances the streetscape and the design promotes a harmonious relationship with the existing #buildings# and contiguous #blocks# within the #large-scale residential development#.

In addition, any significant adverse impacts resulting from a #development# or #enlargement# pursuant to such modifications, considered in combination with #developments# or #enlargements# within the former urban renewal area listed in paragraph (b)(2), previously the subject of modifications under this paragraph, (b)(3), shall have been avoided or minimized to the maximum extent practicable by incorporating as conditions to the modification those mitigative measures that have been identified as practicable.

The provisions of paragraphs (b)(3)(ii) and (b)(3)(iii) shall not apply to #enlargements# of #community facility# #uses# and bank or loan offices existing prior to July 23, 2008, provided that such #enlargement# does not increase existing #street# frontage on Columbus or Amsterdam Avenues by more than 10 feet.

An application filed pursuant to this paragraph, (b)(3), shall be referred to the affected Community Board, and the City Planning Commission shall not grant any modification of an authorization or special permit pursuant thereto prior to 45 days after such referral.

(4) For any #large-scale residential development# located in the Community District(s) listed in this paragraph, (b)(4), the owner(s) of a vacant parcel(s) may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5).

Borough	Community District
Queens	7

(5) Modifications of authorizations or special permits previously granted under the provisions of this Chapter, as permitted in paragraphs (b)(2), (b)(3) and (b)(4) of this Section, shall not:

(i) result in the distribution of #floor area# from any #zoning lot# not coextensive with or included within such parcel(s); or

(ii) increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond that amount permitted by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large-scale residential development#, provided that such modification would not create a #non-compliance# within the #large-scale residential development#.

(6) When a #large-scale residential development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, other than the City's urban renewal agency, or its agent, having the power of condemnation, authorizations or special permits may be applied for and may be granted under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth elsewhere in this Section.

(7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(7), may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	8	Ruppert Brewery URA

78-07 - Lapse of Authorization or Special Permit

LAST AMENDED
7/18/1995

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.