

RESCINDED BY
BUILDINGS BULLETIN 2023-002

DEPARTMENT OF BUILDINGS
Intradepartmental Memorandum

DIRECTIVE NO. 9-1965

To: Borough Superintendents

Date: August 30, 1965

From: Joseph Ferro
Director of Operations

Subj: Deed Restrictions
for Off-Site Parking

The Zoning Resolution permits accessory off-street parking space to be located on a zoning lot other than the same zoning lot to which such spaces are accessory. Such off-site accessory parking is permitted in Residential, Commercial and Manufacturing Districts subject to several limitations stipulated in the Zoning Resolution.

One requirement common to all districts as specified in Sections 25-55, 36-45 and 44-34 is that "Such spaces shall be in the same ownership as the use to which they are accessory,....."

In order to insure compliance with the above requirement, the applicant shall file in the Register's Office in the Block and Lot Book where the Deed for the accessory land has been recorded, a declaration which shall include the following:

1. Description by metes and bounds of the lands upon which the principal use and accessory use are located.
2. That the accessory use is in the same ownership as the principal use.
3. That the premises upon which the accessory use is located shall be owned by the owner of the principal use.
4. That the owner of the principal use covenants that the land and/or building of the accessory use shall not be sold and conveyed, except as an adjunct and part of the conveyance of the land of the principal use.
5. That the owner of the principal use covenants that the land and/or building of the principal use shall not be sold and conveyed, except as an adjunct and part of the conveyance of the land and/or building of the accessory use.
6. That if the accessory parking is required parking, then in the event of a sale and conveyance of either parcel without the other, as hereinabove set forth, the certificate of occupancy issued for the principal use shall be forfeited and the building used for the principal use shall become an unlawful structure.

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7. That if the accessory parking is permitted parking, then in the event of a sale and conveyance of either parcel without the other, as hereinabove set forth, the certificate of occupancy issued for the accessory use shall be forfeited and the use of the premises for accessory parking shall become unlawful.
8. This Declaration shall run with the land and shall be effective and continue in full force and effect, as follows:
 - (1) If the accessory parking is required parking, then it shall continue as long as the principal use continues to exist.
 - (2) If the accessory parking is permitted parking, then it shall continue as long as the accessory use continues to exist.

Signed

Joseph Ferro
Director of Operations

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