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Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	City of New York
Year (adopted, written, etc.):	1998-2001
Community Type – applicable to:	Urban; Suburban
Title:	City of New York Special Midtown District Ordinance
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Abstract

The City of New York created incentive zoning in 1961 to acquire available open space in densely packed commercial or business districts. Article VIII, Chapter 1 in the New York City Zoning Resolution regulates floor area bonus for Special Midtown District. As-of-right “floor area” bonuses are not permitted in this district.

Resource

Article VIII. Special Purpose Districts

Ch. 1 Special Midtown District

81-22 As-of-Right Floor Area Bonuses (8/6/98)

As-of-right “floor area” bonuses are not permitted in the “Special Midtown District”, except in accordance with the provisions of the following Section: Section 81-23 (Floor Area Bonus for Urban Plazas)

In addition, the provisions of Section 23-90 (INCLUSIONARY HOUSING) shall be applicable in that portion of the “Special Midtown District” which is also within the “Special Clinton District”, pursuant to Section 81-230 (Applicability of the Special Clinton District regulations).

Any floor area bonus granted by certification for through “block” gallerias prior to August 6, 1998, shall remain in effect, provided however that such certification shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within four years from the effective date of such certification.

81-23 Floor Area Bonus for Urban Plazas (8/27/98)

Within the “Special Midtown District”, for each square foot of “urban plaza” provided on a “zoning lot”, the basic maximum “floor area” permitted on that “zoning lot” under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus “floor area” exceed a “floor area ratio” of 1.0.

This Section shall be applicable in all underlying districts throughout the “Special Midtown District”, except that:

- (a) there shall be no “floor area” bonus for an “urban plaza” on “zoning lots” in the C5P District within the Preservation Subdistrict;
- (b) no “development” or “enlargement” on a “zoning lot” shall receive a bonus for an “urban plaza” that is within 50 feet of a “street line” of a designated “street” on which retail or “street wall” continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) no “development” or “enlargement” on a “zoning lot”, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), shall receive a bonus for an “urban plaza”; and
- (d) there shall be no “floor area” bonus for an “urban plaza” on “zoning lots” in the Grand Central Subdistrict.

All “urban plazas” provided within the “Special Midtown District” shall comply with the requirements for “urban plazas” set forth in Section 37-04 (Requirements for Urban Plazas).

A major portion of an “urban plaza” may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the “urban plaza” also conforms to the design standards of Section 37-07 (Requirements for Pedestrian Circulations Space) for a sidewalk widening. Such sidewalk widening may be included in the major portion of an “urban plaza” for purposes of calculating the proportional restrictions set forth in Section 37-04, paragraph (d).

81-231 Existing plazas or other public amenities (7/26/01)

- (a) Elimination or reduction in size of existing “plazas” or other public amenities

No existing “plaza” or other public amenity, open or enclosed, for which a “floor area” bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of existing bonused public amenities).

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within a “plaza” or “plaza”-connected open area for which a “floor area” bonus has been received, by certification of the City Planning Commission, pursuant to Section 37-05 (Improvement of Existing plazas or Plaza-connected Open Areas).

(c) Nighttime closing of existing “plazas”, “plaza”-connected open areas and “residential plazas”

The City Planning Commission may, upon application, authorize the closing of an existing “plaza”, for which a “floor area” bonus has been received, during certain nighttime hours, pursuant to Section 37-06.

(d) Special provisions for certain “covered pedestrian spaces”

Where a portion of an existing “covered pedestrian space” was designated by a special authorization of the City Planning Commission prior to May 13, 1982, to be used for off-street loading after business hours, the Commission may, by special permit, after public notice and hearing, and subject to City Council action, allow relocation of the loading facilities and modifications relating to the loading berth requirements, provided that such modifications will result in substantial improvement of the pedestrian circulation system and amenities within the existing “covered pedestrian space” without adversely affecting the operation of off-street loading facilities.

(e) Elimination of reduction in size of non-bonused open area on a “zoning lot” containing a bonused amenity

Any Existing open area for which a “floor area” bonus has not been utilized that occupied the same “zoning lot” as an existing “plaza” or other public amenity, open or enclosed, for which a “floor area” bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such “floor area” bonus was granted.