



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **81-23 - Floor Area Bonus for Public Plazas**

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## 81-23 - Floor Area Bonus for Public Plazas

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LAST AMENDED

8/9/2017

Within the #Special Midtown District#, for each square foot of #public 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 there shall be no #floor area# bonus for a #public plaza# that is:

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) 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) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section [81-71](#) (General Provisions); and
- (d) on #zoning lots#, any portion of which is in the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, or on #qualifying sites#, as defined in Section [81-613](#), in any other subarea of the East Midtown Subdistrict.

All #public plazas# provided within the #Special Midtown District# shall comply with the requirements for #public plazas# set forth in Section [37-70](#), inclusive.

A major portion of a #public 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 #public plaza# also conforms to the design standards of Section [37-50](#) (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-715.

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## 81-231 - Existing plazas or other public amenities

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LAST AMENDED

10/17/2007

- (a) Elimination or reduction in size of existing #publicly accessible open area# or other public amenities

No existing #publicly accessible open area# 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 [74-761](#) (Elimination or reduction in size of bonused public amenities).

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing #publicly accessible open areas#

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a #floor area# bonus has been received, during certain nighttime hours, pursuant to Section [37-727](#) (Hours of access).

(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 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 or 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 occupies the same #zoning lot# as an existing #publicly accessible open area# 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.

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## **81-232 - Special provisions for zoning lots divided by district boundaries**

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LAST AMENDED

10/17/2007

Where a #public plaza# is located on a #zoning lot# divided by a district boundary, the #floor area# bonus for such #public plaza# may be credited to either portion of the #zoning lot# regardless of the #public plaza's# location or the date when the #zoning lot# was created, provided that the amount of such bonus permitted on either portion of the #zoning lot# shall not exceed the maximum amount that would be permitted on such portion if it were a separate #zoning lot# and subject to all other applicable provisions of Article VII, Chapter 7.