Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-746 - Additional provisions for zoning lots divided by district or subdistrict core boundaries

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LAST AMENDED
2/2/2011

(a) For any #zoning lot# which includes a "listed theater" as set forth in Section 81-742 (Listed theaters) or is, or contains, a "receiving site" pursuant to Section 81-744 (Transfer of development rights from listed theaters), and which is divided by a boundary between districts with different basic maximum #floor area ratios# as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), the Chairperson of the City Planning Commission, by certification, shall allow modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows.

For any #zoning lot#, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations on either side of the district boundary may be located on the other side of the district boundary, provided:

(1) the amount of such #floor area# to be located on either side of the district boundary shall not exceed 20 percent of the basic maximum #floor area ratio# of the district in which it is to be located;

(2) the number of such #dwelling units# or #rooming units#, if any, to be located on either side of the district boundary shall not exceed the number permitted by the applicable district regulations; and

(3) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met for any "listed theater" on such #zoning lot#.

The Chairperson's certification approving modification of the provisions for such #zoning lots# divided by district boundaries shall state the total amount of #floor area#, including #floor area# of any existing theater, to be provided on the #zoning lot# as a whole and the portion thereof to be located in each district, and the amount authorized herein to be located across the district boundary from the district in which the theater is located.

Notice of the restrictions upon further development of each portion of the #zoning lot# shall be recorded by the owner against the #zoning lot# in the Office of the Register of the City of New York (County of New York) and a certified copy shall be submitted to the Commission.

(b) Notwithstanding any other provisions of this Resolution, for any #zoning lot# which is divided by a boundary of the Theater Subdistrict Core as defined in Section 81-71 (General Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Theater Subdistrict Core, the applicable underlying #bulk# regulations shall be modified, as follows:

(1) #floor area#, including bonus #floor area#, or #dwelling units# permitted by the applicable district regulations on that portion of the #zoning lot# within the Theater Subdistrict Core may be located on the portion of the #zoning lot# outside the Core, provided that the number of such #rooms#, if any, to be located outside of the Core shall not exceed the number permitted by the applicable district regulations; and

(2) #floor area#, including bonus #floor area#, or #dwelling units# permitted by the applicable district regulations on that portion of the #zoning lot# outside of the Theater Subdistrict Core shall not be located on the portion of the #zoning lot# within the Core.

(c) Notwithstanding any other provisions of this Resolution, for any #zoning lot# located wholly within the Theater Subdistrict and outside of the Theater Subdistrict Core that is divided by a

boundary of the Eighth Avenue Corridor as defined in Section 81-71 and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Eighth Avenue Corridor, #floor area#, including bonus #floor area#, or #dwelling units# permitted by the applicable district regulations may be located on either side of the Eighth Avenue Corridor boundary.