

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## **Article VIII - Special Purpose Districts**

### **Chapter 1**

#### **Special Midtown District**

##### **81-00**

##### **GENERAL PURPOSES**

The “Special Midtown District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;

- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen the economic vitality and competitiveness of the Grand Central Subdistrict by facilitating the development of exceptional and sustainable buildings within the Vanderbilt Corridor and enabling improvements to the pedestrian and mass transit circulation network;
- (o) to ensure that development within the Vanderbilt Corridor occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;
- (p) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- (q) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (r) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (s) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

\* \* \*

## **81-06**

### **Applicability of Article VII Provisions**

**81-061**

**Applicability of Chapter 3 of Article VII**

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals for #non-complying buildings# shall not be applicable:

- Section 73-621                    (Enlargement, change of use, or Extension within ~~or Conversion of B~~ buildings ~~containing R~~ residential ~~U~~ uses)
- Section 73-63                    (Enlargement of Non-Residential Buildings)
- Section 73-64                    (Modifications for Community Facility Uses)

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**81-067**

**Modification of provisions for minimum base height and street wall location in Historic Districts**

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-621 (Special street wall requirements) pertaining to the Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to ~~Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts)~~ Sections 23-66 and 35-65 (Height and Setback Requirements for Quality Housing Buildings).

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**81-20**

**BULK REGULATIONS**

\* \* \*

**81-23**

**Floor Area Bonus for Public Plazas**

\* \* \*

**81-231**

**Existing plazas or other public amenities**

- (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 ~~74-763~~ 74-761 (Elimination or reduction in size of ~~existing~~ bonused public amenities).

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### **81-60**

#### **SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT**

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### **81-63**

#### **Transfer of Development Rights from Landmark Sites**

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### **81-634**

#### **Transfer of development rights by certification**

Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:

\* \* \*

- (b) in conjunction with such transfer of development rights, modification 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 "receiving lot," whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, or #dwelling units# ~~or #rooming units#~~ permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such "receiving lot" within a district which allows a lesser #floor area ratio#, provided that the amount of such #floor area#, or #dwelling units# ~~or #rooming units#~~ to be located on the side of the district boundary permitting the lesser #floor area ratio# shall not exceed 20 percent of the basic maximum #floor area ratio# or number of #dwelling units# ~~or #rooming units#~~ of the district in which such #bulk# is to be located.

### **81-635**

#### **Transfer of development rights by special permit**

\* \* \*

(a) The Commission may permit:

\* \* \*

(2) 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) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, or #dwelling units# ~~or~~ #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;

\* \* \*

**81-70  
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

**81-74  
Special Incentives and Controls in the Theater Subdistrict**

\* \* \*

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

\* \* \*

(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# ~~or~~ #rooming 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# ~~or~~ #rooming 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# ~~or #rooming units#~~, permitted by the applicable district regulations may be located on either side of the Eighth Avenue Corridor boundary.

\* \* \*

END