Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-06 - Applicability of Article VII Provisions

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81-06 - Applicability of Article VII Provisions

LAST AMENDED
8/26/1992

81-061 - Applicability of Article VII

LAST AMENDED
6/6/2024

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 buildings containing residential uses)

Section 73-63 (Enlargement of Non-residential Buildings)

Section 73-64 (Modifications for Community Facility Uses)

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-146 (Public transit or railroad electric substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

81-062 - Applicability of Article VII, Chapter 4

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the following provisions regarding special permits by the City Planning Commission shall not be applicable:

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-scale Development)

Section 74-75 (Educational Construction Fund Projects)

Section 74-81 (Through Block Arcades)

Section 74-821 (Court houses)

Section 74-831 (Developments in certain Commercial Districts)

Section 74-85 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas)

Within the #Special Midtown District#, the following special permit by the City Planning Commission shall only be applicable as modified below:

Section 74-71 (Landmark Preservation) shall be applicable subject to the height and setback modifications of Sections 81-068, 81-254, 81-266 and 81-277.

81-063 - Applicability of Article VII, Chapter 5

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the following certification by the Chair of the City Planning Commission or authorization by the Commission shall only be applicable as modified below:

Section 75-24 (Bulk Modifications Associated with a Transfer of Development Rights from Landmarks)

Section 75-42 (Transfer of Development Rights from Landmarks) shall be applicable within the #Special Midtown District#, except in the East Midtown Subdistrict and Theater Subdistrict. Such provisions shall be subject to modifications of Section 81-212.

81-064 - Regulations for developments or enlargements on lots divided by district boundaries, within or partially within the Theater Subdistrict

LAST AMENDED
12/5/2024

Within the Theater Subdistrict of the #Special Midtown District#, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), are modified in part by the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or

subdistrict core boundaries).

81-065 - Inapplicability of provisions for height and setback modifications in large-scale residential developments

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback regulations shall be inapplicable.

81-066 - Inapplicability of provisions for height and setback modifications in large-scale community facility developments

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the provisions of Article VII, Chapter 9 (Special Regulations Applying to Large-scale Community Facility Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback regulations shall be inapplicable.

81-067 - Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

(a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

(1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations, result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be integrally related to #developments#, both physically and programmatically;

(3) that the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;

(5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas on the #zoning lot#;

(6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

(1) the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(3) such modifications will not unduly obstruct the access of light and air to surrounding properties;

(4) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;

(5) such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;

(6) the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and

(7) the modifications of height and setback regulations:

(i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and

(ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

81-068 - Modification of provisions for minimum base height and street wall location in Historic Districts

LAST AMENDED

12/5/2024

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), 81-671 (Special street wall requirements) pertaining to the East Midtown 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 23-43 (Height and Setback Requirements in R6 Through R12 Districts) and 35-63 (Height and Setback Requirements in Commercial Districts With R6 Through R12 Equivalency).