**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 81-21 - Floor Area Ratio Regulations

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## 81-21 - Floor Area Ratio Regulations

LAST AMENDED
8/9/2017

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of Section 81-21, inclusive, or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-64 (Special Floor Area Provisions for Qualifying Sites) or 81-65 (Special Floor Area Provisions for Non-qualifying Sites) shall apply.

## 81-211 - Maximum floor area ratio for non-residential or mixed buildings

LAST AMENDED
8/14/2025

(a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.

(b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the

provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

| | Maximum #Floor Area Ratio# (FAR) | | | | |
|---|---|---|---|---|---|
| Means for Achieving Permitted FAR Levels on a #Zoning Lot# | C5P | C6-4 C6-5 | C5-2.5 C6-4.5 C6-5.5 C6-6.5 | C6-7T | C5-3 C6-6 C6-7 |
| A. Basic Maximum FAR | 8.0 | 10.0 | 12.0 | 14.0 | 15.0 |
| B. Maximum As-of-Right #Floor Area# Allowances: #Public plazas# - Section 81-23 | — | 1.0[1,2] | 1.0[1,3] | — | 1.0[2] |
| C. Maximum Total FAR with As-of-Right Incentives | 8.0 | 11.0[1,2,6] | 13.0[1,3] | 14.0 | 16.0 |
| D. Maximum District-wide #Floor Area# Allowances: #Mass Transit Station# - Section 66-51 | 1.6[5] | 2.0[5] | 2.4 | 2.8 | 3.0 |

| | | | | | |
|---|---|---|---|---|---|
| E. Maximum Total FAR with District-wide and As-of-Right Incentives | 9.6 | 12.0 | 14.4 | 16.8 | 18.0 |
| F. Maximum #Floor Area# Allowances in Penn Center Subdistrict: #Mass Transit Station# Improvement - Section 81-541 | — | 2.0 | — | — | 3.0 |
| G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives | — | 12.0 | — | — | 18.0 |
| H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict: | | | | | |
| Development rights (FAR) of a "granting site" - Section 81-744 | — | 10.0 | 12.0 | 14.0 | 15.0 |

| | | | | | |
|---|---|---|---|---|---|
| Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" - Section 81-744(a) | — | 2.0 | 2.4 | 2.8 | 3.0 |
| I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict | — | 12.0 | 14.4 | 16.8 | 18.0 |
| J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor - Section 81-744(b) | — | 2.4 | — | — | — |
| K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations | — | 14.4 | 14.4 | 16.8 | 18.0 |
| L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" Section 81-745 | — | 4.4 | 2.4 | 2.8 | 3.0 |

| | | | | | |
|---|---|---|---|---|---|
| M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives | 9.6 | 14.4[7] | 14.4 | 16.8 | 18.0 |
| N. Maximum FAR of Lots Involving Landmarks: | | | | | |
| Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as-of-right | 8.0 | 10.0 | 12.0 | 14.0 | 15.0 |
| Development rights (FAR) of a landmark lot for transfer purposes - Section 75-42 | 8.0 | 10.0 | 13.0[4] | 14.0 | 16.0 |
| Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on a #receiving lot# - Section 75-42 | 1.6 | 2.0 | 2.4 | No Limit | No Limit |

| | | | | | |
|---|---|---|---|---|---|
| O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives | 9.6 | 14.4[7] | 14.4 | No Limit | No Limit |

[1] Not available for #zoning lots# located wholly within Theater Subdistrict Core

[2] Not available within the Eighth Avenue Corridor

[3] Not available within 100 feet of a #wide street# in C5-2.5 Districts

[4] 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core

[5] For #zoning lots# with #qualifying affordable housing# or #qualifying senior housing#, the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)

[6] 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public spaces)

[7] For #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted with the provision of #qualifying affordable housing# or #qualifying senior housing#.

## 81-212 - Special provisions for transfer of development rights from landmark sites

LAST AMENDED
12/5/2024

In the #Special Midtown District#, a transfer of development rights from #granting lots# to #receiving lots# within the #surrounding area#, as defined in Section 75-421 (Definitions), shall be permitted in accordance with the provisions of this Section.

(a) For the purposes of applying the term #surrounding area#, as set forth in Section 75-421 (Definitions), the provisions pertaining to #Commercial Districts# where the maximum #floor area ratio# for #commercial uses# is 15.0 shall also apply to #zoning lots# in C6-5.5, C6-6.5 or C6-7T Districts.

(b) Except in the East Midtown Subdistrict and Theater Subdistrict, the transfer of development rights shall be permitted in accordance with the provisions of Section 75-42 (Transfer of Development Rights from Landmarks). However, the provisions of paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks) shall be subject to the restrictions set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) for the development rights (FAR) of a landmark #granting lot#, as defined in Section 75-421, for transfer purposes. Wherever there is an inconsistency between any provision in Section 75-42 and the table in Section 81-211, the table in Section 81-211 shall apply.

(c) Within the East Midtown Subdistrict and Theater Subdistrict, the transfer of development rights may be granted in accordance with the provisions of Section 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas).

## 81-213 - Special provisions for transfer of development rights from landmark sites in certain areas

LAST AMENDED
12/5/2024

Within the East Midtown and Theater Subdistricts, the City Planning Commission may permit a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# to #zoning lots# within the #surrounding area#, as modified pursuant to paragraph (a) of Section 81-212 (Special provisions for transfer of development rights from landmark sites). The transfer of #floor area# from a #granting site# to a #receiving site# shall be subject to the conditions, application requirements and findings of paragraphs (a), (b) and (c) of this Section.

In addition to the provisions of this Section, the transfer of development rights pursuant to this special permit shall be made in accordance with the provisions of Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites) and 81-747 (Transfer of development rights from landmarks).

For the purposes of this Section, defined terms additionally include those in Section 75-421 (Definitions).

(a) Conditions

The transfer of development rights shall be subject to the following conditions:

(1) The maximum amount of #floor area# that may be transferred from any #granting site# shall be the maximum #floor area# allowed by Sections 81-63, 81-65 or 81-747 less the total #floor area# of all existing #buildings on the #granting site#.

(2) For each #receiving site#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section may exceed the maximum #floor area# pursuant to Sections 81-63, 81-65 or 81-747.

(b) Requirements for application

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective #zoning lots# and shall include: a site plan of #granting site# and the #receiving site#, including plans for all #developments# or #enlargements# on the #receiving site#; a program for the continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission. The application shall be accompanied by a report from the Landmarks Preservation Commission.

A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

(c) Findings

The Commission shall make the following findings:

(1) that the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole;

(2) that the program for continuing maintenance will result in the preservation of the landmark; and

(3) that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.

The Commission shall give due consideration to the relationship between the landmark #building# and any #buildings# #developed# or #enlarged# on the adjacent lot regarding materials, design, scale and location of #bulk#.

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

(d) Transfer instruments and notice of restrictions

The owners of the landmark lot and the adjacent lot shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# on the lot occupied by the #granting site# and #receiving site# shall be filed by the owners of the respective lots in the place and county designated by law for the filing by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which, such transfer is made.

## 81-214 - Special provisions for transfer of development rights from listed theaters within the Special Clinton District

LAST AMENDED
12/5/2024

In C6-2 Districts within the #Special Clinton District#, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.