Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
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81-25 - General Provisions Relating to Height and Setback of Buildings

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LAST AMENDED
8/9/2017

For all #buildings# in the #Special Midtown District#, except as provided in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT), the height and setback regulations of the underlying districts are superseded by the provisions of this Section and by the two alternate sets of regulations controlling the height and setback of #buildings# as set forth in Sections 81-26 (Height and Setback Regulations--Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations--Daylight Evaluation), respectively. For the purposes of applying height and setback regulations, the term "#buildings#" shall include #buildings or other structures#, except if specifically stated otherwise.

For the purposes of Sections 81-25 through 81-27, inclusive, all #buildings# on a #zoning lot# shall be considered a single #building#. Existing portions of such #buildings# are referred to as an "existing #building#." A "new #building#" shall include #developments#, #enlargements# or alterations that increase the width or height of a #building# wall.

An applicant for plan approval by the Department of Buildings may elect to be governed by the provisions of either Section 81-26 or 81-27 in addition to the provisions of this Section.

This Section sets forth the provisions that are common to both sets of regulations.

81-251 - Purpose of height and setback regulations

LAST AMENDED
2/2/2011

The common purpose of these two sets of regulations is to offer maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public #streets# and adjacent #buildings#.

This purpose is implemented by the two alternate sets of regulations, which are based on two distinct approaches. Both sets are concerned with daylight at #street# level.

The daylight compensation regulations require any #building# generally to be built within a sky exposure curve which relates required setbacks to #building# heights. Within limits, the #buildings# may encroach outside the curve but only if extra setbacks or recesses provided elsewhere on the same #street# frontage of the #zoning lot# compensate for the #encroachment#. In the regulations, the sky exposure curve for three #street# width categories is represented in each case by a table of required setbacks related to #building# heights.

The daylight evaluation regulations measure and evaluate portions of sky blocked by a #building# as viewed from specified #vantage points# in the #street#. The #building# is plotted on #daylight evaluation charts# representing the #zoning lot's# available daylight from specified #vantage points#, measured in daylight squares as defined in paragraph (b) of Section 81-272. Daylight blockage by the #building# is then measured to determine the #building's# score on each frontage and the average score for the #building# as a whole. The regulations specify the minimum passing scores for compliance.

81-252 - Permitted obstructions

LAST AMENDED
12/5/2024

Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted Obstructions) or 34-11 or 35-10 (GENERAL PROVISIONS), are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations—Daylight Compensation), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses#, set forth in Section 81-26, and shall be excluded in determining daylight blockage, pursuant to the provisions of Section 81-27:

(a) unenclosed balconies conforming to the provisions of Section 23-62 (Balconies); and

(b) #qualifying exterior wall thickness#. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

81-253 - Special provisions for the East Midtown, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts

LAST AMENDED
8/9/2017

The provisions of Sections 81-26 (Height and Setback Regulations-- Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations--Daylight Evaluation) are supplemented and modified

by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the East Midtown Subdistrict as set forth in Sections 81-61 (General Provisions), 81-66 (Special Height and Setback Requirements), inclusive, or 81-671 (Special street wall requirements), or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where height and setback is regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

81-254 - Modifications for height and setback

LAST AMENDED
12/5/2024

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)

Section 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites)

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

Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea)

Section 81-633 (Special permit for Grand Central public realm improvements)

Section 81-685 (Special permit to modify qualifying site provisions)