Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-00 - GENERAL PURPOSES

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LAST AMENDED
8/9/2017

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 East Midtown Subdistrict by facilitating the development of its exceptional and sustainable buildings and enabling improvements to the pedestrian and mass transit circulation network;

(o) to ensure that development within the East Midtown Subdistrict occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;

(p) to protect and strengthen the role of landmark buildings as important features of the East Midtown Subdistrict;

(q) 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;

(r) 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;

(s) 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

(t) 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.

81-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, 81-261, 81-271 or 81-613 (Definitions).

81-02 - General Provisions

LAST AMENDED
8/9/2017

81-021 - Applicability of underlying district regulations

LAST AMENDED
10/7/2021

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

The regulations of the districts set forth below are applicable in the following Midtown districts unless modified by this Chapter:

Midtown Districts	Districts Whose Regulations Apply
C5P C5-2.5	C5-2
C6-4.5	C6-4
C6-5.5	C6-5
C6-6.5	C6-6
C6-7T	C6-7

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

81-022 - Applicability of Special Transit Land Use District regulations

LAST AMENDED
10/7/2021

Except as otherwise provided in paragraphs (a), (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as designated on the #zoning map# by the letters "MiD-TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

(a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:

(1) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-street Relocation or Renovation of a Subway Stair); or

(2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a #mass transit station# improvement in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

(b) Where the requirements of Article IX, Chapter 5, are not waived, modifications of the underlying district #bulk# regulations as set forth in this Chapter shall prevail over any inconsistent #bulk# regulations in Article IX, Chapter 5.

(c) In the East Midtown Subdistrict, the provisions of paragraph (c) of Section 81-673 (Mass transit access) shall supersede the provisions of Sections 95-031 (Selection of transit easement) and 95-052 (Special access facilities for persons with disabilities).

81-023 - Applicability of Special Clinton District regulations

LAST AMENDED
8/6/1998

Wherever the #Special Midtown District# includes an area which also lies within the #Special Clinton District#, the regulations of the #Special Clinton District# as set forth in Article IX, Chapter 6, shall also apply. In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations).

The portion of the #Special Clinton District# within the #Special Midtown District# includes the area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street. The area is designated on the #zoning maps# by the letters CL-MiD.

81-024 - Integration clauses

LAST AMENDED
10/31/2001

(a) The underlying zoning districts shall be deemed to be integral parts of the #Special Midtown District#. If the underlying zoning district of any #zoning lot# shall be amended or shall be nullified by any court of competent jurisdiction, such amendment or adjudication shall be construed to amend the #Special Midtown District# to remove such #zoning lot# from the #Special Midtown District# whereupon the regulations of the prior underlying district shall apply.

(b) The #bulk# regulations contained in Sections 81-20 through 81-28, inclusive, shall be deemed to be an integral unit and no modification thereof shall be permitted, except in accordance with the provisions of Section 200 of the New York City Charter. If any sentence, clause, paragraph or part of Sections 81-20 through 81-28, inclusive, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, but shall also be construed to invalidate and prohibit the application of the remainder of Sections 81-20 through 81-28, inclusive. However, any such judgment shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.

81-03 - District Plan

LAST AMENDED
8/9/2017

The regulations of this Chapter are designed to implement the #Special Midtown District# Plan.

The District Plan includes the following maps:

Map 1 Special Midtown District and Subdistricts

Map 2 East Midtown Subdistrict and Subareas

Map 3 Retail and Street Wall Continuity

Map 4 Subway Station and Rail Mass Transit Facility Improvement Areas

The maps are located in Appendix A of this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

81-04 - Subdistricts and Subareas

LAST AMENDED
8/9/2017

In order to carry out the purposes and provisions of this Chapter, five special Subdistricts are established within the #Special Midtown District#. In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The Subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter.

The Subdistricts, together with the Sections of this Chapter specially applying to each, are as follows:

Subdistricts	Sections Having Special Application

Penn Center Subdistrict	81-50
East Midtown Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas that do not apply within the remainder of the Subdistrict. These Subareas are established, as follows:

Grand Central Transit Improvement Zone Subarea

Northern Subarea

Other Transit Improvement Zone Subarea

Park Avenue Subarea

Southern Subarea

Vanderbilt Corridor Subarea

The entirety of the Vanderbilt Corridor Subarea and the Grand Central Transit Improvement Zone Subarea as well as the portions of the Other Transit Improvement Zone Subarea south of East 47th Street, are hereinafter referred to as the Grand Central Core Area.

These Subareas, as well as the boundary of the Grand Central Core Area, are shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter.

81-05 - Applicability of Certain Amendments

LAST AMENDED
4/28/1988

For #developments#, #enlargements# or other alterations within the #Special Midtown District#, any building permits issued by the Department of Buildings prior to April 28, 1988, shall continue in effect through May 12, 1988. Thereafter any #non-conformance# or #non-compliance# with the Zoning Resolution as so amended shall be subject to the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment).

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

LAST AMENDED
12/5/2024

(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).