



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, 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 [81-21](#), inclusive, 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](#) or [81-64](#) shall apply.

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

LAST AMENDED  
10/7/2021

- (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

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)				
	C5P	C6-4 C6-5 M1-6	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: (District-wide Incentives), #Public plazas# - Section <a href="#">81-23</a>	—	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	—	1.0 <sup>2</sup>
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0 <sup>1,2,7</sup>	13.0 <sup>1,3</sup>	14.0	16.0

D. Maximum #Floor Area# Allowances:(District-wide Incentives), #Mass Transit Station# - Section <a href="#">66-51</a>	1.6	2.0 <sup>6</sup>	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 <a href="#">81-541</a>	—	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 <a href="#">81-744</a>	—	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 <a href="#">81-744(a)</a>	—	2.0	2.4	2.8	3.0
Inclusionary Housing - Sections <a href="#">23-90</a> and <a href="#">81-22</a>	—	2.0 <sup>4</sup>	—	—	—
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 <a href="#">81-744(b)</a>	—	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 <a href="#">81-745</a>	—	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 <sup>8</sup>	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section <a href="#">74-711</a> 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 <a href="#">74-79</a>	8.0	10.0	13.0 <sup>5</sup>	14.0	16.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on an "adjacent lot" - Section <a href="#">74-79</a>	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 <sup>8</sup>	14.4	No Limit	No Limit
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- 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 Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
- 5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- 6 Within R10 Districts outside of #Inclusionary Housing designated areas# the permitted #floor area# bonus shall be calculated in accordance with Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements)
- 7 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)
- 8 For #zoning lots# utilizing a #floor area# bonus pursuant to Section [66-51](#), such maximum #floor area ratio# shall only be permitted through combination with Inclusionary Housing

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

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LAST AMENDED  
8/9/2017

The provisions of Section [74-79](#) (Transfer of Development Rights From Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections [81-254](#), [81-266](#) and [81-277](#) pertaining to special permits for height and setback modifications, 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), [81-747](#) (Transfer of development rights from landmark theaters) and [81-85](#) (Transfer of Development Rights From Landmark Sites).

The provisions of Section [74-79](#) pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section [74-792](#) as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section [81-211](#) on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section [74-79](#) and the table in Section [81-211](#), the table in Section [81-211](#) shall apply.

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section [23-86](#) (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

- (a) the required minimum distance as set forth in Section [23-86](#) is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and
- (b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark #building or other structure#, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section [81-44](#), the Commission may also modify or waive the number of loading berths required pursuant to Section [36-62](#). In granting such special permit, the Commission shall find that:

- (1) a loading berth permitted by Commission authorization, pursuant to Section [81-44](#), would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
- (3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections [37-50](#) and [81-45](#). In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

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## **81-213 - Special provisions for transfer of development rights from listed theaters within the Special Clinton District**

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LAST AMENDED

9/13/2006

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.