



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 81-06 - Applicability of Article VII Provisions

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## 81-06 - Applicability of Article VII Provisions

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LAST AMENDED  
8/26/1992

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### 81-061 - Applicability of Article VII

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LAST AMENDED  
3/22/2016

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 [73-16](#) (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section [73-28](#) (Newspaper Publishing) 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#.

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### 81-062 - Applicability of Article VII, Chapter 4

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LAST AMENDED  
8/6/1998

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 [74-82](#) (Through Block Arcades)

Section [74-83](#) (Court Houses)

Section [74-841](#) (Developments in certain Commercial Districts)

Section [74-852](#) (Height and setback regulations for zoning lots divided by district boundaries)

Section [74-87](#) (Covered Pedestrian Space)

Section [74-91](#) (Modification of Public Plazas)

Section [74-95](#) (Modifications of Housing Quality Special Permits)

Within the #Special Midtown District#, the following provisions regarding special permits 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 [81-067](#), [81-254](#), [81-266](#) and [81-277](#)

Section [74-79](#) (Transfer of Development Rights From Landmark Sites) shall be applicable subject to modifications of the conditions and limitations on transfer of #floor area# (see Sections [81-212](#) and [81-747](#)), the meaning of the term "adjacent lot" (see Section [81-747](#)) and the provisions relating to height and setback variations (see Sections [81-254](#), [81-266](#) and [81-277](#)).

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### **81-063 - Regulations for developments or enlargements on lots divided by district boundaries, within or partially within the Theater Subdistrict**

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LAST AMENDED  
8/6/1998

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).

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### **81-064 - Inapplicability of provisions for height and setback modifications in large-scale residential developments**

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LAST AMENDED  
8/26/1992

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.

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### **81-065 - Inapplicability of provisions for height and setback modifications in large-scale community facility developments**

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LAST AMENDED  
8/26/1992

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.

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### **81-066 - Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7**

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- (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.

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## **81-067 - Modification of provisions for minimum base height and street wall location in Historic Districts**

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LAST AMENDED  
8/9/2017

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 [23-66](#) and [35-65](#) (Height and Setback Regulations for Quality Housing Buildings).