



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

81-72 - Use Regulations Modified

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81-72 - Use Regulations Modified

LAST AMENDED

2/2/2011

The #use# regulations of this Section, inclusive, shall apply within that portion of the Theater Subdistrict bounded by West 40th Street, a line 100 feet east of Eighth Avenue, West 51st Street and a line 200 feet west of Avenue of the Americas, to #buildings# #developed# after May 13, 1982, to portions of #buildings# #enlarged# on the ground floor level after May 13, 1982, and to #extensions#.

81-721 - Required use allocations on street frontages

LAST AMENDED

8/6/1998

#Uses# located on the ground floor or entered by stairs from a sidewalk entry, except for #uses# with no #street# frontage and accessible only through a lobby, shall be limited as follows:

- (a) On any #wide street#, at least 80 percent of any #wide street# #front lot line# ground level frontage shall be allocated to #uses# indicated in Section [81-722](#) (Use Group T).
- (b) On any #narrow street#, at least 50 percent of any #narrow street# #front lot line# ground level frontage shall be allocated to #uses# indicated in Section [81-722](#).
- (c) For #zoning lots# between 43rd and 50th Streets with #street# frontage on Broadway and/or Seventh Avenue, at least 50 percent of any length of #narrow street# #front lot line# ground level frontage within 100 feet of Broadway or Seventh Avenue shall be allocated to #uses# permitted only on #wide street# frontages in Section [81-722](#).

Where a stairway entrance into a subway is relocated onto a #zoning lot# pursuant to Section [81-46](#) (Off-street Relocation or Renovation of a Subway Stair), up to, but not more than, 40 feet of the #narrow street# #front lot line# ground level frontage occupied by that stairway may be excluded from the length of #narrow street# frontage to which the requirements of this Section apply.

81-722 - Use Group T

LAST AMENDED

9/9/2004

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (**) are allowed only on floors other than the ground floor.

#Uses# marked thus (***) qualify as #uses# satisfying the requirements of Section [81-724](#) (Requirements for entertainment-related uses).

#Use#

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Antique stores

#Apartment hotels# - lobby space is limited to 20 percent of total #zoning lot# frontage on #wide streets#

Appliance, repair shops - not permitted in C5 Districts

Appliances, sales

Art galleries, commercial

* Art galleries, non-commercial

Art metalcraft shops

Art needlework

Artists' supply stores

Athletic goods stores

*** Auditoriums

* Automobile rental establishments - not permitted in C5 Districts

Bakeries

Banks - limited to 15 percent of total #zoning lot# frontage on #wide streets#

* Banquet halls

** Barber shops

** Beauty parlors

Bicycle stores, rental or repair - not permitted in C5 Districts

Bicycle stores, sales

* Blueprinting establishments

* Boarding houses

Book stores or card stores

* Bowling alleys - not permitted in C5 Districts

** Business machines, small shops, rental, repairs, sales

** Business schools or colleges

Candy stores

Carpet, rug, linoleum or other floor covering stores

* Catering establishments

Cigar stores

Clock or watch stores or repair shops

Clothing rental establishments

Clothing stores

- * Clubs, non-commercial

Coin stores

- * Colleges or universities

- * Community centers

- * Convents

- *** Costume rental establishment

- ** Dance halls, public - not permitted in C5 Districts

Delicatessen stores

Dressmaking shops, custom

Drug stores

- * Dry cleaning establishments

Dry goods or fabric stores

Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less in C5 Districts, without restrictions in C6 or M1 Districts

- *** Eating or drinking places - where there is entertainment or dancing in C6 Districts.

- * Fire stations

Fishing tackle or equipment, stores or rental establishments

Florist shops

Food stores, including supermarkets, grocery stores, markets or delicatessen stores

Furniture stores

Furrier shops, custom

Gift shops

Hair products for headwear

Hardware stores

#Health and fitness establishments#

Historical exhibits - not permitted in C5 Districts

Hotels, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels) - lobby space limited to 20 percent of total #zoning lot# frontage on #wide streets#

- * Household appliance repair shops - not permitted in C5 Districts

- * Houses of worship

Ice cream stores

- * Institutions, philanthropic or non-profit

Interior decorating establishments

Jewelry shops

Leather goods or luggage stores

- * Libraries

Locksmith shops

Luggage stores

- * Meeting halls

Millinery shops

- *** Motion picture production studios

- * Museums

- *** Music stores

- *** Musical instruments, repair

Newsstands, enclosed

Office or business machine stores, sales or rental

Offices - only lobby space is permitted at grade on #wide street# frontages; lobby is limited to 20 percent of total #zoning lot# frontage on #wide streets#

Optician or optometrist establishments

Orthopedic stores

Paint stores

- * Parish houses

- * Parks, public or private

#Parking lots, public# and #parking garages, public#, subject to the provisions of Section [81-30](#) (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS)

Pet shops

- * Phonographic repair shops - not permitted in C5 Districts

Photographic developing or printing establishments

Photographic equipment stores

Photographic studios

Photographic supply stores

- * Photostatting establishments

Picture framing stores

- * Police stations

- * Post offices

- * Printing establishments

- * Radio appliance repair - not permitted in C5 Districts

- *** Record stores

- * Recreation centers, non-commercial

- * Rectories

#Residences# - only lobby space is permitted at grade on #wide streets#; lobby space is limited to 20 percent of total #zoning lot# frontage on #wide streets#

- * Rooming houses

- * #Schools#

- * Settlement houses

Sewing machine stores, selling household machines

- * Shoe repair shops

Shoe stores

- * Sign painting shops - not permitted in C5 Districts

- * Skating rinks, indoor - not permitted in C5 Districts

- * Skating rinks, outdoor ice

Sporting goods stores

Stamp stores

Stationery stores

- * ***Studios, music, dancing or theatrical

* ***Studios, radio or television

* Table tennis halls - not permitted in C5 Districts

Tailor shops, custom

Telegraph offices

* Television repair shops - not permitted in C5 Districts

*** Theater - a new motion picture theater in a new or existing #building# shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or entrance to a public toilet - not permitted in C5 Districts

*** Ticket sales

Tobacco stores

Tour operators

Toy stores

* Trade or other schools for adults

Travel expositions - not permitted in C5 Districts

Travel bureau - limited to 15 percent of total #zoning lot# frontage on #wide streets#

Typewriter stores

* Typewriter or other small business machine

repair stores

Variety stores

Wallpaper stores

* Wholesale establishments

* Wholesale offices or showrooms

81-723 - Special ground floor street frontage restrictions

LAST AMENDED

8/6/1998

No single establishment shall have a #wide street# #front lot line# ground level frontage of less than 10 feet.

The following requirements apply to #wide street# #front lot line# ground level frontages and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Broadway and/or Seventh Avenue, #narrow street# #front lot line# ground level frontages within 100 feet of Broadway or Seventh Avenue:

(a) Any length of #front lot line# ground level #street# frontage of a #zoning lot# devoted to banks and travel bureaus shall

not constitute in total more than 15 percent of any such #front lot line# ground level #street# frontage.

- (b) Each establishment shall be located within 10 feet of the #lot line# on which it is required to front for the full length of the frontage of that establishment, except that, where a #street wall# recess at #curb level# permitted under Section [81-43](#) (Street Wall Continuity Along Designated Streets) extends a greater distance from the #lot line#, the length of frontage of any establishment adjoining that recess may be located at an equal, but not greater, distance from the #lot line#.
- (c) Lobby space shall not comprise more than 20 percent of any such #front lot line# ground level #street# frontage. In addition, a lobby frontage on any such #front lot line# ground level #street# frontage need not be less than 15 feet.
- (d) #Uses# with no #street# frontage and which are accessible only through a lobby shall not be restricted to Use Group T #uses#.

81-724 - Requirements for entertainment-related uses

LAST AMENDED
2/2/2011

With the exception of a #development# or #enlargement# in which more than 50 percent of the new #floor area# is allocated to #transient hotel# #use#, or all of the #floor area# of the #development# or #enlargement# is allocated to #public parking garage# #use#, a #development# or #enlargement# on a #zoning lot# with more than 50 percent of its #zoning lot# area located within the Theater Subdistrict Core shall meet the following requirements:

- (a) If the new #floor area# of the #development# or #enlargement# generated by that portion of the #zoning lot# located within the Theater Subdistrict Core exceeds 60,000 square feet, then an amount of floor space on the #zoning lot# equal to five percent of the amount by which such new #floor area# exceeds 50,000 square feet shall be allocated to #uses# listed in Section [81-725](#) (Entertainment-related uses) or to #front lot line# ground level #uses# designated thus (***) in Section [81-722](#) (Use Group T), as satisfying the requirements of this Section.

Except as provided in paragraphs (b), (f) and (g) of this Section, the amount of floor space specified shall be located on the same #zoning lot# as the #development# or #enlargement# for which that floor space is provided to meet the requirements of this Section.

- (b) A maximum of 75 percent of the amount of floor space specified in paragraph (a) of this Section may be located on a separate #zoning lot#, with the remainder located on the same #zoning lot# as the #development# or #enlargement#, by authorization of the City Planning Commission provided, upon examination of proposed plans, the Commission finds that:
 - (1) one of the following conditions exists:
 - (i) more than 50 percent of the area of the separate #zoning lot# is located within the Theater Subdistrict Core;
 - (ii) the separate #zoning lot# is located within the Theater Subdistrict and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, and #uses# accessory thereto, or a combination thereof, as listed in Section [81-725](#), and that the separate #zoning lot# is located within the Theater Subdistrict; or
 - (iii) the separate #zoning lot# is located within an area bounded by West 42nd Street, Sixth Avenue, West

57th Street, a line 175 feet west of Ninth Avenue, West 52nd Street and a line 150 feet west of Eighth Avenue, and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto, not including administrative office space, where such floor space occupies no less than 25,000 square feet;

- (2) the floor space located on the separate #zoning lot# is in addition to any floor space provided to meet the requirements of this Section for any other #development# or #enlargement#;
 - (3) the floor space located on the separate #zoning lot# is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the #uses# listed in Section [81-725](#) at any time during the two-year period immediately prior to the date on which this authorization, as described in paragraph (b) of this Section, is granted; and
 - (4) the #use# located on the separate #zoning lot# achieves a reasonable distribution of entertainment-related #uses# and locations of such #uses#.
- (c) Except as provided in this paragraph (c), floor space allocated to entertainment-related #uses# listed in Section [81-725](#), accommodating any number of occupants, shall be classified under Sections [27-254](#) to [27-258](#) (Title 27, Chapter 1, Subchapter 3, Article 8 - Occupancy Group F-Assembly) of the 1968 Building Code or Section BC 303 of the 2008 Building Code, as applicable, and shall meet all relevant requirements of Sections [27-522](#) to [27-549](#) (Title 27, Chapter 1, Subchapter 8-Places of Assembly) of the 1968 Building Code or Section BC 1024 of the 2008 Building Code, as applicable.

Alternatively, where floor space in an existing #building# is allocated to #uses# listed in Section [81-725](#) in order to meet the requirements of this Section, the Commission may, by authorization, modify or waive the Code requirements of this paragraph (c) if, upon examination of proposed plans, it finds that:

- (1) the existing #building# does not otherwise require structural alteration to accommodate the entertainment-related #uses#; and
- (2) two plaques will be provided prior to the issuance of any certificate of occupancy for the floor space so allocated to be affixed, as follows:
 - (i) the first in a prominently visible location either to the exterior wall of the #building# at ground level adjacent to the main entry or in the main lobby stating that floor space in the #building# is provided to meet the requirements of this Section; and
 - (ii) the second either on or immediately adjacent to the corridor or lobby side of the main door to the space itself stating that such floor space is located within that part of the #building#.

Each plaque shall indicate in letters, not less than one inch high, the amount of entertainment-related floor space in square feet, the floor or floors on which it is located, the category of #use# under Section [81-725](#) to which it is dedicated, and the name and street address of the #development# or #enlargement# for which it partially fulfills the requirements of this Section.

- (d) The certificate of occupancy for the #development# or #enlargement# shall record and specifically describe all floor space allocated to meet the requirements of this Section and shall require the permanent reservation of this space for such purposes as a condition of the certificate of occupancy.

If a portion of the amount of the specified floor space is located on a separate #zoning lot#, no certificate of occupancy

for the #development# or #enlargement# shall be issued until a certificate of occupancy has been issued for that floor space provided on the separate #zoning lot# and all other floor space allocated to fulfill the requirements of this Section.

The certificate of occupancy for the #development# or #enlargement# shall identify the amount and location of such specified floor space provided on the separate #zoning lot#. The certificate of occupancy of the separate #zoning lot# shall identify the #development# or #enlargement# for which the specified floor space is provided and the amount and location of that floor space on the separate #zoning lot#. Both certificates of occupancy shall require the permanent reservation of the floor space provided on the separate #zoning lot# for #uses# which meet the requirements of this Section.

An amount of floor space allocated in an existing #building# to meet the requirements of this Section may be reallocated to another location, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict. Such reallocation shall be made provided that the Commission finds, by authorization, that all of the requirements of this Section are still met and that the Commission has received sufficient assurances that the certificates of occupancy of the #development# or #enlargement# and the #building# to which the floor space has been reallocated, will be amended within a period of time after the date of such authorization specified therein to accord with the provisions of this Section.

- (e) A written declaration shall be recorded against the #zoning lot# of the #development# or #enlargement# and against the separate #zoning lot#, which contains an agreement that the floor space provided on the separate #zoning lot# shall be used solely for entertainment-related #uses# for the life of the #development# or #enlargement#.

If floor space allocated to entertainment-related #uses# on the separate #zoning lot# is reallocated in accordance with the provisions of paragraph (d) of this Section, the agreement contained in the written declaration shall be amended so that the #zoning lot# on which the newly allocated floor space is located complies with paragraph (d).

- (f) If a certificate of occupancy for floor space to be located on a separate #zoning lot#, pursuant to the provisions of paragraph (b) of this Section, is not reasonably anticipated to be issued prior to the date upon which the #development# or #enlargement# would otherwise be eligible for issuance of a certificate of occupancy, the Commission may also authorize the waiver of any or all of the provisions of paragraphs (b)(3), (d) and (e) of this Section, provided that:
- (1) the owner or lessee of the #development# or #enlargement#, or an affiliate thereof, will make or cause to be made a financial contribution, through payment or repayment of the costs thereof, which will facilitate on such separate #zoning lot#, the #development# of a #building# that will consist predominantly of either entertainment-related #uses# and #uses# accessory thereto or #community facility# #uses# where at least 25,000 square feet of such floor space allocated to meet the requirements of this Section shall be allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto not including administrative office space;
 - (2) the Department of City Planning has received a fully executed copy of a written declaration against such separate #zoning lot#, requiring that the floor space allocated to meet the requirements of this Section and located on the separate #zoning lot# shall be used solely for entertainment-related #uses# and #uses# #accessory# thereto for the life of the #development# or #enlargement#. Prior to the release of the financial contribution, pursuant to paragraph (f)(3) of this Section, such declaration shall be filed and duly recorded in the borough office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section;
 - (3) such financial contribution will be deposited in a trust and agency account, to be released upon a determination made in writing by the Chairperson of the City Planning Commission, made in consultation with the

Commissioner of Buildings, that all work on foundations has been completed for such #building#; and

- (4) the prospective operator of the entertainment-related #uses# in the #building# on such separate #zoning lot#:
- (i) has made substantial financial and construction-related commitments towards the development of the #building#, including, at a minimum, commitments for site acquisition, such as a purchase agreement, deed or ground lease, and architectural agreements for the design of the floor space; and
 - (ii) has secured, or has implemented a fundraising plan to secure, the funding necessary for the development of the #building#, other than the financial contribution by the owner or lessee of the #development# or #enlargement#.

Where the Commission makes the findings set forth in paragraphs (f)(1) through (f)(4) of this Section, inclusive, a certificate of occupancy may be issued for the #development# or #enlargement# requiring the provision of such floor space, notwithstanding that no certificate of occupancy has been issued with respect to the floor space located on the separate #zoning lot#.

- (g) In the event that all work on foundations of the #building# on the separate #zoning lot# has not been completed within three years of the grant of an authorization provided under the provisions of paragraph (f) of this Section, the owner or lessee of the #development# or #enlargement# shall, in accordance with the terms of the written declaration recorded against the #development# or #enlargement# at the time of the grant of such authorization, apply to the Commission for:

- (1) an extension of the authorization for up to one additional year for good cause shown; or
- (2) a new authorization, under paragraph (b) of this Section, for alternative floor space consisting of entertainment-related #uses# to be located on a separate #zoning lot# as necessary to meet the requirements of this Section.

In granting such authorization for alternative floor space, the Commission may waive the provisions of paragraph (b)(3) of this Section, provided the floor space was not utilized for any of the #uses# listed in Section [81-725](#) at any time during the two-year period immediately prior to the date on which the authorization was originally granted under paragraph (b) of this Section.

- (h) Floor space allocated in an existing #building# on a separate #zoning lot#, pursuant to an authorization granted under paragraph (f) of this Section, may be reallocated to another location, provided that the Commission finds, by authorization, that all applicable requirements of this Section are met, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict.
- (i) All #uses# satisfying the requirements of this Section shall be subject to the locational requirements of Section [81-72](#) (Use Regulations Modified).

81-725 - Entertainment-related uses

LAST AMENDED
4/28/1988

Auditoriums, with capacity limited to 2,500 seats

Dance halls, public

Eating or drinking places, where there is entertainment or dancing

Museums, upon authorization by the City Planning Commission that the contents are predominantly theater and/or entertainment-related and are publicly exhibited on a continuing basis

Studios, motion picture production

Studios, music, dancing or theatrical

Studios, radio or television

Theaters