Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-40 - MANDATORY DISTRICT PLAN ELEMENTS

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81-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
8/9/2017

81-41 - General Provisions

LAST AMENDED
8/9/2017

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design features. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 3 (Retail and Street Wall Continuity) or Map 4 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately. Sections 81-42 (Retail Continuity Along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major #building# entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances, as set forth in Section 81-48, are closely related to the pedestrian circulation space

requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50, for the East Midtown Subdistrict are set forth in Section 81-60, for the Theater Subdistrict are set forth in Section 81-70, for the Fifth Avenue Subdistrict are set forth in Section 81-80 and for the Preservation Subdistrict are set forth in Section 81-90.

81-411 - Maintenance of pedestrian circulation spaces

LAST AMENDED
2/2/2011

Owners of property on which pedestrian circulation spaces are provided shall be responsible for their maintenance unless, in the case of relocated subway stairs, the Metropolitan Transit Authority has agreed in writing to such maintenance responsibility.

81-412 - Directional signs

LAST AMENDED
5/13/1982

Directional #signs# are required to call attention to relocated subway stairs and through #block# connections and announce their accessibility to the public.

81-413 - Provisions for persons with disabilities

LAST AMENDED
10/17/2007

All mandatory district plan elements required by the provisions of Section 81-45 (Pedestrian Circulation Space) shall conform with applicable laws pertaining to access for persons with disabilities.

81-42 - Retail Continuity Along Designated Streets

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 3 (Retail and Street Wall Continuity) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

Additional regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

81-43 - Street Wall Continuity Along Designated Streets

LAST AMENDED
12/5/2024

On designated #streets# where #street wall# continuity is required (see Map 2 in Appendix A) and, between 43rd and 50th Streets, on the #narrow street# frontages of #zoning lots# with #street# frontage on Seventh Avenue and/or Broadway, the #street wall# of a #building#, for the minimum width and height set forth in this Section, shall be within 10 feet of the #street line# or within 10 feet of a permitted arcade's supporting columns at the #street line#, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, no #street wall# setback below a height of 85 feet is permitted. The width of the #street wall# subject to setback restrictions shall be at least 80 percent of the length of the #front lot line# of the #zoning lot# along the specified #street#, measured at the specific heights or anywhere above the specific heights indicated in the table in this Section. At those specific heights or anywhere above those specific heights, the #street wall# must extend continuously within 10 feet of the #street line# for all of its required width, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, at a height of 85 feet or above, the #street wall# must extend continuously without setback for at least 75 percent of its required width and no portion of its required width shall be set back more than 10 feet from the #street line#; and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, any portion of the required width of a #street wall# which lies behind a #sign# required under the provisions of Section 81-732 (Special Times Square signage requirements) may be set back up to 15 feet from the #street line#.

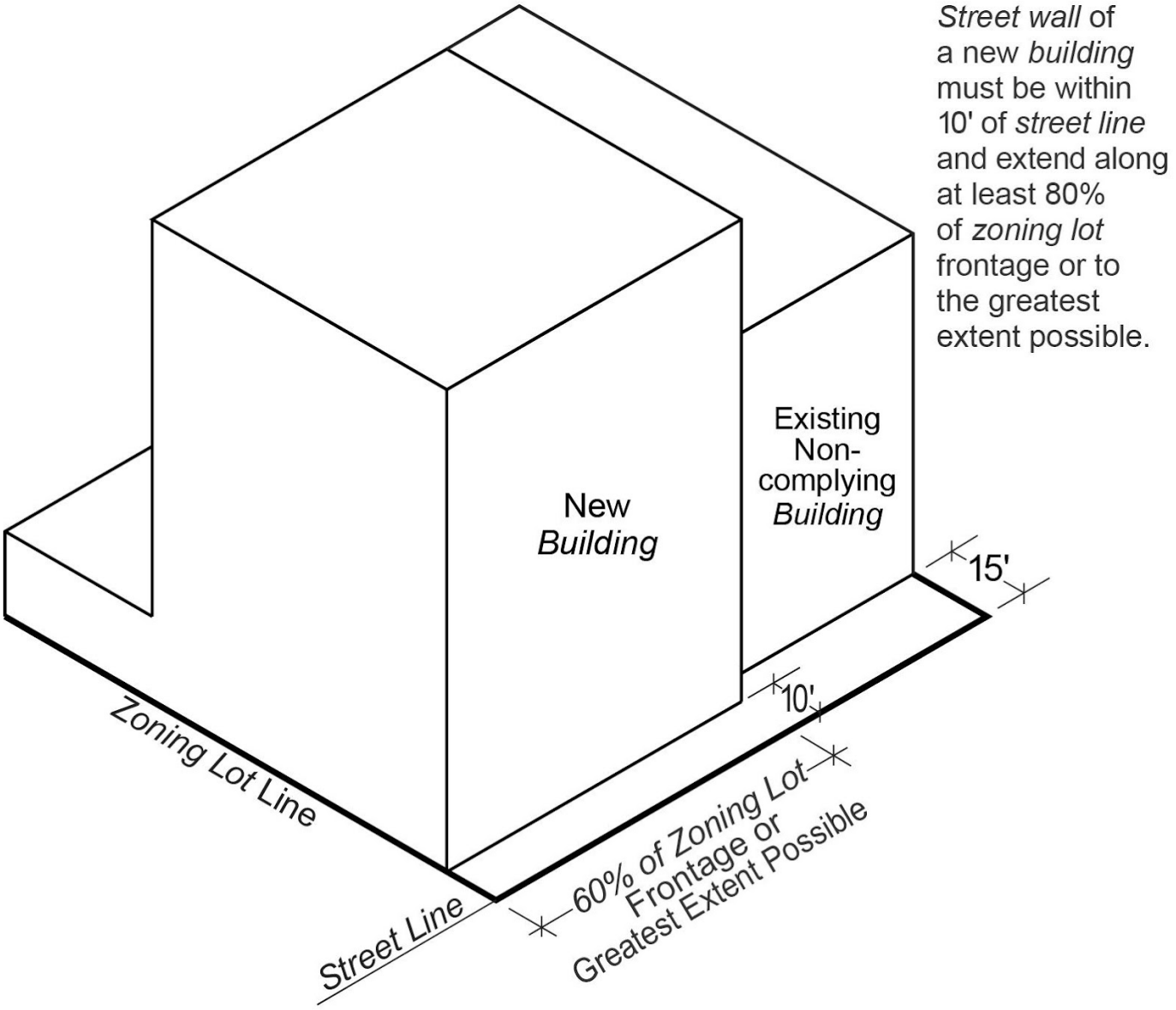
The minimum height of a #street wall# subject to the setback restrictions shall be as follows:

Length of #Zoning Lot# Frontage	Minimum Height of a #Street Wall# Subject to the Setback Restrictions
For #zoning lots# with frontages of 50 feet or less on the designated #street#	Four #stories# or 50 feet above #curb level#, whichever is less

For #zoning lots# with frontages of more than 50 feet on the designated #street#	Six #stories# or 85 feet above #curb level#, whichever is less

#Developments#, which are in their entirety no more than two #stories# in height, shall be exempt from the minimum #street wall# height requirements set forth in the table in this Section, except that, subsequent to the issuance of a building permit for such #development#, if there are additional #developments# on the #zoning lot# or if any #building# on the #zoning lot# is #enlarged#, the #development# exempt from the requirements set forth in the table in this Section, shall no longer be exempt from such requirements and its #street walls# shall be raised to a height complying with the table.

Existing #buildings# need not comply with the minimum #street wall# height and location provisions of this Section. Such #buildings# shall be included in the calculation of the required percentage of #street wall# width and height along a #street# frontage. No existing #building# shall be altered such that a #non-compliance# with the provisions of this Section is created, nor shall an existing degree of #non-compliance# with these provisions be increased.



STREET WALL REQUIREMENT WITH EXISTING BUILDING

(81-43)

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), subject to the setback restrictions of this Section and to the minimum width of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in

accordance with the provisions of Sections 66-51 (Additional Floor Area for Mass Transit Station Improvements) and 81-542 (Retention of floor area bonus for plazas or other public spaces), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48.

Except on 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 15 feet deep shall be permitted, recesses up to 15 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the new #street wall# below the minimum required #street wall# height; in addition, recesses up to 12 feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height, and recesses up to 10 feet deep shall not be limited in their aggregate area.

On 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted; recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height and recesses up to one foot deep shall not be limited in their aggregate area.

The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the #building#, through #block# connections within the #building# or #building# entrance recess areas within the #building#, where such spaces are provided in accordance with the requirements and design standards of Sections 81-45 or 81-46 and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the #residential# portion of a #building# shall comply with the #outer court# regulations of Section 23-353.

No arcades, sidewalk widenings or #public plazas# shall be permitted on Fifth Avenue, 34th Street, 42nd Street or 57th Street frontages. Between 42nd and 56th Streets, no arcades or #public plazas# shall be permitted on Eighth Avenue. Between 43rd and 50th Streets, no arcades or #public plazas# shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and #signs#, any area between the Seventh Avenue or Broadway #street line# and any required #street wall# below the height of the first required setback, including permitted recesses, shall be open from #curb level# to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including #street# trees. On the remaining #streets# designated for #street wall# continuity, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted toward the recess allowances.

For #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).

For #zoning lots# located wholly or partially within the Eighth Avenue Corridor, the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75.

On Fifth Avenue, the minimum required #street wall# height without setback shall be 85 feet and the maximum allowable #street wall# height without setback shall be 125 feet. Above the maximum #street wall# height, a setback of at least 10 feet shall be required, pursuant to the provisions of Section 81-83.

81-44 - Curb Cut Restrictions

LAST AMENDED
12/5/2024

Along all avenues in Midtown and along 57th, 53rd, 42nd and 34th Streets, no driveway curb cuts for parking facilities or loading berths shall be permitted except for the following:

(a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to off-street loading berths from other #streets# bounding the #zoning lot#; or

(b) the City Planning Commission may authorize curb cuts where such curb cuts are needed for required loading berths. Such loading berths must be adjacent to a fully enclosed maneuvering area on the #zoning lot# at least equal in area to the area of the required loading berth and arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#. The City Planning Commission will refer such applications to the Department of Transportation for their comment.

In addition, for #zoning lots# with frontage along such avenues and #streets# in Midtown where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-33 (Modification of Loading Berth Requirements).

Where a curb cut is permitted as indicated in this Section, the maximum width of such curb cut shall be 15 feet for one-way traffic and 25 feet for two-way traffic. These curb cut requirements shall be in addition to any other applicable City rules or regulations concerning driveway curb cuts.

The above exceptions do not apply to Fifth Avenue, or between 43rd and 50th Streets, to Seventh Avenue or Broadway and no curb cuts shall be permitted in these cases. Between 43rd and 50th Streets, access to #accessory# off-street loading berths or off-street parking facilities shall not be permitted on Seventh Avenue or Broadway or, except where the length of a #narrow street# #block# frontage between the #street lines# of Seventh Avenue and Broadway exceeds 75 feet but is less than 125 feet, within 50 feet of the Seventh Avenue or Broadway #street line#. #Interior lots# between 43rd and 50th Streets with a #street# frontage only on Seventh Avenue or Broadway shall not contain loading berths.

81-45 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

Within the #Special Midtown District#, all #developments# or #enlargements# constructed after May 13, 1982, on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area#, shall provide pedestrian circulation space on such #zoning lot# in accordance with the provisions of Section 37-50, as modified by the provisions of this Section.

The requirements for pedestrian circulation space may be met by providing one or more of the following types of spaces: arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #public plaza#.

In addition to the types of pedestrian circulation spaces listed in Section 37-50, the following may be counted toward meeting the minimum pedestrian circulation space requirement:

(a) up to a maximum of 3,000 square feet of an access improvement to rail mass transit provided pursuant to Section 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility);

(b) within the Theater Subdistrict, theater waiting space provided pursuant to Section 81-451 (Theater waiting space).

However, pedestrian circulation space shall not be required if any of the following conditions exist:

(1) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;

(2) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage;

(3) the #zoning lot# is an #interior lot# or #through lot# fronting only on a #street# or #streets# where arcades, sidewalk widenings or #public plazas# are prohibited;

(4) the #zoning lot# is an #interior lot# fronting on either 34th Street, 42nd Street, 57th Street or Fifth Avenue, with another interior frontage of lesser length on any other #street#; or

(5) the #zoning lot# is a #through lot# with both #street# frontages less than 25 feet in length.

#Developments# or #enlargements# on a #zoning lot# having a full #block# frontage on a #wide street# other than Fifth Avenue, 34th Street, 42nd Street or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on that #street#. In the case of a #zoning lot# having two full #block# frontages on #wide streets#, this minimum amount may be allocated on either one or both #wide streets#; where each #street# bounding a #zoning lot# with at least one full #block# frontage is a #wide street#, the minimum amount may be allowed on one or more of those #wide streets#.

Where pedestrian circulation space is provided along Seventh Avenue or Broadway between 43rd and 50th Streets, #signs# and marquees shall be permitted as exceptions to the requirements relating to permitted obstructions in Section 37-50.

Special dimensional requirements for arcades and sidewalk widenings along designated #streets# are set forth in Section 37-53 (Design Standards for Pedestrian Circulation Spaces). Where a new #building# or #enlarged# portion of an existing #building# provides an arcade, no obstructions, including columns, shall be permitted within such arcade, and the maximum height of such arcade shall be 20 feet and the maximum width shall be 10 feet. Arcades or sidewalk widenings shall not be permitted on 34th Street, 42nd Street, 57th Street or Fifth Avenue frontages or on any #street# frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be permitted parallel to and along Seventh Avenue or Broadway.

81-451 - Theater waiting space

LAST AMENDED
8/6/1998

Theater waiting space shall be an unobstructed area providing outdoor waiting space for a theater audience, located immediately adjacent to the sidewalk and to a theater listed in Section 81-742 (Listed theaters) or a new theater designed and intended to show live theatrical performances. Theater waiting space may be located on the same #zoning lot# occupied by a theater or a #zoning lot# immediately adjacent to a theater, and shall meet the following requirements:

(a) such space shall adjoin and open onto a sidewalk or sidewalk widening for its entire length and shall have a minimum length of 30 feet measured parallel to the #street line# and a minimum clear depth of 10 feet measured perpendicular to the #street line# exclusive of any columns. Its level shall be entirely the same as that of the adjoining sidewalk. When located under an overhanging portion of a #building or other structure#, it shall have a minimum clear height of 15 feet and be free of any obstructions except for #building# columns;

(b) such space shall provide direct access to a #building's# entrance or the theater's lobby. Where the theater and the theater waiting space are on separate #zoning lots#, a plaque shall be provided within the theater waiting space adjacent to the theater stating that the space is available as a waiting area for the theater audience. Such plaque shall be placed between four feet and six feet above #curb level#, and shall be visible from the sidewalk;

(c) such space shall not adjoin a driveway or an off-street loading berth; and

(d) the entire theater waiting space shall be illuminated with a minimum level of not less than eight horizontal foot-candles (lumens per foot).

The theater waiting space may overlap with an arcade, a #building# entrance recess area, a corner arcade, a corner circulation space or a sidewalk widening. However, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

81-46 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-50.

The subway stations where such improvements are required are listed in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A.

Station	Line
34th Street-Penn Station	Broadway-7th Avenue
34th Street-Penn Station	8th Avenue
34th Street-Herald Square	6th Avenue/Broadway-60th Street

42nd Street-Times Square/42nd Street- Port Authority Bus Terminal	Broadway-7th Ave/Broadway/ 8th Ave/42nd St. Shuttle
42nd Street-Bryant Park/Fifth Avenue	6th Avenue/Flushing
42nd Street-Grand Central	Lexington Avenue/Flushing/ 42nd St. Shuttle
47th-50th Street-Rockefeller Center	6th Avenue
49th Street	Broadway-60th Street
50th Street	8th Avenue
50th Street	Broadway-7th Avenue
7th Avenue	53rd Street
Fifth Avenue-53rd Street	53rd Street

51st Street/Lexington Ave.- 53rd Street	53rd Street/Lexington Avenue
57th Street	Broadway-60th Street
57th Street	6th Avenue
59th Street-Columbus Circle	Broadway-7th Avenue/8th Avenue

81-47 - Major Building Entrances

LAST AMENDED
2/2/2011

In order to limit pedestrian traffic congestion on #zoning lots# with at least 20,000 square feet of #lot area#, the following restrictions apply to #buildings# #developed# after May 13, 1982, as described in paragraphs (a) and (b) of this Section, except as provided in paragraph (c) in this Section. For the purposes of this Section, the major entrance to a #building# shall be that entrance to the main lobby of the #building# which has the greatest aggregate width of clear openings for access.

(a) When the #zoning lot# contains a #public plaza# or an open though #block# connection located entirely outside of the #building#, the major entrance to the #building# shall open on the #public plaza# or the open through #block# connection.

(b) Where there is no #public plaza# or open through #block# connection on the #zoning lot#, the following restrictions on major entrances shall apply to #corner lots# or #block# front lots:

(1) #Corner lots#

On a #corner lot# with frontage on no more than one #narrow street#, the major entrance shall be located on the #narrow street#.

On a #corner lot# with frontages on two #wide streets#, the major entrance shall be located on either #wide street#.

(2) #Block# front lots

On a full #block# front lot with one or more #narrow street# frontages, a major entrance shall be located on at least one #narrow street#, except that this requirement shall not apply if the #zoning lot# contains a permitted sidewalk widening with a width of 10 feet along a #wide street#.

(c) Exceptions to requirements

Under the following conditions, #developments# shall not be subject to the locational requirements of this Section:

(1) where the location of an existing #building# on the #zoning lot# precludes compliance with the regulations of this Section; or

(2) where the #zoning lot# is located on a #block# where the distance between two intersections of #street lines# is less than 150 feet.

81-48 - Off-street Improvement of Access to Rail Mass Transit Facility

LAST AMENDED
2/2/2011

An off-street rail mass transit access improvement shall provide a new point of unobstructed off-street public access to a rail mass transit station or facility. It shall immediately adjoin, and be accessible without any obstruction from, an arcade, a #building# entrance recess area, a corner arcade, a corner circulation space, a public sidewalk, a sidewalk widening or a #public plaza#, each of which shall have a minimum horizontal dimension equal to the width of the rail mass transit access improvement. The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors. The area it occupies within a #building# shall not be counted toward the #floor area# of the #zoning lot#.

The Chairperson of the City Planning Commission may certify that an off-street rail mass transit access improvement satisfies the requirements of Section 81-45 (Pedestrian Circulation Space), provided that such improvement is approved by the entity which operates the mass transit station or facility and meets the following standards:

(a) Dimensions

An off-street mass transit access improvement shall have a minimum clear, unobstructed width of not less than 15 feet and a minimum clear, unobstructed height from finished floor to finished ceiling of not less than eight feet.

(b) Obstructions

An off-street mass transit access improvement shall be free of obstructions except for #building# columns and shall provide a continuous, unobstructed path at least 15 feet wide connecting the public sidewalk, pedestrian circulation space or #public plaza# with the rail

mass transit station or facility.

(c) Hours of public accessibility

An off-street rail mass transit access improvement shall be accessible to the public during the hours when the circulation areas to which it connects are open to the public or during such hours as are otherwise approved by both the Chairperson and the operating entity of the mass transit station or facility.

(d) Enclosures

The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors unless the Chairperson certifies that such improvement is an integral part of the #building# lobby and public circulation space, and such doors are secured only during the hours that the circulation areas of the rail mass transit facility to which it connects are closed.

(e) Maintenance

An off-street rail mass transit access improvement shall be maintained by the owner of the #development# or #enlargement#.

One and a half times the area of the new off-street rail mass transit access improvement measured at #street# level shall, upon the Chairperson's certification, count toward the minimum area of pedestrian circulation space required under the provisions of Section 81-45, up to a maximum of 3,000 square feet.