Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-732 - Special Times Square signage requirements

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LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #developments# and #enlargements# on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway in the Theater Subdistrict.

No building permit shall be issued by the Department of Buildings for any portion or all of a #development# or #enlargement# on a #zoning lot# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway without prior submission of drawings showing that the #sign# requirements related to #surface area#, location and number of #signs# set forth in paragraphs (a), (b) and (c) of this Section have been met and that electrical power is provided in amounts and locations sufficient to illuminate all such required #signs# to the illumination levels specified herein. Such drawings shall include, at a scale of 1/16 inch equals one foot, a plan, elevations of #narrow streets# and Seventh Avenue and/or Broadway and cross-sections showing setbacks on Seventh Avenue, Broadway and #narrow streets#. These drawings shall show, for all the #signs# required under this Section, their number and for each, its #surface area# and location and shall list each requirement and the actual dimensions or areas achieved in the design.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 50 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 50 percent of the aggregate #surface area# of #signs# required under paragraph (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 90 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 90 percent of the aggregate #surface area# of #signs# required under paragraphs (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Neither temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate 100 percent of the total #floor area# of the #development# or #enlargement# nor a first permanent certificate of occupancy for the #development# or #enlargement# shall be issued by the Department of Buildings until all of the #signs# required under this Section have been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Notwithstanding the foregoing requirements relating to the granting of certificates of occupancy, the City Planning Commission may, prior to January 1, 2003, certify to the Commissioner of Buildings that compelling circumstances warrant the waiver of any or all such provisions. In granting any such waiver, the Commission shall establish a completion schedule, not to exceed one year from the date of such certification, for the installation and operation of all requisite #signs# in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section. The Commission, as it deems appropriate, shall also require security for performance under the schedule and may prescribe other conditions to address the delay in installation and operation of requisite #signs#.

(a) All #developments# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway shall provide #signs# meeting all of the following requirements:

(1) At least one #illuminated sign# shall be provided for each ground floor establishment with a #street# frontage on Seventh Avenue, Broadway or a #narrow street# for the full length of the #zoning lot# frontage or the first 100 feet from Seventh Avenue or

Broadway, whichever is less. With the exception of theater #signs#, each required #illuminated sign# shall be located directly behind the clear, untinted, transparent material with which the #street wall# is required to be glazed under Section 81-731 (Special regulations for signs, transparency, banners and canopies). There shall be no obstructions between the #sign# and the glazing material.

(2) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 12 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

No portion of any #illuminated sign# required under this paragraph, (a)(2), shall be located:

(i) further than 40 feet from the Broadway or Seventh Avenue #street line#;

(ii) below a height of 10 feet above #curb level# or above the top of the #street wall# of the #building# before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one #sign# with a #surface area# of not less than 100 square feet for each 25 linear feet, or part thereof, of #zoning lot# #street# frontage on Seventh Avenue or Broadway.

(3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph (a)(3) shall be located:

(i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;

(ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise #signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

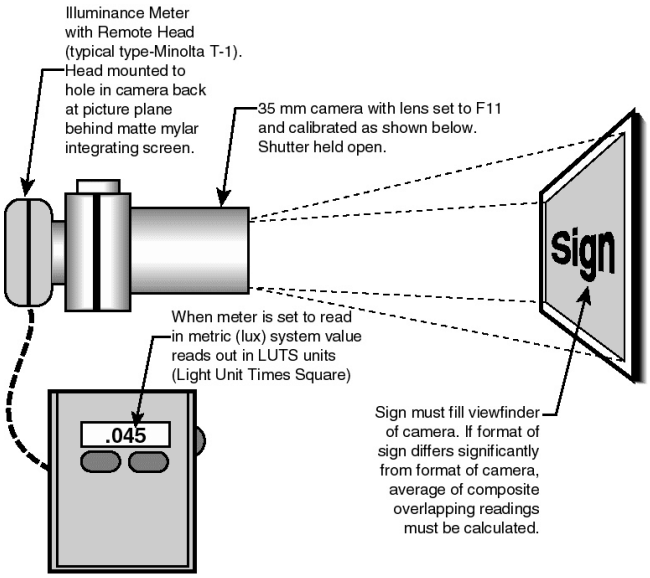
Where a #zoning lot# is located at the intersection of Seventh Avenue or Broadway and one or more #narrow streets#, at least 60 percent of the

minimum aggregate #surface area# of signage required under this paragraph, (a)(3), shall be located within 50 feet of the #narrow streets#. Where a #zoning lot# is located at two such intersections, at least 15 percent of the minimum aggregate #surface area# required under this subsection shall be within 50 feet of each #narrow street#. Where a #zoning lot# is located at three or more such intersections, at least seven percent of the minimum aggregate #surface area# required under this Section shall be within 50 feet of a #narrow street# at each intersection of that #narrow street# and Seventh Avenue or Broadway.

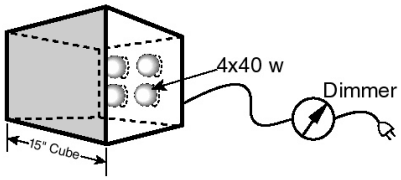
There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

With the exception of #signs# defined in paragraph (a)(3)(ii) of this Section as facing the intersection of the centerlines of 45th Street and Broadway, at least 75 percent of the #surface area# of #signs# required under this paragraph, (a)(3), shall be placed at an angle in plan view of not more than 45 degrees to the Seventh Avenue or Broadway #street line#.

#Signs# required under this paragraph, (a)(3), shall, when installed on the #building# and set in operation, meet at a minimum the requirements set out in paragraphs (a)(3)(iii), (iv) and (v) of this Section. The illumination standards contained therein for each #sign# shall be measured with an apparatus (to be known as a Light Unit Times Square or "LUTS" meter) comprising an illuminance meter attached to a 35 millimeter single lens reflex camera body and fitted with a lens of appropriate focal length in accordance with the diagrams herein (see Illustrations of Sign Brightness Measurement System - LUTS Meter). The lens shall be set at F-stop 11.



The LUTS meter must be calibrated prior to use. Although the lens is nominally set to F11, the actual light transmission value may differ especially with long focal length zoom lenses



To calibrate, build a lightbox as shown above. The front of the box shall be 1/4" #2447 opal plexiglass; the other five interior sides shall be painted matte white.

Four standard 40 watt 120 volt incandescent lamps shall be mounted on the back of the box and wired through a dimmer.

In a dark room adjust the dimmer so that the plexiglass is illuminated to a brightness (exitance) of 125 Footlamberts as measured with an accurate luminance meter (e.g. Minolta LS100, Photo Research 1500).

Using the measuring lens of the LUTS meter set to the appropriate focal length, fill the viewfinder with the lightbox, and adjust the aperture until the meter reads 1.5 LUTS. If different lenses or degrees of zoom are to be used, calibrate the meter for each condition and record the appropiate aperture settings.

SIGN BRIGHTNESS MEASUREMENT SYSTEM

(LUTS Meter)

(81-732a3ii)

The LUTS Meter shall be calibrated against a reference standard (See illustrations of Sign Brightness Measurement System - LUTS Meter). Alternative measuring equipment may be employed provided such equipment

provides identical measurement against the reference standard described herein.

In measuring the brightness of the whole of a #sign# under the provisions of paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of the #sign# shall be determined by pointing the LUTS Meter at the #sign# so that the entire #sign# completely fills the viewing frame of the meter. If, because of the shape of the #sign#, the entire #sign# cannot be viewed within the viewing frame, readings may be taken of discrete portions of the #sign# separately, provided, however, that no more of the #sign# than is absolutely necessary to measure the entire #sign#, may be included in more than one such reading. Readings of portions of a #sign# shall be averaged to obtain the average illumination level of the entire #sign#.

In measuring the brightness of a portion of a #sign# required to meet the incident illumination standards specified in paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of that portion of the #sign# shall be determined by pointing the LUTS Meter at that portion so that the entire portion completely fills the viewing frame of the meter. If, because of the shape or configuration of that portion of the #sign#, the entire portion cannot be viewed within the viewing frame, readings may be taken of discrete sections of that portion separately, provided, however, that no more of the portion than is absolutely necessary to measure the entire portion, may be included in more than one such reading. Readings of sections of that portion of the #sign# shall be averaged to obtain the average illumination level of the entire portion.

If the illumination of a required #sign# or portion thereof is measured prior to its installation on the #building#, all measurements shall be taken in an

interior environment with an ambient air temperature of between 65 and 75 degrees Fahrenheit and no ambient light. For all readings, the LUTS meter shall be located so that its relationship to the #sign# or portion thereof is identical to that described below for taking measurements when the same #sign# or portion thereof is installed on the #building#.

If the illumination of a required #sign# or portion thereof is measured after its installation on the #building#, all measurements shall be taken at night when the ambient air temperature, at a height above #street# level equal to that of the center of the #sign#, is between 65 and 75 degrees Fahrenheit. To measure the illumination level of a #sign# or portion thereof, an imaginary line shall be established which is perpendicular in plan view to the surface of the #sign# or portion thereof and connects its center to a point from which the #sign# or portion thereof is actually visible and which is five feet above #street# level and 60 or more feet away from the #sign#. The LUTS meter shall be located along this line at the furthest distance from the #sign# or portion thereof at which a reading may be obtained by the method specified above.

The duration of one complete operating cycle of any #sign# required under this paragraph (a)(3) which is animated, in whole or in part, shall not exceed five minutes.

During any one complete operating cycle of any such #sign#, the aggregate time for which such #sign# is unlit shall not exceed 10 percent of the operating cycle and in no case shall exceed 15 seconds. In addition, no single continuous time period during which such a #sign# is unlit shall exceed three seconds. During any one complete operating cycle of any such #sign#, the brightness levels specified below in paragraphs (a)(3)(iii) and (iv) shall be attained for an aggregate time of not less than 20 percent of the operating

cycle and in no case shall be less than l0 seconds. In addition, the #surface area# of any #sign# required to be continuously animated, either in whole or in part and either electrically or mechanically, shall exhibit visual changes clearly discernable by an observer at #street# level at intervals not exceeding 30 seconds.

(iii) A minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph, (a)(3), shall comprise #signs# each of which shall attain for a minimum of 25 percent of its #surface area# at least 1.5 LUTS incident illumination measured as specified in this paragraph, (a)(c), by means of electric lamps, such as neon tubes, incandescent lamps or cathode ray tubes, which are exposed directly to view. All of the remainder of each such #sign# shall attain at least 0.2 LUTS incident illumination measured as specified by means of electric lamps exposed directly to view and/or luminous surfaces comprising translucent material lit from behind by electric lamps.

In addition, each of the #signs# required to meet the standards of this paragraph (a)(3)(iii) shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of #flashing sign# #surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area# continuously mechanically animated.

(iv) In addition, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph (a)(3) shall comprise #signs# each of which shall attain for all of its #surface area# at least 0.4 LUTS incident illumination measured as specified by means of luminous surfaces comprising translucent material lit from behind by electric lamps.

Alternatively, but also in addition to paragraph (a)(3)(iii) of this Section, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph (a)(3) shall achieve the same incident illumination levels for the same amounts of #surface area# as specified in paragraph (a)(3)(iii).

In addition, each of the #signs# required to meet the standards of this paragraph (a)(3)(iv) shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of #flashing sign# #surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area# continuously mechanically animated.

(v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph (a)(3), all #surface area# not complying with paragraphs (a)(3)(iii) and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

(vi) For #zoning lots# that contain 15,000 square feet or more of #lot area#, the provisions of paragraphs (a)(2) and (a)(3)(ii) of this Section may be modified or waived, upon certification by the Chairperson that:

(a) the #sign# or #signs# for which the modification or waiver is granted are affixed to a #building# that contains a "listed theater" as designated in Section 81-742 (Listed theaters), and a portion of such theater is located within 100 feet of the #street line# of Seventh Avenue or Broadway; and

(b) such #sign# or #signs# provide visual interest that furthers the purposes of the #illuminated sign# requirements set forth in Section 81-73 (Special Sign and Frontage Regulations), inclusive, in a manner that is at least equal to that achieved through the application of paragraphs (a)(2) and (a)(3)(ii).

(4) One marquee #illuminated sign# and one additional projecting identification #illuminated sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

Each required marquee shall have a minimum area in plan of 500 square feet and each projecting identification #sign# shall have a minimum #surface area# of 200 square feet. Marquees and identification #signs# may count towards meeting the minimum aggregate #surface area# requirements of paragraph (a)(2) or (a)(3) of this Section, provided that they comply with the locational requirements therein.

(5) #Signs# which do not meet the locational requirements of paragraph (a)(2) or (a)(3) are permitted, but shall not count towards meeting minimum aggregate #surface area#

requirements.

(6) Required minimum aggregate #surface areas# of #signs# for #zoning lots# with #street# frontage on both Seventh Avenue and Broadway shall be calculated by including both those #street# frontages and any #narrow street# frontages up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

(7) All required #illuminated signs# shall at a minimum remain lit from dusk until 1:00 a.m. daily.

All of the #surface area# of #signs# required under paragraphs (a)(2) and (a)(3) shall be visible from a height of five feet above #street# level at any point 60 feet from the Seventh Avenue or Broadway #street line# of the #zoning lot# on which they are required to be provided.

At least 50 percent of the minimum aggregate #surface area# of #signs# required under paragraph (a)(3) shall comprise #signs# each of which shall be legible during daylight hours from a minimum distance of 60 feet when viewed from ground level at a point perpendicular in plan to the center of the #sign#.

(b) For #enlargements# which add #floor area# amounting to a #floor area ratio# of at least 1.0, the #sign# requirements of this Section shall apply as follows:

(1) If the #enlargement# involves an increase in #floor area#, minimum aggregate #surface areas# of required #signs# shall be determined in the same manner as for #developments# on the basis of the length of the #zoning lot's# frontage as set forth in paragraphs (a)(2), (a)(3) and (a)(6) of this Section.

(2) All other requirements for #signs# required for #enlargements# shall be as provided for #developments# in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(7) of this Section.

(3) The provisions of paragraphs (a)(1) or (a)(2) may be modified or waived upon certification by the Chairperson of the City Planning Commission that such modification or waiver results from compelling necessity.

(c) #Zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway comprising #developments# or #enlargements# and existing #buildings# to remain shall meet the requirements of paragraph (a) of this Section for #developments# or paragraph (b) for #enlargements# on the basis of the configuration and #street# frontages of the entire #zoning lot#.

There shall be no reduction in the aggregate #surface area# of #signs# on any existing #buildings# to remain. A #non-conforming# #sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#.