Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-80 - SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

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81-80 - SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

LAST AMENDED
5/13/1982

81-81 - General Provisions

LAST AMENDED
10/17/2007

The regulations of Sections 81-82 to 81-85, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 1 in Appendix A of this Chapter. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-82 - Special Regulations on Permitted and Required Uses

LAST AMENDED
6/6/2024

In order to preserve, protect and enhance the character of the Fifth Avenue Subdistrict as the showcase of New York and national retail shopping, and to allow for #uses# that are consistent with the character of the Fifth Avenue Subdistrict as a major shopping and tourist destination, the following special limitations are imposed on the location and kinds of #uses# and #signs# permitted within the Fifth Avenue Subdistrict.

(a) Minimum retail space requirement

Any #zoning lot#, or portion thereof, located within the Fifth Avenue Subdistrict shall contain:

(1) #uses# listed under Use Group VI; and

(2) #uses# listed under Art Galleries and Studios in Use Group VIII;

with a #floor area ratio# of not less than 1.0.

In order to count toward the requirement, retail or service establishments shall be located on levels up to but not exceeding a height of six #stories# or 85 feet, whichever is less, or not more than five feet below #curb level#.

(b) Lobby restriction

The provisions of Section 81-42 (Retail Continuity Along Designated Streets) shall apply, except that where a #building# has #ground floor level# frontage on Fifth Avenue, and frontage on another #street#, no lobby shall be permitted on the Fifth Avenue frontage.

(c) Sign regulations

The following special #sign# regulations apply to existing as well as new establishments or #uses#:

(1) The aggregate area of all #signs# in ground floor store windows are restricted to not more than one-third of the window area. Below a level of 10 feet above #curb level#, #signs# shall not be permitted on the exterior of any #building#.

(2) The display of banners or pennants from the exteriors of #buildings# is prohibited.

For the purposes of this Section, any #signs#, including banners and pennants, which do not comply with the above regulations may be continued for one year after April 28, 1983, provided that after the expiration of that period, such #non-conforming# #sign# shall terminate. A #sign# which the Chairperson of the City Planning Commission certified as an integral part of the #building# shall not be required to terminate.

81-83 - Special Street Wall Requirements

LAST AMENDED
2/2/2011

The #street wall# of any #building# with frontage on Fifth Avenue shall extend without setback from the Fifth Avenue #street line# for at least 90 percent of the entire length of the #front lot line#. The #street wall# shall reach a minimum required height of 85 feet and shall not exceed a height of 125 feet at or within 10 feet of the #street line#.

Where a #building# occupies less than an entire #block# front of Fifth Avenue frontage, the height of the #street wall# at the #street line# shall be not more than 10 feet above or below the height of an adjacent existing #building# at the #street line#. If the #building# is on an #interior lot# between two adjacent existing #buildings# of different heights, the height of such #building's# #street wall# at the #street line# shall be not more than 10 feet above or below the #street wall# height of one of the adjacent existing #buildings# at the #street line#. However, this shall not be construed to permit a #street wall# height of less than 85 feet or more than 125 feet at the #street line#. At the required height of the #building's# #street wall# at the #street line#, 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#.

For the purpose of calculating the maximum #street wall# height on the #narrow street# frontage of a #corner lot# by the weighted average method, as set forth in paragraph (b) of Section 81-262 (Maximum height of front wall at the street line), the maximum #street wall# height generally applicable along the #narrow street# shall be averaged with a height of 150 feet for the first 100 feet from the #street line# intersection, provided that no actual #street wall# either on the Fifth Avenue or on the #narrow street# frontage shall exceed a height of 125 feet at the #street line#.

Below the minimum required #street wall# height, 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. For the area above the minimum required #street wall# height, recesses are not restricted.

Above a height of 125 feet, a #street wall# shall be set back not less than 10 feet from the #street line#.

81-84 - Mandatory Regulations and Prohibitions

LAST AMENDED
6/6/2024

The following requirements listed in this Section shall apply to all #developments#, #enlargements#, #extensions# or changes of #use# within the Subdistrict:

(a) Plaza location

No #public plaza#, or any part thereof, shall be permitted on or within 50 feet of the Fifth Avenue #street line#.

(b) Off-street parking regulations

No off-street parking facilities are permitted within the Fifth Avenue Subdistrict.

(c) Off-street loading regulations

In no event shall access to #accessory# off-street loading berths be permitted on or within 50 feet of the Fifth Avenue #street line#. Beyond 50 feet from the Fifth Avenue #street line#, where three or more #accessory# loading berths are required, such berths shall be located below #street# grade. Access to such berths, however, shall be permitted at #street# grade.

#Interior lots# with a frontage only on Fifth Avenue or only on a #wide street# shall not contain loading berths.

81-85 - Transfer of Development Rights From Landmark Sites

LAST AMENDED
12/5/2024

For #developments# or #enlargements#, in addition to the provisions of Sections 75-42 (Transfer of Development Rights from Landmark Sites) and 81-212 (Special provisions for transfer of development rights from landmark sites), the City Planning Commission may modify or waive the requirements of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and the requirements of Section 81-84 (Mandatory Regulations and Prohibitions).

In granting such special permit, the Commission shall find that the permitted transfer of #floor area# and modification or waiver of mandatory plan elements will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with surrounding landmark #buildings or other structures#.