



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **81-80 - SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT**

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## 81-80 - SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

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LAST AMENDED  
5/13/1982

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### 81-81 - General Provisions

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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.

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### 81-82 - Special Regulations on Permitted and Required Uses

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LAST AMENDED  
2/2/2011

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. These requirements and limitations shall apply to #developments#, #enlargements#, #extensions# or changes of #use#.

(a) Restriction on ground floor #uses#

#Uses# within #stories# located on the ground floor level or on a floor within five feet of #curb level#, except for lobby space, shall be limited to #uses# listed in Use Group F.

(b) Minimum retail space requirement

Any #zoning lot#, or portion thereof, located within the Fifth Avenue Subdistrict shall contain #uses# listed in Use Group F with a #floor area ratio# of not less than 1.0. When existing #uses# listed in Use Group F are retained, their #floor area# may be counted toward such requirement. 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#.

(c) Use Group F

Use Group F comprises a group of establishments selected to promote and strengthen retail business in the Fifth Avenue Subdistrict.

Antique stores

Art galleries, commercial

Artists' supply stores

\*Banks

Beauty parlors

Book or card stores

Candy stores

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Eating or drinking establishments including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less

Florist shops

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

Furrier shops, custom

Gift shops

Jewelry shops

Leather goods or luggage stores

Millinery shops

Music shops

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Photographic equipment or supply stores

Record shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

\*\*Studios, television or radio

Tailor or dressmaking shops, custom

Television, radio, phonograph or household appliance stores

Toy stores

\*Travel bureaus

Variety stores

Watch or clock stores or repair shops

Any #use# or #uses# marked with an asterisk (\*) shall occupy, in the aggregate at the ground floor level, no more than 15 percent of the linear #street# frontage of the #zoning lot# on or within 50 feet of Fifth Avenue and no more than 10 percent of the total #lot area# of the #zoning lot# within 50 feet of Fifth Avenue.

Any #use# or #uses# marked with two asterisks (\*\*) shall be permitted on the ground floor level only if:

- (1) the #building# has frontage on Fifth Avenue; and
- (2) all portions of the #street wall# of the #building# are set back from the #street line# of Fifth Avenue by a minimum of 40 feet.

(d) Modification of #use# regulations on a #zoning lot# with no frontage on Fifth Avenue

For a #zoning lot# which has no frontage on Fifth Avenue, the mandatory retail #use# regulations of this Section may be modified for that portion of the #zoning lot# located more than 100 feet from the #street line# of Fifth Avenue, provided that the City Planning Commission certifies that the ground floor space is occupied by a #community facility# #use# which maintains front wall transparency up to a height of one #story# above the abutting sidewalk level generating pedestrian interest and activity, and is compatible with the character and objectives of the Fifth Avenue Subdistrict. In no event shall the #street line# frontage occupied by such #use# exceed 30 feet.

(e) 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.

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## 81-83 - Special Street Wall Requirements

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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#.

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## 81-84 - Mandatory Regulations and Prohibitions

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LAST AMENDED  
2/2/2011

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

(a) Pedestrian access to #uses#

No access from the Fifth Avenue #street line# or within 50 feet of the Fifth Avenue #street line# shall be permitted to lobbies for office, #residential# or hotel #uses# or to any new #use# not listed in Use Group F, except when the #zoning lot# is inaccessible from any other #street#, in which case the total amount of frontage occupied by lobby space or entrance space for such #uses# shall not exceed 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less.

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.

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## **81-85 - Transfer of Development Rights From Landmark Sites**

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LAST AMENDED

2/2/2011

For #developments# or #enlargements#, in addition to the provisions of Sections [74-79](#) (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#.