



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **81-75 - Special Street Wall and Setback Requirements**

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## 81-75 - Special Street Wall and Setback Requirements

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LAST AMENDED

8/6/1998

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings# or other structures# shall be measured from #curb level#.

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## 81-751 - Special street wall and setback regulations within the Theater Subdistrict Core

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LAST AMENDED

6/6/2024

#Buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section and, in all other respects related to height and setback, with the provisions of Sections [81-25](#) (General Provisions Relating to Height and Setback of Buildings), and either Section [81-26](#) (Height and Setback Regulations - Daylight Compensation) or [81-27](#) (Alternate Height and Setback Regulations - Daylight Evaluation). The #street wall# location rules of Section [81-43](#) shall also apply, except as modified in this Section.

With the exception of #signs# and parapets not exceeding four feet in height, no obstructions are permitted to penetrate the mandatory #street wall# height limits or setback requirements for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway set forth in this Section.

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section, may project across a #street line# up to 10 feet. Marquees are not subject to the requirements of this Section.

- (a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:
- (1) The #street walls# of any #building# shall have a minimum #street wall# height before setback of 50 feet above #curb level# and a maximum #street wall# height before setback of 60 feet above #curb level# on all #street# frontages, except that:
    - (i) if the #zoning lot# contains a complete #wide street# #block# frontage, #wide street# #street walls# within 25 feet of the #street line# of a #narrow street# and #narrow street# #street walls# shall have a minimum #street wall# height before setback of 30 feet above #curb level#; and/or
    - (ii) if the #zoning lot# contains a theater listed in the table in Section [81-742](#) (Listed theaters) and the theater is retained as part of a #development# or #enlargement#, the maximum #street wall# height above #curb level# before setback of a #narrow street# #street wall# which is a reconstruction or replacement of an existing #narrow street# #street wall# of the theater shall be equal to the height above #curb level# of that existing theater #street wall# and the same maximum #street wall# height above #curb level# shall apply only for the width of that existing theater #street wall#.
  - (2) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at

least 15 feet along all #narrow street# frontages of the #zoning lot#.

(3) For #zoning lots# greater than 15,000 square feet in area:

- (i) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 50 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.
- (ii) Alternatively, above the required #street wall# height before setback, the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# at least 50 feet from the #street line# of any #narrow street# and with aggregate area per floor not exceeding 10 square feet for each linear foot of #zoning lot# #street# frontage on Seventh Avenue or Broadway may extend forward of the 60 foot #setback line#, provided that no portion is closer than 35 feet to the Seventh Avenue or Broadway #street line#.
- (iii) Alternatively, if the #building# contains a “listed theater” designated pursuant to Section [81-742](#) and if any portion of the theater is within 100 feet of the #street line# of Seventh Avenue or Broadway, above the required #street wall# height before setback the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of #zoning lot# #street# frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot #setback line#, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway #street line#, 15 feet to the #street line# of the #narrow street# on which the theater has frontage and 50 feet to any other #narrow street# #street line#.

In addition, one or more #signs# affixed to any such #building# may project up to 10 feet across the #street line# and rise to a height of 120 feet above #curb level#. Balconies and terraces, including railings or parapets, may be located within the required setback area behind such #signs#. For the purposes of applying the definition of #floor area# in Section [12-10](#), #signs# projecting across the #street line# shall not constitute an enclosure, and the requirements of Section [32-41](#) (Enclosure Within Buildings) shall not apply to such balconies or terraces, provided that a portion of any such balcony or terrace is used for an entertainment-related #use# listed in Section [81-723](#) (Entertainment-related uses) or an accessory #use#.

- (4) For #zoning lots# 15,000 square feet in area or less, above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 35 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.
- (5) Above the required #street wall# height before setback, a portion of any such #building# up to a height of 120 feet above #curb level# may occupy area forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section but not closer than 20 feet to the Seventh Avenue or Broadway #street line#, provided that:
  - (i) 90 percent of any #narrow street# #street wall#, higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section is covered with #illuminated signs#.
  - (ii) In addition, 90 percent or 6,000 square feet, whichever is less, of any Seventh Avenue or Broadway #street wall# higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section is covered with #illuminated signs#.

For the purposes of this Section, a portion of a #street wall# shall be deemed to be covered with an #illuminated sign# if such #sign# obscures that portion of the #street wall# from view at #street# level at a point perpendicular in plan to the #sign# and 60 feet from the #street line# of the #narrow street# for paragraph (a)(5)

(i) of this Section, and of Seventh Avenue or Broadway for paragraph (a)(5)(ii)

Neither 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#, nor a first permanent certificate of occupancy for the #development# or #enlargement#, shall be issued by the Department of Buildings until all of the requirements as set forth in this Section at the time of issuance of such certificates of occupancy have been met and all #illuminated signs# required under this Section have been installed and put in operation.

- (b) The #street wall# of any #building# on a #zoning lot# between 43rd and 50th Streets and between Seventh Avenue and Broadway shall have a minimum #street wall# height of 50 feet on all #street# frontages.
- (c) For #zoning lots# located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor, the #street wall# of any #building# or portion of a #building# within the Theater Subdistrict Core shall have a minimum #street wall# height of 50 feet or the height of the #building#, whichever is less, and a maximum #street wall# height of 60 feet within 15 feet of the #narrow street# #street line#.

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## **81-752 - Special street wall and setback regulations within the Eighth Avenue Corridor**

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LAST AMENDED

2/2/2011

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section [81-71](#), and east of Eighth Avenue, shall comply with the requirements of this Section, and except as superseded by this Section, with the provisions of Section [81-25](#) (General Provisions Relating to Height and Setback of Buildings), and either Section [81-26](#) (Height and Setback Regulations - Daylight Compensation) or [81-27](#) (Alternate Height and Setback Regulations - Daylight Evaluation).

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section [81-71](#), and west of Eighth Avenue shall comply with the requirements of this Section. The provisions of Sections [81-25](#), [81-26](#) and [81-27](#) shall not apply.

The provisions of paragraphs (a) and (b) of this Section shall apply to #developments#, #enlargements# and alterations, where such alterations change the height, width or location of a #street wall#.

- (a) #Street wall# location and minimum and maximum heights before setbacks
- (1) On Eighth Avenue and 42nd Street, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# shall be located on the #street line#, and the remaining 30 percent may be located beyond the #street line# in compliance with #residential# #outer court# regulations for #residential# portions of #buildings# and #community facility# #outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 10 feet of the #wide street# #street line# shall be 150 feet beyond 15 feet of a #narrow street# #street line# and 85 feet within 15 feet of a #narrow street# #street line#.
  - (2) On a #narrow street# east of Eighth Avenue, and on a #narrow street# west of and within 100 feet of Eighth Avenue, #street walls# shall extend along the entire width of such #narrow street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# along such #narrow street# frontage shall be located on the #street line#, and the remaining 30 percent may be located beyond the

#street line# in compliance with #residential# #outer court# regulations for #residential# portions of #buildings# and #community facility# #outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 85 feet.

On a #narrow street# west of and beyond 100 feet of Eighth Avenue, the maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 66 feet, except in accordance with paragraphs (b) or (c)(3) of this Section. However, no #street wall# need be provided where at least 70 percent of the entire frontage of the #zoning lot# along such #narrow street# is occupied by #street walls# located on the #street line#.

- (3) Within 30 feet of the intersection of two #street lines#, the #street wall# shall be located on the #street line# or anywhere within an area bounded by the two #street lines# and lines parallel to and 15 feet from such #street lines#.
- (4) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #wide street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

(b) Special #street wall# regulations for #buildings# adjacent to listed theaters

For #buildings# that are adjacent to a theater listed pursuant to Section [81-742](#) (Listed theaters), the maximum height of the #street wall# of the #building# facing the same #street# as the “listed theater” shall be 60 feet within 15 feet of the #street line#.

(c) Additional regulations applying west of Eighth Avenue

- (1) West of Eighth Avenue, at any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not more than 40 percent of the #lot area# of the #zoning lot#, except that for #zoning lots# of less than 20,000 square feet of #lot area#, this percentage may be increased as set forth in Section [23-65](#) (Tower Regulations). At any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not less than 33 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall not apply to the highest four #stories# of the #building#.
- (2) Beyond 125 feet of the western #street line# of Eighth Avenue, and beyond 100 feet of the northern #street line# of 42nd Street, no #building or other structure# shall exceed a height of 66 feet, except in accordance with paragraph (c)(3) of this Section.
- (3) Where the new or #enlarged# #building# #abuts# an existing #building# located entirely beyond 125 feet of the western #street line# of Eighth Avenue and the northern #street line# of 42nd Street, and such existing #building# exceeds a height of 66 feet, the new or #enlarged# #building# may exceed any height limits specified in this Section up to the height of the existing #building#, provided that, within 15 feet of the #narrow street# #street line#, such portion of the new or #enlarged# #building# does not exceed either the height of the existing #building# or 85 feet, whichever is less. For the purposes of this paragraph, the height of the existing #building# shall be the height of its #street wall#, before setback, if applicable, of that portion of the existing #building# #abutting# the new or #enlarged# #building#, fronting on the same #street line#, and located on the same or adjoining #zoning lot#.