Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

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#.