



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

43-40 - HEIGHT AND SETBACK REGULATIONS

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43-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/15/1961

43-41 - Definitions

LAST AMENDED
11/19/1987

Words in italics are defined in Section [12-10](#) (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

43-42 - Permitted Obstructions

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LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, the obstructions set forth in Section [23-621](#) (General permitted obstructions), as well as the following obstructions shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks), [43-44](#) (Alternate Front Setbacks), [43-46](#) (Height and Setback Provisions for Districts With an A Suffix) or [43-49](#) (Limited Height Districts).

- (a) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
 - (2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
 - (3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and
 - (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
 - (i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
 - (ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the

maximum permitted height; and

- (5) all equipment shall be subject to the applicable provisions of Section [37-20](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (b) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (c) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;
- (d) Spires or belfries;
- (e) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

43-43 - Maximum Height of Front Wall and Required Front Setbacks

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, other than districts with an A suffix, if the front wall or any other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# as set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table.

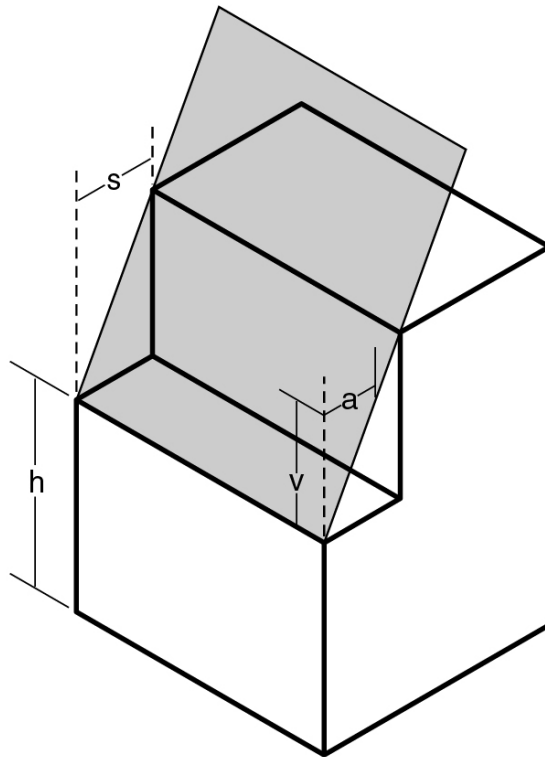
The regulations of this Section shall apply, except as otherwise provided in Sections [43-42](#) (Permitted Obstructions), [43-44](#) (Alternate Front Setbacks) or [43-45](#) (Tower Regulations). In M1-1 Districts, for #community facility buildings#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above the #street line# shall be 35 feet, and in M1-4 Districts, for #community facility buildings#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

For #zoning lots# in M1-6 Districts that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan, the following #street wall# regulations shall apply to #street# frontages not occupied by a #public plaza#. The #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to a minimum height of 125 feet or the height of the #building#, whichever is less, and a maximum height of 150 feet. Above a height of 150 feet, no portion of a #building# may penetrate a #sky exposure plane# except for towers, pursuant to Section [43-45](#). The #sky exposure plane# shall begin at a height of 150 feet above the #street line# and rise over the #zoning lot# at a slope of 5.6 feet of vertical distance for each foot of horizontal distance on a #wide street#, and at a slope of 2.7 feet of vertical distance for each foot of horizontal distance on a #narrow street#. The

provisions of Section [43-44](#) shall not apply. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

| #Initial Setback Distance# (in feet) | | Maximum Height of a Front Wall, or other Portion of a #Building or other structure# within the #Initial Setback Distance# | #Sky Exposure Plane# | | | | |
|---|---------------------|---|--------------------------------------|--|---------------------|--------|---|
| | | | Height above #Street Line# (in feet) | Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance) | | | |
| On #Narrow Street# | | | | On #Wide street# | | | |
| Vertical Distance | Horizontal Distance | | | Vertical Distance | Horizontal Distance | | |
| On #Narrow Street# | On #Wide Street# | | | | | | |
| Within M1-1 Districts | | | | | | | |
| 20 | 15 | 30 feet or 2 #stories#, whichever is less | 30 | 1 to | 1 | 1 to | 1 |
| Within M1-2, M1-4, M2-1, M2-3 or M3 Districts | | | | | | | |
| 20 | 15 | 60 feet or 4 #stories#, whichever is less | 60 | 2.7 to | 1 | 5.6 to | 1 |
| Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts | | | | | | | |
| 20 | 15 | 85 feet or 6 #stories#, whichever is less | 85 | 2.7 to | 1 | 5.6 to | 1 |



a - Horizontal distance s - Initial setback distance
 h - Height of sky exposure plane above street line v - Vertical distance

 Sky Exposure Plane

SKY EXPOSURE PLANE

(23 - 641, 24 - 522, 33 - 432, 43 - 43)

43-44 - Alternate Front Setbacks

LAST AMENDED
 6/6/2024

M1 M2 M3

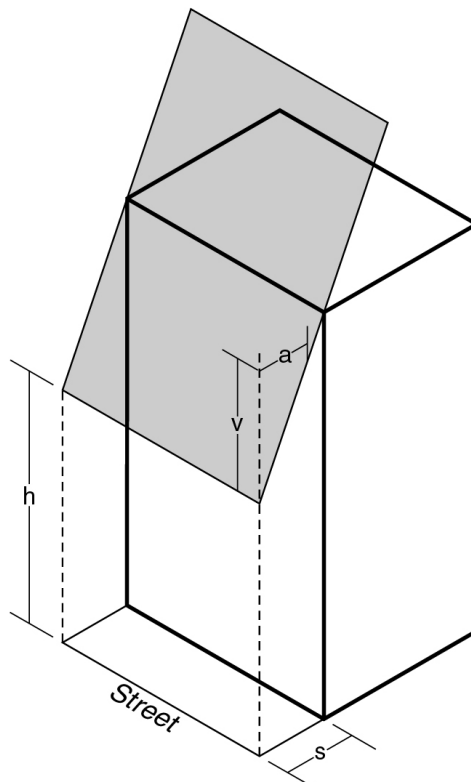
In all districts, other than districts with an A suffix, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in this Section or in Sections [43-42](#) (Permitted Obstructions) or [43-45](#) (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table in this Section. The #sky exposure plane# shall be measured from a point above the #street line#.

In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to Section [43-14](#) (Floor Area Bonus for Public Plazas and Arcades).

In M1-1 Districts, for #community facility buildings# the height above the #street line# shall be 35 feet.

ALTERNATE REQUIRED FRONT SETBACKS

| Depth of Optional Front Open Area (in feet) | | Alternate #Sky Exposure Plane# | | | | |
|---|------------------|--------------------------------------|--|---------------------|-------------------|---------------------|
| | | Height above #Street Line# (in feet) | Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance) | | | |
| | | | On #Narrow Street# | | On #Wide Street# | |
| On #Narrow Street# | On #Wide Street# | | Vertical Distance | Horizontal Distance | Vertical Distance | Horizontal Distance |
| Within M1-1 Districts | | | | | | |
| 15 | 10 | 30 | 1.4 to | 1 | 1.4 to | 1 |
| Within M1-2, M1-4, M2-1, M2-3 or M3 Districts | | | | | | |
| 15 | 10 | 60 | 3.7 to | 1 | 7.6 to | 1 |
| Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts | | | | | | |
| 15 | 10 | 85 | 3.7 to | 1 | 7.6 to | 1 |



a - Horizontal distance
 h - Height of sky exposure plane above street line
 s - Depth of the optional front open area
 v - Vertical distance
 Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE
 (23 - 64, 24 - 53, 33 - 442, 43 - 44)

43-45 - Tower Regulations

LAST AMENDED
 6/6/2024

M1-3 M1-4 M1-5 M1-6

In the districts indicated, other than districts with an A suffix, any #building# or #buildings#, or portion thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section [43-451](#) (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section [43-451](#) for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

43-451 - Towers on small lots

LAST AMENDED
12/15/1961

M1-3 M1-4 M1-5 M1-6

In the districts indicated, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

| Area of #Zoning Lot# (in square feet) | Maximum Percent of #Lot Coverage# |
|--|--------------------------------------|
| 10,500 or less | 50 |
| 10,501 to 11,500 | 49 |
| 11,501 to 12,500 | 48 |
| 12,501 to 13,500 | 47 |
| 13,501 to 14,500 | 46 |
| 14,501 to 15,500 | 45 |
| 15,501 to 16,500 | 44 |
| 16,501 to 17,500 | 43 |
| 17,501 to 18,500 | 42 |
| 18,501 to 19,999 | 41 |

43-46 - Height and Setback Provisions for Districts With an A Suffix

LAST AMENDED
6/6/2024

For M Districts with an A suffix, a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback is required for all portions or #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph

(b). In districts without a maximum height limit, the tower provisions set forth in paragraph (c) shall apply.

(a) Maximum base heights and maximum #building# heights

The table below sets forth the maximum base heights and maximum #building or other structure# heights.

MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

| District | Maximum Base Height (in feet) | Maximum Height of #Buildings or other Structures# (in feet) |
|-------------------|-------------------------------|---|
| M1-1A M2-1A M3-1A | 45 | 65 |
| M1-2A M2-2A M3-2A | 65 | 95 |
| M1-3A M2-3A | 95 | 125 |
| M1-4A M2-4A | 125 | 155 |
| M1-5A | 155 | 205 |
| M1-6A | 155 | 245 |
| M1-7A | 155 | 325 |
| M1-8A M1-9A | 155 | N/A |

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum building heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

- (1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;
- (2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level;
- (3) these setback provisions are optional for any #building# that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#; and
- (4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height#. Such dormers need not decrease in width as the height above the maximum base height increases.

(c) Towers

For #buildings# in M1-8A and M1-9A Districts, no maximum height limit shall apply. However, any portion of a #building# above a height of 350 feet shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

43-47 - Modification of Height and Setback Regulations

LAST AMENDED
6/6/2024

(a) For #zoning lots# adjoining #public parks#

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) For #zoning lots# containing certain #community facility uses#

M1

In the district indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections [43-41](#) to [43-45](#), inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section [73-64](#) (Modifications for Community Facility Uses).

43-48 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section [43-45](#) (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7 shall apply.

43-49 - Limited Height Districts

LAST AMENDED
3/4/1982

M1 M2 M3

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a

#building or other structure#, or portion thereof, shall be as shown in the following table:

| #Limited Height District# | Maximum Height above #Curb Level# |
|---------------------------|-----------------------------------|
| LH-1 | 50 feet |
| LH-1A | 60 feet |
| LH-2 | 70 feet |
| LH-3 | 100 feet |