



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **88-33 - Height and Setback**

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## 88-33 - Height and Setback

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LAST AMENDED

12/6/2023

In the #Special Hudson Square District#, the height and setback regulations of the underlying districts shall not apply. In lieu thereof, the provisions of this Section shall apply to all #buildings#.

(a) Permitted obstructions

The provisions of Section [33-42](#) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height provided that such dormers comply with the provisions of paragraph (c) of Section [23-632](#) (Permitted obstructions in certain districts).

(b) Height and setback

(1) #Street wall# location

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to the minimum base height or the height of the #building#, whichever is less. On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line#. For the purposes of this paragraph (b), portions of #street walls# located up to 18 inches from a #street line# shall be considered to be located on the #street line# where a vertical element of such #street wall# is located on the #street line# and rises without setback from ground level to the top of the second #story# at intervals of at least once every 15 feet in plan and, above the level of the second #story#, where a vertical element rises without setback to the applicable minimum base height at an interval of at least once every 30 feet in plan.

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 ground floor, recesses shall be permitted beyond 20 feet of an adjacent #building# and beyond 30 feet of the intersection of two #street lines#, as follows:

(i) Along #wide streets#

Recesses shall be provided at the level of each #story# entirely above a height of 60 feet, up to the maximum base height of the #building#. Such recesses shall have a minimum depth of five feet and a width between 10 and 40 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(ii) Along #narrow streets#

Above the level of the second #story#, recesses in #street walls# deeper than 18 inches shall be permitted. Such recesses may not exceed 30 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(2) Base height

(i) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 155 feet.

(ii) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, up to a maximum base height of 135 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the maximum base height may be increased to 155 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from its intersection with a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets#, and on #narrow streets# within 100 feet from their intersection with a #wide street#, the portion of such #building# above the maximum base height set forth in paragraph (b)(2)(i) of this Section shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# located entirely above a height of 230 feet, shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet from their intersection with a #wide street#, the portion of such #building# above the maximum base height set forth in paragraph (b)(2)(i) of this Section shall be set back from the #street wall# of the #building# at least 15 feet, except such dimensions may include the depth of any permitted recesses in the #street wall#.

The maximum height of a #building# and the maximum number of #stories# shall be as set forth in Section [23-662](#) (Maximum height of buildings and setback regulations) for an R10A District on a #narrow street#. However, for #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be increased, provided that the maximum number of #stories# does not exceed 23, the maximum height of a #building# with a #non-qualifying ground floor# does not exceed a height of 230 feet and the maximum height of a #building# with a #qualifying ground floor# does not exceed a height of 235 feet.

(4) Maximum length of #street wall#

The maximum length of any #street wall# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet. As an alternative, for #street walls# facing #wide streets# that provide vertical articulation, such maximum length may be increased to 175 feet, provided that between 30 and 40 percent of the width of the #street wall# is recessed at least five feet from all adjacent #street walls# above a height of 150 feet.

(5) Vertical #enlargements#

- (i) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section.
- (ii) Existing #buildings# with #street walls# that rise without setback to a height of at least 80 feet may be vertically #enlarged# in excess of one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section, provided such #enlarged# portion is located at least 10 feet from a #wide street# and at least 15 feet from a #narrow street#.

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## 88-331 - Special height and setback regulations in Subdistrict A

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LAST AMENDED  
3/20/2013

For #zoning lots# in Subdistrict A of this Chapter, the regulations in paragraph (b) of Section [88-33](#) applicable to #wide streets# shall apply, except where modified or superseded by the regulations of this Section.

(a) Maximum #building# height

The maximum height of #buildings# shall be 430 feet.

(b) #Lot coverage#

Below a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 30 percent of the #lot area# of the #zoning lot#. Above a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 20 percent of the #lot area# of the #zoning lot#.

(c) Modification of #bulk# regulations for #zoning lots# bounding a #public park#

In the case of a #zoning# #lot line# #abutting# the boundary of a #public park#, such #zoning# #lot line# shall be considered to be a #wide# #street line# for the purposes of applying all #bulk# regulations of this Resolution, except for #street wall# regulations. For the purposes of applying #street wall# regulations in the case of a #zoning# #lot line# #abutting# the boundary of a #public park#, a line no more than 45 feet west of and parallel to the nearest boundary line of the #public park# shall be considered a #wide# #street line#.

(d) #Street wall# location

The #street wall# provisions of this Chapter shall apply, except that, for the portion of a #building# bounding a #public park#, the #street wall# shall be located at the #street line# for at least 50 percent of the frontage bounding the #public park# and shall rise to the minimum base height, but not higher than the maximum base height.

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## 88-332 - Courts

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LAST AMENDED

3/20/2013

Those portions of #buildings# that contain #residences# shall be subject to the court provisions applicable in R10 Districts as set forth in Section [23-80](#) (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.