Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

128-30 - HEIGHT AND SETBACK REGULATIONS

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128-30 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

In the Upland Subdistrict, underlying height and setback regulations shall apply, except as modified pursuant to the provisions of this Section, inclusive.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

(a) in the South Waterfront Subdistrict, permitted obstructions shall be allowed pursuant to Section 128-31 (Permitted Obstructions); and

(b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section 128-61, as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street# frontages, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

128-31 - Permitted Obstructions

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The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts). However, where towers are provided in accordance with Section 128-35 (Towers), the allowance in paragraph (f) of such Section shall supersede the underlying dormer provisions.

128-32 - Street Wall Location

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12/5/2024

The following #street wall# location provisions shall apply:

(a) #Street walls# along designated #street frontages#

For #street walls# fronting #streets# designated on Map 2 (Designated Street Frontages) in the Appendix to this Chapter, the #street wall# location provisions of paragraph (b) Section 35-631 shall apply.

(b) #Street walls# along other #streets#

For #street walls# fronting other #streets#, the #street wall# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable.

Such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, or the height of the #building#, whichever is less. When a #building# fronts on two intersecting #streets# for which different

minimum base heights apply, the higher base height may wrap around to the #street# with the lower base height, for a distance of up to 100 feet.

128-33 - Maximum Base Height

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The maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet. At a height not lower than the minimum base height, and not higher than the maximum base height, a setback shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations).

128-34 - Maximum Building Height

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After the required setback, a #building# may rise to the maximum #building# height set forth in Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, for the applicable #residential equivalent#. However, in C4-2 Districts, towers shall be permitted as an alternative to such maximum #building# height, where provided in accordance with the provisions of Section 128-35 (Towers).

128-35 - Towers

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In C4-2 Districts, tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building# #developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall comply with the following:

(a) Maximum footprint

Each #story# located entirely above the maximum base height shall not exceed a gross area of 10,000 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet.

(b) Tower top articulation

The highest three #stories# shall have a #lot coverage# of at least 50 percent of the #story# located directly below such #stories#, provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# located directly below such #stories#.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a tower facing the #shoreline# shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not

exceed 80 feet.

(d) Location of all towers

Any portion of a tower shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 feet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

The underlying setback provisions may be modified as follows: up to 50 percent of the #street wall# of the tower portion of the #building# need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide# #street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow# #street line# or sidewalk widening line, where applicable. On frontages where such allowance is taken, no dormers shall be permitted.

(g) Tower exclusion areas

No towers shall be permitted within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.