Zoning Resolution

THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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124-22 - Height and Setback Regulations

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LAST AMENDED
12/6/2023

The height and setback regulations of this Section shall apply throughout the #Special Willets Point District#, except that #developments# or #enlargements# that result in less than 100,000 square feet of #floor area# on #zoning lots# of less than 200,000 square feet shall be limited to the height and setback regulations of an R6B District. The height of all #buildings or other structures# shall be measured from the level of the adjoining sidewalk or other publicly accessible open space. For the purposes of this Section, the present or former 34th Avenue and Willets Point Boulevard shall be considered to be #connector streets#, 127th Street shall be considered to be a #residential street#, and public access areas provided pursuant to paragraph (d) of Section 124-42 (Types and Standards of Publicly Accessible Open Space) shall be considered a #connector street#.

(a) Street wall location and base heights

(1) Except along 126th Street, Northern Boulevard and #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, the minimum base height of a convention center shall be 40 feet or the height of the #building#, whichever is less.

(2) Along 126th Street, at least 80 percent of the #aggregate width of street walls# shall be located within 60 feet of the #street line# of 126th Street and shall extend to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, for #buildings# directly opposite Citi Field Stadium, a setback lower than 60 feet shall be permitted, provided that:

(i) for #buildings# greater than 85 feet in height, an additional setback is provided between a height of 60 and 85 feet; and

(ii) eating and drinking establishments with outdoor seating on terraces overlooking 126th Street are provided on the second #story#. Such terraces shall be located on the roof level above the ground floor level of the #building#, at a height not lower than 20 feet or higher than 30 feet above the level of the sidewalk fronting the 126th Street #street wall# of the #building#, and shall have a minimum depth of 15 feet.

(3) Along #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. Where #street walls# facing #residential streets# contain ground floor #dwelling units#, such #street walls# shall be set back at least four feet from the #street line#. The #building# may project into the required setback area, provided that:

(i) any such projection does not exceed 20 feet in width;

(ii) any such projection does not exceed 25 feet in height;

(iii) the aggregate width of all such projections at the level of any #story# shall not exceed 50 percent of the width of the #street wall# of the #building#; and

(iv) all such projections are at least 10 feet apart.

(4) Along Northern Boulevard, no portion of a #street wall# shall be located closer to Northern Boulevard than eight feet. At least 70 percent of the #aggregate width of street walls# shall be located between eight and 15 feet of the Northern Boulevard #street line# and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet.

(5) Wherever an open area is provided between the #street wall# of a #building# and the #street line#, such area shall be planted, except at entrances to and exits from the #building#, and except where non-#residential uses# are provided at the ground floor level of the #building#.

(b) Required setbacks and maximum #building# height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed a height of 85 feet. Such setbacks shall be provided at a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings or other structures# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (b) of Section 23-413 (Permitted obstructions in certain districts). Within the area limited to 232 feet above mean sea level, as shown on Map 3 in the Appendix to this Chapter, no portion of a #building or other structure# shall exceed a height of 120 feet except in accordance with the tower provisions of paragraph (c) of this Section.

(c) Towers

Within the area limited to 232 feet above mean sea level, as shown on Map 3, any #story# of a #building# located above a height of 120 feet shall comply with the provisions of this paragraph (c). Such portions of a #building# are hereinafter referred to as “towers.”

(1) Maximum tower size

Each #residential# #story# of a tower located entirely above a height of 120 feet shall not exceed a gross area of 11,000 square feet.

(2) Maximum tower length

The maximum length of any #residential# #story# located entirely above a height of 120 feet shall not exceed 170 feet. Such length shall be measured by inscribing within

a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. No side of such rectangle shall exceed a length of 170 feet.

(3) Orientation

The length of any #residential# #story# located entirely above a height of 120 feet shall be at least 1.5 times its width and oriented so that the long side of such tower faces within 25 degrees of geographical south. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. The orientation provisions of this paragraph,(c)(3) need not apply if at least 75 percent of all towers in the #Special Willets Point District# for which building permits have been issued comply with such provisions.

(4) Tower top articulation

For towers containing #residences#, the highest three #stories#, or as many #stories# as are located entirely above a height of 120 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be

measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) Distance between towers

The minimum distance between all towers shall be 60 feet.

(6) Tower walls without setbacks

To permit a #building# to rise from grade to a tower portion without setback, the setback provisions of paragraph (b) of this Section shall not apply to any portion of a #building# located within the tower wall location areas shown on Map 4 in the Appendix to this Chapter, provided that this exception from paragraph (b) of this Section shall not apply to more than one tower for each #block#.

(d) Maximum total height

Notwithstanding any other provisions of this Chapter, no #building or other structure# shall exceed the height limits depicted on Map 3. The height limits established in Map 3 include reference points for two airport approach surface areas that are continuous planes, and one area with a maximum height limitation of 232 feet above mean sea level (AMSL). The coordinates of the points are:

Point 1 73°50′42.9″W 40°45′38.1″N

Point 2	73°50'36.8"W	40°45'45.6"N
Point 3	73°50'26.6"W	40°45'39.3"N
Point 4	73°50'33.6"W	40°45'30.7"N

The height limits hereby established supersede the height limits described in Article VI, Chapter 1 (SPECIAL REGULATIONS APPLYING AROUND MAJOR AIRPORTS). Application may be made to the Board of Standards and Appeals pursuant to Section 73-66 (Height Regulations Around Airports) for a permit to construct a #building or other structure# in excess of what is permitted pursuant to this paragraph (d), provided that such application is also referred to the Port Authority of New York and New Jersey.