



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

138-23 - Height and Setback Regulations in Commercial Districts

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LAST AMENDED
5/29/2019

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections [35-652](#) (Maximum height of buildings and setback regulations) or [35-654](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that:

- (1) the minimum base heights shall be modified by the provisions of Section [138-22](#) (Street Wall Regulations);
- (2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to such Section shall be 21;
- (3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of Sections [35-652](#) or [35-654](#) for R9 Districts shall apply, except that the minimum base height set forth in Section [138-22](#) shall apply, the maximum #building# height for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to Section [35-654](#) shall be 21;
- (4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 125 feet and the maximum number of stories permitted pursuant to such Section shall be 12; and
- (5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

The regulations of paragraph (b)(2) of Section [35-652](#) relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section [138-30](#) (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable 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), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section [138-22](#) (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section [23-65](#) (Tower Regulations). Each #story# of a tower containing exclusively non-#residential# #floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

- (i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.
- (ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:
 - (a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section [95-032](#) (Determination of transit easement at other stations); and
 - (b) 215 feet for #zoning lots# which include only transit facilities specified in Section [95-032](#) other than ancillary facilities with emergency egress and/or ventilation structures.