Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

## 98-40 - SPECIAL Y ARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

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# 98-40 - SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS 

LAST AMENDED
6/23/2005

## 98-41 - Special Rear Yard Regulations

LAST AMENDED
6/23/2005

The \#yard\# regulations of the underlying district shall apply, except as modified in this Section. In all districts, no \#rear yard\# regulations shall apply to any \#zoning lot\# that includes a \#through lot\# portion that is contiguous on one side to two \#corner lot\# portions and such \#zoning lot\# occupies the entire \#block\# frontage of the \#street\#. Where a \#rear yard equivalent\# is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either Section, as applicable. However, in M1-5 Districts, a \#building\# existing prior to January 22, 2015, may be \#enlarged\# pursuant to Section 43-28, paragraph (b), provided that such \#building\# is on a \#zoning lot\# located entirely within 150 feet of the west side of the \#High Line\#. Where a \#rear yard equivalent\# is required by Section 23-533 (Required rear yard equivalents for Quality Housing buildings), the alternatives for \#through lots\# with a depth of 180 feet or less shall not apply.

## 98-42 - Special Height and Setback Regulations

## LAST AMENDED

6/23/2005

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section, inclusive. Furthermore, for any \#zoning lot\# located adjacent to the \#High Line\#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the \#base plane\#, unless otherwise specified.

## 98-421-Obstruction over the High Line

## LAST AMENDED

11/13/2012

Within the \#Special West Chelsea District\#, the \#High Line\# shall remain open and unobstructed from the \#High Line bed\# to the sky, except for improvements constructed on the \#High Line\# in connection with the use of the \#High Line\# as a public open space, and except where the \#High Line\# passes through and is covered by a \#building\# existing on November 13, 2012.

## 98-422-Special rooftop regulations

## $\dagger$

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all \#buildings or other structures\# within the \#Special

West Chelsea District\#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph $(c)(1)$ of Section 23-623 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum \#building\# height in Subareas C, F and G where the maximum base height and maximum \#building\# height are the same.

All mechanical equipment located within 15 feet of the level of the \#High Line bed\# that is within 25 feet of the \#High Line\#, measured horizontally, or within the \#High Line frontage\#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the \#High Line\#.

## 98-423 - Street wall location, minimum and maximum base heights and maximum building heights

LAST AMENDED
3/16/2023

The provisions set forth in paragraph (a) of this Section shall apply to all \#buildings or other structures\#. Such provisions are modified for certain subareas as set forth in paragraphs $(b)$ through $(h)$ of this Section.
(a) For all \#buildings\#

## (1) \#Street wall\# location provisions

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 such entire \#street\# frontage of the \#zoning lot\# up to at least the minimum base height specified in the table in this Section. On \#narrow street\# frontages, beyond 50 feet of their intersection with a \#wide street\#, the \#street wall\# shall be located on the \#street line\# and extend along at least 70 percent of the \#narrow street\# frontage of the \#zoning lot\# up to at least the minimum base height specified in the table in this Section.

Where \#street walls\# are required to be located on the \#street line\#, recesses, not to exceed three feet in depth from the \#street line\#, shall be permitted on the ground floor where required to provide access to the \#building\#. Above a height of 12 feet, up to 30 percent of the \#aggregate width of street walls\# may be recessed beyond the \#street line\#, provided any such recesses deeper than 10 feet along a \#wide street\#, or 15 feet along a \#narrow street\#, are located within an \#outer court\#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two \#street lines\# except that, to allow articulation of \#street walls\# at the intersection of two \#street lines\#, the \#street wall\# may be located anywhere within an area bounded by the two \#street lines\# and a line connecting such \#street lines\# at points 15 feet from their intersection.

For \#developments\# that occupy the entire \#block\# frontage of a \#street\# and provide a continuous sidewalk widening along such \#street line\#, the boundary of the sidewalk widening shall be considered to be the \#street line\# for the purposes of this Section.

The \#street wall\# location provisions of this Section shall not apply along that portion of any \#street\# frontage:
(i) over which the \#High Line\# passes;
(ii) occupied by existing \#buildings\# to remain, unless such \#buildings\# are vertically \#enlarged\#; or
(iii) between the \#High Line\# and a \#side lot line\#, where such frontage measures less than 20 feet.
(2) Maximum \#building\# heights

## (i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A Districts, the maximum base height, maximum \#building\# height and the maximum number of \#stories\# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the residential equivalent of an R8A and R9A District, respectively. 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 modified in accordance with the provisions of paragraph (b) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum \#building\# heights are set forth within such Sections for \#Quality Housing buildings\# with \#qualifying ground floors\# and for those with \#non-qualifying ground floors\#.
(ii) For all other districts

All portions of \#buildings or other structures\# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any \#street wall\# fronting on a \#wide street\#, and a setback with a depth of at least 15 feet shall be provided from any \#street wall\# fronting on a \#narrow street\#, except such dimensions may include the depth of permitted recesses in the \#street wall\#.

No \#building or other structure\# shall exceed the maximum \#building\# height specified in the table in this Section.
(b) Subareas A and D
(1) \#Street wall\# location

In Subarea D, on \#corner lots\# between the north side of West 18th Street and the south side of West 22nd Street, a \#street wall\# with a minimum height of 15 feet shall be located on the \#narrow\# \#street line\# between 50 and 150 feet of its intersection with Eleventh Avenue.

In Subarea D, for \#buildings\# that do not include towers as set forth in paragraph (b)(3) of this Section, the \#street wall\# location provisions set forth in paragraph (a) shall not apply to any \#zoning lot\# that occupies the entire Eleventh Avenue \#block\# front. In lieu thereof, \#street walls\# with a minimum base height of 60 feet shall be located within 10 feet of all \#street lines\# bounding such \#zoning lot\# and extend along at least 70 percent of each \#street\# frontage of the \#zoning lot\#.
(2) Setback provisions

The setback provisions for portions of \#buildings\# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a \#building or other structure\# that exceeds the applicable maximum base height shall penetrate a \#sky exposure plane\# that begins above the \#street line\# at the maximum base height and rises over the \#zoning lot\# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a \#narrow street\#, and 5.6 feet of vertical distance to one foot of horizontal distance on a \#wide street\#.

## (3) Tower provisions

Any \#building\#, or portion thereof, which in the aggregate occupies not more than 40 percent of the \#lot area\# of the \#zoning lot\# and penetrates the \#sky exposure planes\# set forth in paragraph (b)(2) of this Section, is hereinafter referred to as a "tower." Such towers are permitted provided they are set back at least 10 feet from a \#wide\# \#street line\# and at least 15 feet from a \#narrow\# \#street line\#, and provided no other portion of the \#building\# exceeds the applicable maximum base height. In addition, the following rules shall apply:
(i) For \#zoning lots\# with less than 20,000 square feet of \#lot area\#, such tower may occupy more than 40 percent of the \#lot area\# of the \#zoning lot\# in accordance with the provisions of Section 33-454 (Towers on small lots).
(ii) Any \#story\# within the highest 40 feet of such tower (the "penthouse portion"), shall not exceed 85 percent of the gross area of the highest \#story\# directly below such penthouse portion.
(iii) In Subarea A, such tower shall occupy at least 30 percent of the \#lot area\# of the \#zoning lot\#, except that such minimum \#lot coverage\# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum \#lot area\# requirement shall apply to the highest four \#stories\# or 40 feet of such \#building\#, whichever is less.
(iv) In Subarea A, the maximum length of any \#story\# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each \#story\# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.
(v) In Subarea A, for any \#zoning lot\# with more than 75 feet of \#narrow street\# frontage in which a \#side lot line\# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a \#building\# shall be located closer than 25 feet to such \#side lot lines\#.
(vi) In Subarea D, the maximum \#building\# height shall be 250 feet, and the maximum length of any \#story\# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each \#story\# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for \#zoning
lots\# that occupy the entire Eleventh Avenue \#block\# front, a portion of the \#street wall\# may rise above the maximum base height without setback from Eleventh Avenue, provided the \#aggregate width of the street wall\# for Eleventh Avenue does not exceed 100 feet.
(c) Subareas C, F and G

In Subareas C, F and G, for \#zoning lots\# with \#wide\# and \#narrow street\# frontage, no \#street wall\# is required beyond 50 feet of a \#wide street\#. Furthermore, for any \#development\# or \#enlargement\# that occupies at least one corner of the Tenth Avenue \#block\# front and extends along the Tenth Avenue frontage of the \#zoning lot\# for at least 170 feet, exclusive of existing \#buildings\# to remain, a lowered \#street wall\# shall be provided for any \#building\# that exceeds 45 feet in height. Such lowered \#street wall\# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the \#aggregate width of street walls\# facing Tenth Avenue. Such lowered \#street wall\# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a \#narrow street\#. Such lowered \#street wall\# shall extend along such \#narrow\# \#street line\# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the \#High Line frontage\# of a \#building\#, such portion of the \#building\# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered \#street wall\# portion of the Tenth Avenue frontage of a \#building\# are illustrated in Diagram 1 (Street Wall and High Line Frontage Regulations in Subareas C, F and G) in Appendix C of this Chapter.

In Subarea C, for \#zoning lots\# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum \#building\# height shall be 125 feet.

In Subarea C, for any \#enlargement\# on a \#zoning lot\# that is subject to the provisions of Section 98-242 (Located partially within Subarea C and partially within M1-5 Districts) and located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height shall be the height of the existing \#street wall\# of the \#building\# to be \#enlarged\# and no \#street wall\# shall be required above such minimum base height.
(d) Subarea E

The \#street wall\# location provisions set forth in paragraph (a) of this Section shall not apply on a \#zoning lot\# fronting on West 18th Street and located partially in Subareas D, E and G, where \#floor area\# has been transferred pursuant to Section 98-241. A maximum of 60 percent of the West 18 th Street frontage within Subarea E may rise without setback to a maximum \#building\# height of 250 feet, and a minimum of 20 percent of the West 18 th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the \#street line\#.
(e) Subarea H

No \#building or other structure\# shall be located east of the \#High Line\#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work, executed in accordance with Appendix D.

No portion of a \#building or other structure\# shall exceed a height of 85 feet except for two \#buildings\#, or portions of \#buildings\#, hereinafter referred to as "Tower East" and "Tower West." At or above the base height, both such towers shall be set back at least 10 feet from any \#street wall\# facing a \#wide street\# and at least 15 feet from any \#street wall\#
facing a \#narrow street\#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the \#aggregate width of street walls\# facing \#narrow streets\# and at least 60 percent of the \#aggregate width of street walls\# facing \#wide streets\# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue \#street line\#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue \#street line\#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the \#street wall\# of Tower West may rise without setback from a \#narrow\# \#street line\#. Such portion of the \#street wall\# shall be located a minimum of 15 feet and a maximum of 20 feet from the \#narrow\# \#street line\#.

## (f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the \#street wall\# location provisions set forth in paragraph (a) of this Section shall not apply along Tenth Avenue, as shown in Diagram 5 of Appendix $C$ of this Chapter, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a \#building or other structure\# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one \#building\# which may have a height not to exceed 250 feet provided such \#building\# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17 th Street \#street line\#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.
(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any \#development\# or \#enlargement\# that utilizes the provisions of Section $98-25$. In lieu thereof, the provisions of this paragraph $(\mathrm{g})$ shall apply.

## (1) Midblock Zone

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue \#street line\# and more than 200 feet east of the Tenth Avenue \#street line\#. Within the Midblock Zone, a \#building\# shall have a maximum \#street wall\# height before setback of 110 feet, and shall have a maximum \#building\# height of 130 feet.
(2) Ninth Avenue Zone

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue \#street line\#. Within the Ninth Avenue Zone, any portion of a \#building\# shall have a maximum \#street wall\# height of 130 feet before setback and a maximum \#building\# height of 135 feet. Any \#building\# located above a height of 130
feet shall be set back at least five feet from the Ninth Avenue \#street wall\# and at least 15 feet from the West 15th Street and West 16th Street \#street walls\#.
(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a \#zoning lot\# within 200 feet of the Tenth Avenue \#street line\#. Within the Tenth Avenue Zone, any portion of a \#building\# shall have a maximum \#street wall\# height of 185 feet before setback and a maximum \#building\# height of 230 feet, provided that any portion of a \#building\# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue \#street line\#. Any portion of a \#building\# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street \#street lines\#, and at least 25 feet from the Tenth Avenue \#street line\#. Any portion of a \#building\# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street \#street lines\#, and at least 35 feet from the Tenth Avenue \#street lines\#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue \#street line\#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

## (h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

## MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

| District or Subarea |  | Minimum Base <br> Height (in feet) | Maximum Base <br> Height (in feet) | Maximum <br> \#Building\# Height <br> (in feet) |
| :---: | :---: | :---: | :---: | :---: |
| M1-5 |  | 50 | 95 | 135 |
| Subarea A | within 50 feet of a \#wide street\# | 60 | 85 | $1$ |
|  | between 50 and 100 feet of a \#wide street\# | 15 | 85 | $1$ |
|  | for \#zoning lots\# with only \#narrow street\# frontage | 40 | 60 | 1 |
| Subarea B |  | 60 | 95 | 135 |
| Subarea C | for \#zoning lots\# with only \#narrow street\# frontage | 60 | 110 | 110 |


|  | for \#zoning lots\# with Tenth Avenue frontage | $105^{2}$ | $125^{2}$ | $125^{2}$ |
| :---: | :---: | :---: | :---: | :---: |
|  | for \#zoning lots\# with Eleventh Avenue frontage | $125^{2}$ | $145^{2}$ | $145^{2}$ |
| Subarea D |  | 60 | 90 | $250{ }^{1}$ |
| Subarea E |  | 60 | $105^{3}$ | $120^{3}$ |
| Subarea F |  | $60^{2}$ | $80^{2}$ | $80^{2}$ |
| Subarea G | for \#zoning lots\# with only \#narrow street\# frontage | 60 | 95 | 95 |
|  | for \#zoning lots\# with \#wide street\# frontage | $105^{2}$ | $120^{2}$ | $120^{2}$ |
| Subarea H |  | $60^{4}$ | $85^{4}$ |  |
| Subarea I | within 300 feet of Tenth Avenue between W. <br> 16th St. \& W. 17th St. | 60 | 85 | $120^{5}$ |
|  | all other areas | 60 | 105 | 135 |
| Subarea J | Midblock Zone | NA | $110^{6}$ | $130^{6}$ |
|  | Ninth Avenue Zone | NA | $130^{6}$ | $135^{6}$ |
|  | Tenth Avenue Zone | NA | $185^{6}$ | $230^{6}$ |
| Subarea K |  | $N A^{7}$ | $N A^{7}$ | $N A^{7}$ |

see Section 98-423, paragraph (c)
see Section 98-423, paragraph (d)
see Section 98-423, paragraph (e)
see Section 98-423, paragraph (f)
see Section 98-423, paragraph (g)
see Section 98-423, paragraph (h)

## 98-424-Authorization to modify certain bulk regulations

LAST AMENDED
3/22/2006

For \#zoning lots\# located entirely within 75 feet of the west side of the \#High Line\#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Sections $\underline{98-40}$ and $\underline{98-50}$, inclusive, the transparency requirements set forth in Sections 98-141 and 98-54, and the underlying \#rear yard\# and minimum distance between \#legally required windows\# and walls or \#lot lines\# regulations. The Commission shall find that such modification will result in a better distribution of \#bulk\# on the \#zoning lot\# and will not adversely affect access to light and air for surrounding public areas.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

## 98-43 - Special Distance Between Buildings Regulations

LAST AMENDED
6/23/2005

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

