Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

62-34 - Height and Setback Regulations on Waterfront Blocks

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62-34 - Height and Setback Regulations on Waterfront Blocks

LAST AMENDED
12/5/2024

Height and setback regulations for #zoning lots# within #waterfront blocks# are set forth in the following Sections:

Section 62-341 (Height and setback regulations in lower density districts)

Section 62-342 (Height and setback regulations in medium- and high-density districts with a letter suffix)

Section 62-343 (Height and setback regulations in other medium- and high-density districts)

Section 62-344 (Developments on piers)

Section 62-345 (Developments on floating structures)

However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# listed under Use Groups IV(B), IX or X shall be exempt from the requirements of this Section.

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above the mean high water line and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height

and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-344 and 62-345.

For the purposes of applying the regulations of this Section, the following provisions shall apply:

(a) #Street lines#

For the purposes of Sections 62-342 and 62-343, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(b) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4.

(c) Permitted obstructions

The obstructions permitted pursuant to Sections 23-41, inclusive, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-312, 64-313 or 64-323, shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

(1) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height in Section 62-343 by 15 percent, provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# directly below the highest 15 percent of the #building#.

(2) Wind energy systems

Regulations governing wind energy systems are modified as follows:

(i) in R6 through R12 Districts, #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R12 Districts, C7 Districts, C8 Districts other than C8-1 Districts, or #Manufacturing Districts# other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly;

(ii) in C4-1, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility# #uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly; and

(iii) in all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning# #lot line#.

62-341 - Height and setback regulations in lower density districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 C3 C4-1 C8-1 M1-1

In the districts indicated, and for C1 or C2 Districts mapped within an R1 through an R5 District, all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the underlying height and setback regulations, except as modified by the provisions of this Section.

(a) Modified base height and #building# heights in certain districts

The maximum base height and maximum #building# height for #buildings# on #waterfront blocks# for certain districts shall be as set forth in the following table:

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHT FOR #RESIDENTIAL BUILDINGS# ON #WATERFRONT BLOCKS#

District	**Maximum Base Height (in feet)**	**Maximum Height of #Buildi other Structures# (in fee**
R1 R2 C1 or C2 mapped within R1 or R2 C8-1 M1-1	35	35
R3 C1 or C2 mapped within R3 C3	35	45
R4 C1 or C2 mapped within R4	45	55

R5 C1 or C2 mapped within R5 C4-1	55	65

(b) Additional regulations

(1) Above the maximum base height, a #building# shall be set back at least:

(i) 15 feet from a #narrow# #street line#;

(ii) 10 feet from a #wide# #street line#; or

(iii) 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

Dormers provided in accordance with Section 23-413 shall be permitted within any setback area, provided that the depth of encroachment of a dormer facing the #shore public walkway# shall not exceed 15 feet;

(2) Any portion of a #predominantly# #community facility# #building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However, within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.

(3) All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

62-342 - Height and setback regulations in medium- and high-density districts with a letter suffix

LAST AMENDED
12/5/2024

For all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# within R6 through R12 Districts with a letter suffix or #Commercial Districts# mapped within or with a #residential equivalence# of an R6 through R12 District with a letter suffix, the applicable underlying height and setback regulations of Section 23-43, inclusive, shall apply.

62-343 - Height and setback regulations in other medium- and high-density districts

LAST AMENDED
12/5/2024

For those districts not otherwise governed by the provisions of Sections 62-341 (Height and setback regulations in lower density districts) or 62-342 (Height and setback regulations in medium- and high-

density districts with a letter suffix), the underlying height and setback regulations are applicable for all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms#, except as modified by the provisions of this Section.

(a) Modified base height and #building# heights

For all #buildings#, the base heights, transition heights, and #building# heights for #buildings# on #waterfront blocks# shall be as set forth in the following table. Additional regulations are set forth in paragraph (b) for #buildings# containing #residences# and in paragraph (c) for all other #buildings#. For all #buildings#, tower regulations are set forth in paragraph (d).

MAXIMUM BASE HEIGHT, TRANSITION HEIGHTS, AND MAXIMUM BUILDING HEIGHT - FOR OTHER DISTRICTS

District	**Maximum Base Height (in feet)**	**Transition Zone**		**M o**
		Maximum Transition Height Tier 1 (in feet)	**Maximum Transition Height Tier 2 (in feet)**	
R6-2 C1 or C2 mapped within R6-2	55	75	95	

R6 R6-1 C1 or C2 mapped within R6 or R6-1 C7-1 C8-2 C8-3 M1-2 M1-4 M1-1A M2-1 M2-3 M2-1A M3-1 M3-2 M3-1A	65	95	125	
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C7-2 M1-2A M2-2A M3-2A	85	115	155	
R7-3 C1 or C2 mapped within R7-3 C7-3 C8-4 M1-3 M1-5 M1-3A M2-2 M2-4 M2-3A	95	145	185	

R8 C1 or C2 mapped within R8 C4-8 C6-1 C6-2 C7-4 M1-4A M2-4A	105	145	215	
R9 C1 or C2 mapped within, or with a #residential equivalent# of an R9 C4-9 C6-3 C7-5 C7-6 M1-5A M1-6A	135	185	285	
R9-1 C1 or C2 mapped within an R9-1	155	215	315	

R10 C1 or C2 mapped within, or with a #residential equivalent# of an R10 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7-7 M1-6 M1-7A	155	235	355	
R11 C1 or C2 mapped within R11 C4-11 C6-11 C7-8 M1-8A	155	325	405	
R12 C1 or C2 mapped within R12 C4-12 C6-12 C7-9 M1-9A	155	395	495	

(b) Additional regulations for #buildings# containing #residences#

For #buildings# containing #residences#, the following shall apply:

(1) for #street walls# not facing the #shore public walkway# or #supplemental public access areas#:

(i) the #street wall# location provisions of paragraph (b) of Section 23-431 shall apply, and such #street walls# shall extend to a minimum base of at least 35 feet, or the height of the #building#, whichever is less; and

(ii) at a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided in accordance with the provisions of Section 23-433.

(2) for portions of #buildings# facing the #shore public walkway# or #supplemental public access areas#:

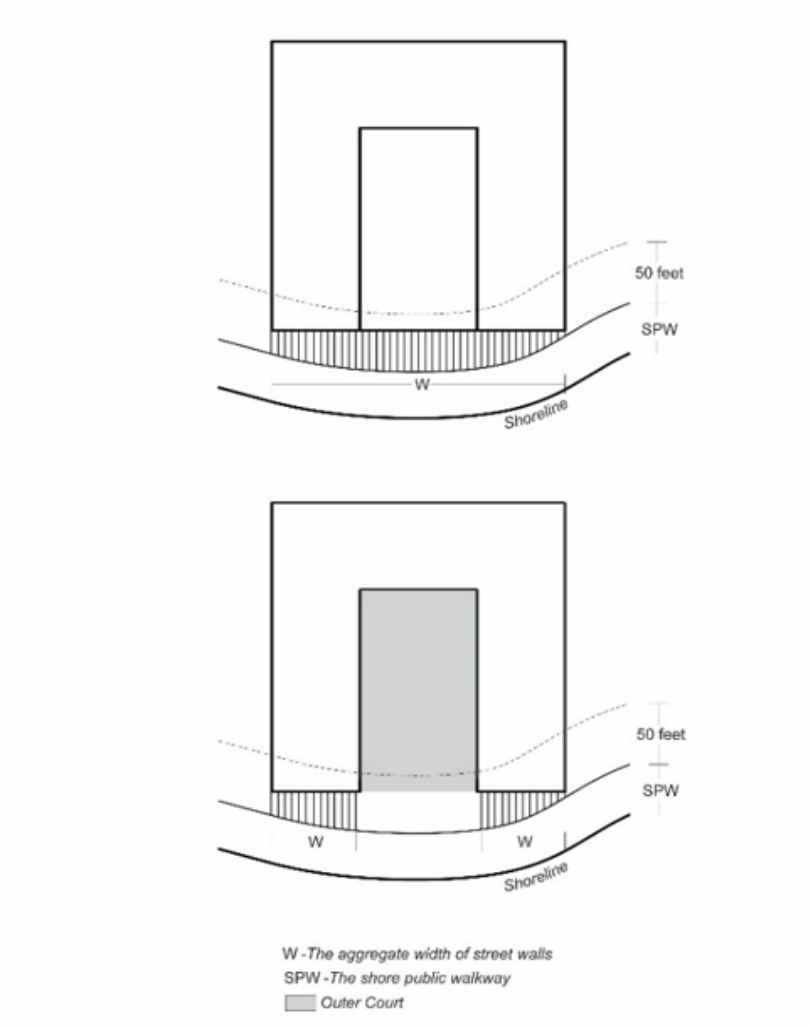
(i) no #street wall# location provisions shall apply;

(ii) at a height not higher than the maximum base height, a setback, with a minimum depth of 30 feet shall be provided from the boundary of the #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the setback distance;

(iii) dormers shall be permitted in such setback, in accordance with Section 23-413, except that the depth of such dormer shall not exceed 15 feet;

(iv) where a #street wall# is located within 50 feet of the #shoreline#, the maximum base height shall not exceed a height of 85 feet; and

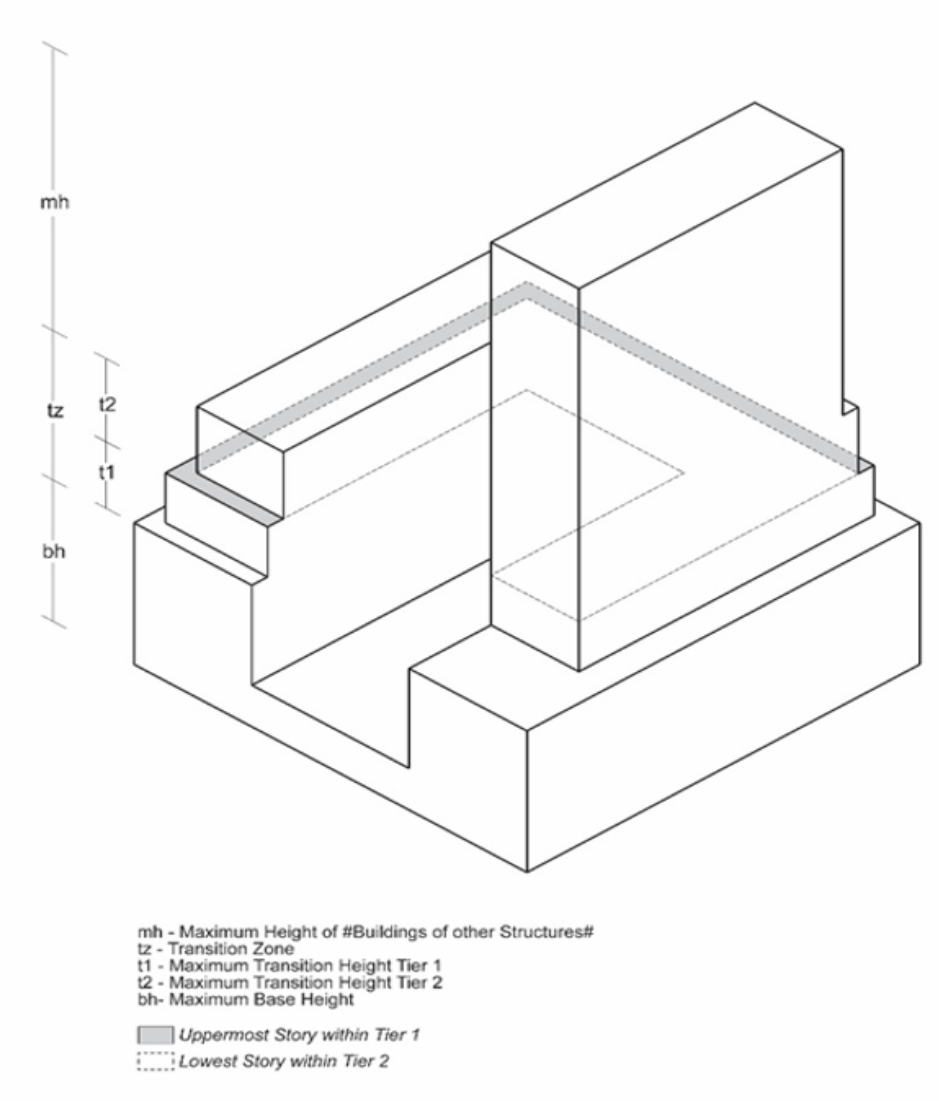
(v) an amount of #building# frontage equivalent to at least 25 percent of the #aggregate width of street walls# facing the #shore public walkway# shall either be provided as open area in an #outer court# or shall have a reduced base height that does not exceed two-thirds of the height of the permitted maximum base height;



AGGREGATE WIDTH OF STREET WALLS
FACING THE SHORE PUBLIC WALKWAY (62-343b2)

(3) along all frontages, after the required setback, #buildings# may rise to the maximum transition zone height set forth in the table, which consists of maximum Tier 1 and Tier 2 transition heights. Where the gross area of any #story# within the transition zone exceeds 10,000 square feet, exclusive of the square footage contained in any permitted dormers, one or more setbacks shall be provided at a height not higher than the maximum Tier 1 transition height. Such setbacks may be of any depth, but shall reduce

the gross area of #stories# such that the highest gross area of any #story# in the Tier 2 transition zone is at least 10 percent less than that of the highest gross area of any #story# in the Tier 1 transition zone; and



TRANSITION HEIGHTS SETBACK AREA (62-343b3)

(4) any portion of a #building# that exceeds the maximum transition height shall be considered a tower and shall be subject to the provisions of paragraph (d) of this Section.

(c) Additional regulations for other #buildings#

For #buildings# that do not contain #residences#, the following shall apply:

(1) Above the maximum base height, a #building# shall be set back at least:

(i) 15 feet from a #narrow# #street line#;

(ii) 10 feet from a #wide# #street line#; or

(iii) 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the setback distance.

Dormers provided in accordance with paragraph (b) of Section 23-413 shall be permitted within any setback area, provided that the depth of encroachment of a dormer facing the #shore public walkway# shall not exceed 15 feet;

(2) after the required setback, #buildings# may rise to the maximum transition height;

(3) any portion of a #building# that exceeds the maximum transition height shall be considered a tower and subject to the provisions of paragraph (d) of this Section.

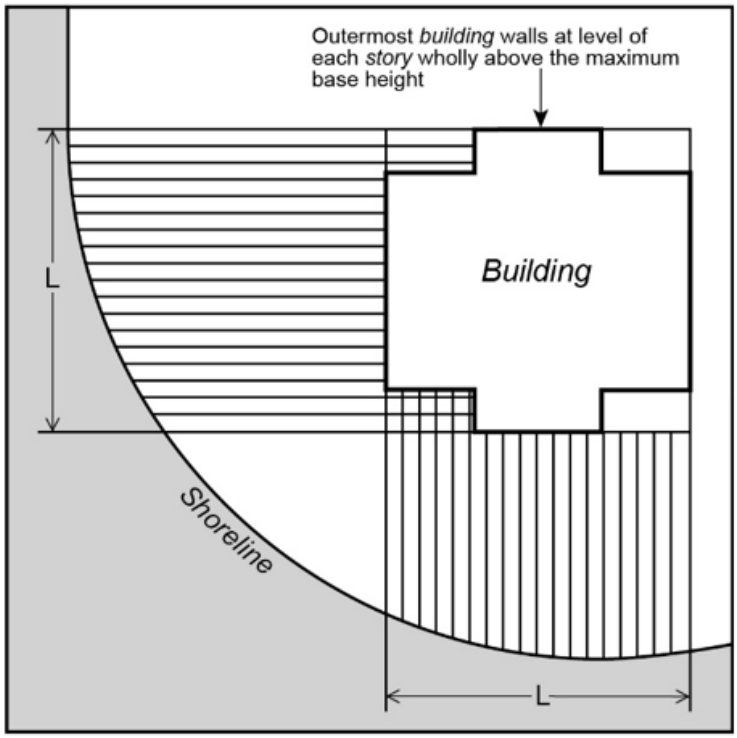
(d) Tower regulations

Any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower provisions:

(1) The maximum width of any #story# of a tower that faces a #shoreline# shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each tower #story#. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline#, regardless of any intervening structures, properties or #streets#, shall not exceed 100 feet. However, such limitation may be modified as follows:

(i) where a tower faces two or more #shorelines#, such restriction shall apply only to one face, and the maximum length along other frontages shall not exceed 130 feet frontage (See illustration);

(ii) where the average depth of a #zoning lot# is less than 200 feet, the maximum width of a #story# shall not exceed 130 feet.



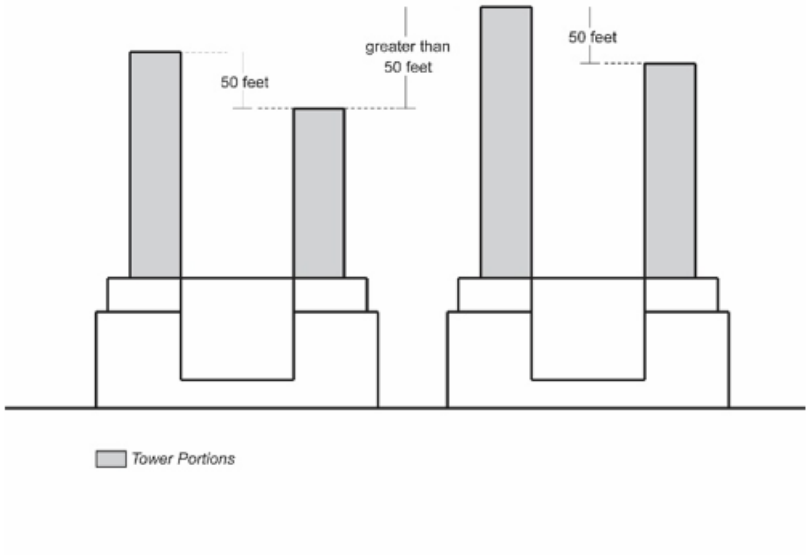
L - Maximum width of *building* wall (100 feet)

MAXIMUM WIDTH OF BUILDING WALL FACING SHORELINE (62-343b3)

(2) for #residential# #stories# within a tower, the following shall apply:

(i) the tower footprint shall not exceed a gross area of 10,000 square feet, except that where the overall height of a tower exceeds two-thirds of the overall maximum permitted height set forth in the table, a portion of tower #stories# equivalent to at least one-third of the height of the #building#, excluding any penthouse provided as a permitted obstruction, shall have a footprint that does not exceed 8,500 square feet. Dormers need not be included in the calculation of such maximum gross area; and

(ii) where two or more towers are provided on a #zoning lot#, there shall be at least 50 feet in difference in height between any two immediately adjacent towers.



ADJACENT TOWER HEIGHT VARIATION (62-343d2)

62-344 - Developments on piers

LAST AMENDED
12/5/2024

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.

The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for the supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the surface elevation of at least 50 percent of the #pier# shall be used to establish the #base plane#.

The height of all #buildings or other structures# on #piers# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof.

The obstructions permitted pursuant to Sections 23-41, 24-51, 33-42 or 43-42 shall apply. In addition, a dormer may penetrate a required setback area above a height of 30 feet provided the aggregate width of dormers on any given #building# wall does not exceed 50 percent of the width of such #building# wall.

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to 10 feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Building# width and spacing regulations on #piers#

The maximum length or width of any #building or other structure# on a #pier# shall be 200

feet. The provisions of Section 23-371 (Distance between buildings) shall be inapplicable on #piers#. In lieu thereof, the minimum distance on a #pier# between any two #buildings or other structures# that do not #abut# shall be 100 feet. However, such limitations shall not apply to any #building or other structure#, no portion of which exceeds 30 feet in height.

Permitted obstructions above the #base plane# within such required open areas between #buildings or other structures# shall be limited to those allowed above the lowest level of a #visual corridor# pursuant to Section 62-513 (Permitted obstructions in visual corridors), except that freestanding #accessory# #buildings or other structures# shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such #accessory# #buildings or other structures# and any other #building or other structure# on the #pier#.

(c) Modification of #pier# #bulk# regulations

Modification of the regulations of this Section involving the height and setback or width and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit or authorization of the City Planning Commission pursuant to Sections 62-835 (Developments on piers or platforms), 74-711 (Landmark preservation in all districts), 74-79 (Transfer of Development Rights From Landmark Sites) or 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites), as applicable.

62-345 - Developments on floating structures

LAST AMENDED
12/5/2024

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

Chimneys, flues or stacks;

Flagpoles, aerials or masts;

Parapet walls or safety enclosures, not more than four feet high; and

Wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section 62-834 shall not exceed the height limits set forth in Column A of the table in this Section, except for navigational vessels being repurposed as #floating structures# in accordance with such special permit provisions. Such repurposed vessels shall be subject to the height limits set forth in Column B of the table.

HEIGHT LIMITS FOR FLOATING STRUCTURES

			Column A	Column B
#Residence District#	#Commercial District#	#Manufacturing District#	Maximum Structure Height (in feet)	Maximum Height of Repurposed Vessels (in feet)

R1 thru R5	C1 or C2 mapped in R1 thru R5 C3	-	23	40
R6	C1 or C2 mapped in R6 C4-1 C7-1 C7-2 C8-1 C8-2 C8-3	M1-1 M1-2 M1-4 M1-1A M1-2A M2-1 M2-3 M2-1A M2-2A M3-1 M3-2	40	60
R7 R8	C1 or C2 mapped in R7 or R8 C1-6 C1-7 C2-6 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C7-3 C7-4 C8-4	M1-3 M1-5 M1-3A M1-4A M2-2 M2-4 M2-3A M2-4A	50	70

R9 R10 R11 R12	C1 or C2 mapped in R9 thru R12 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9	M1-6 M1-5A M1-6A M1-7A M1-8A M1-9A	60	150