Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

87-30 - SPECIAL HEIGHT AND SETBACK, LEGAL WINDOW AND COURT REGULATIONS

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87-30 - SPECIAL HEIGHT AND SETBACK, LEGAL WINDOW AND COURT REGULATIONS

LAST AMENDED
12/11/2017

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The special height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive, shall not apply.

In the North Subdistrict, as shown on Map 1, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive, as applicable. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply, except as specifically made applicable in this Section, inclusive.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply, except as modified in this Section, inclusive.

In all Subdistricts, the height of all #buildings or other structures# shall be measured from the #base plane#.

87-31 - Permitted Obstructions

LAST AMENDED
12/5/2024

In the Core and North Subdistricts, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, 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).

87-32 - Special Height and Setback Regulations in the Core Subdistrict

LAST AMENDED
12/11/2017

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the provisions of the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as applicable, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection#, or fire apparatus access road provided in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#. In addition, the #street line# of Exterior Street shall be modified as follows:

(a) for Parcels 1, 2, 3 and 4, the westerly #street line# along Exterior Street shall be the #Major Deegan Expressway street line# or the #street line# of Exterior Street, whichever is closest to the #shore line#; and

(b) for Parcel 1, the #street line# of East 149th Street shall be the southernmost boundary of any easement area existing on December 11, 2017, any fire apparatus access road or any private road.

For Parcels 2, 3 and 4, where a fire apparatus access road in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads) is immediately adjacent to and contiguous with the #shore public walkway#, the fire apparatus access road shall be considered as part of the #shore public walkway#, and the #street line# shall be considered the boundary of the fire apparatus access road furthest from the #shoreline#. In addition, for Parcels 1 and 2, where a fire apparatus access road in accordance with the provisions of Section 87-61 is provided immediately adjacent to and contiguous with the northern or southern boundaries, as applicable, of the mapped parkland, the #street line# shall be considered the boundary of the fire apparatus access road furthest from the mapped parkland.

87-321 - Street wall location

LAST AMENDED
12/5/2024

In the Core Subdistrict, the following #street wall# location rules shall apply.

Along the following frontages, the #street wall# location provisions of paragraph (b) of Section 23-431 shall apply, except that the #street walls# shall extend to the minimum base heights as specified in Section 87-322 (Base heights and transition heights):

(a) On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2; and

(b) On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2.

Along other frontages, no #street wall# location provisions shall apply.

87-322 - Base heights and transition heights

LAST AMENDED
12/5/2024

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway# for #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#

Along all other frontages beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(3) Along, and within 50 feet of, the #Major Deegan Expressway street line#

Along, and within 50 feet of, the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 15 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# along the #shore public walkway# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Such setbacks may be modified pursuant to the provisions of Section 23-433, except that on Parcel 1 along the #shore public walkway# dormers may not exceed a depth of 15 feet.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls#

above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323 - Tower provisions

LAST AMENDED
12/5/2024

All #stories# that partially or wholly exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) shall be considered a "tower" and may exceed such transition height only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 50 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322.

The dormer provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50

percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2 the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two towers on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of

the #lot coverage# of the #story# immediately below such #stories#.

87-324 - Authorization to modify the special street line provision for Parcels 2, 3 or 4

LAST AMENDED
12/11/2017

For Parcels 2, 3 or 4, as shown on Map 1 in the Appendix to this Chapter, the City Planning Commission may authorize the modification of the definitions of #Major Deegan Expressway street line# as set forth in paragraph (b) of Section 87-01 and the associated special #street line# provision of paragraph (a) of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), on condition that there shall be no less than 14 feet between the #street wall# of #developments# or #enlargements# and the as-built western edge of the Major Deegan Expressway. In conjunction with the modification of such #street line# provision, the special open area provisions of paragraph (a) of Section 87-416 may also be modified. In order to grant such authorization, the Commission shall find that:

(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area; and

(d) such modification will enhance the quality of the design of the #development# or #enlargement#.

Prior to granting such authorization, the Commission shall request the Department of Transportation of the State of New York to indicate within 30 days whether said agency has any plan to widen or expand the Major Deegan Expressway or its ramps.

The Commission may prescribe appropriate conditions and safeguards to promote the benefits to the surrounding area or to minimize adverse effects on the character of the surrounding area.

87-33 - Special Height and Setback, Legal Windows and Courts in the North Subdistrict

LAST AMENDED
12/11/2017

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: 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#.

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: 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#.

87-331 - Maximum height of buildings and setback regulations

LAST AMENDED
12/5/2024

In the North Subdistrict, #buildings or other structures#, or portions thereof, within 30 feet of a #shore public walkway#, shall not exceed the maximum base height provisions set forth in paragraph (a) of this Section. #Buildings or other structures#, or portions thereof, within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed the maximum base height provisions set forth in paragraph (b) of this Section. Except as otherwise set forth in paragraphs (a) or (b) of this Section, as applicable, such maximum heights may be exceeded only in accordance with Section 87-31 (Permitted Obstructions).

(a) Height allowances along the #shore public walkway#:

The maximum height of #buildings or other structures#, or portions thereof, located within 30

feet of a #shore public walkway# shall be as follows:

(1) such #buildings or other structures#, or portions thereof, shall not exceed 65 feet, except that 80 percent of the #street wall# of such #building or other structure#, or portion thereof, may rise to a maximum height of 85 feet; and

(2) no dormers shall be permitted.

(b) Height allowances along all other frontages

The maximum height of #buildings or other structures#, or portions thereof, located within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed a maximum height of 85 feet.

Beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets# or 15 feet of #narrow streets#, the maximum height of #buildings or other structures# shall be as set forth in Section 87-332 (Towers).

87-332 - Towers

LAST AMENDED
12/5/2024

In the North Subdistrict, the maximum height of #buildings or other structures#, or portions thereof, beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets#, or 15 feet of #narrow streets#, shall be 85 feet.

Such maximum #building# height may be exceeded by "towers" permitted in Location A or Location B. Such #towers# shall be provided in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of applying the provisions of this Section, Location A shall be the portion of the North Subdistrict located within 100 feet of the northerly boundary of East 149th Street; Location B shall be the remaining portion of the North Subdistrict; and all #stories# of a #building# located partially or wholly above 85 feet shall be considered a "tower" and shall comply with the provisions of this Section. Two or more #abutting# #towers# shall be considered one #tower#.

(a) Tower in Location A

One #tower# shall be permitted, subject to the following provisions:

(1) the maximum width of any #story# of a #tower# facing a #shoreline# shall not exceed 100 feet, except that any permitted dormers need not be included in such maximum width;

(2) each #residential# #story# of such #tower#, partially or fully above the height of the base height, shall not exceed 10,000 square feet, except that any permitted dormers need not be included in such gross area;

(3) such #tower# shall not exceed a maximum #building# height of 375 feet;

(4) a #tower# that exceeds a height of 300 feet shall provide articulation in accordance with the following provisions: the gross area of any #story# located within the highest 15 percent of the #tower# shall not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the #tower#.

(b) Towers in Location B

#Towers# shall be permitted, subject to the following provisions:

(1) no #tower# shall be located within 60 feet of a #tower# within Location A;

(2) the aggregate width of #towers# that face a #shoreline#, and are located within 100 feet of a #shore public walkway#, shall not exceed 185 feet, where such aggregate width is measured in accordance with paragraph (b)(2) of Section 62-343 (Height and setback regulations in other medium- and high-density districts);

(3) the #aggregate width of street walls# of #towers# located along the southerly boundary of the required #visual corridor# as specified in paragraph (d) of Section 87-71, shall not exceed 150 feet.

(4) such #towers# shall not exceed a maximum #building# height of 260 feet; and

(5) any #tower# that exceeds a height of 200 feet shall provide articulation in accordance with the following provisions: the gross area of any #story# located within the highest 15 percent of the #tower# shall not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the #tower#.

87-34 - Special Height and Setback Provision in the South Subdistrict

LAST AMENDED
12/11/2017

For #zoning lots# that coincide with, or are completely within, the boundaries of Parcel 19 in the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the setback provisions of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall be modified to require an #initial setback distance# with a depth of 15 feet from the boundary of a #shore public walkway#.