Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

123-64 - Special Height and Setback Regulations in Special Mixed Use Districts with R3, R4, or R5 District designations

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LAST AMENDED
12/5/2024

In #Special Mixed Use Districts# where the #Residence District# designation is an R3, R4 or R5 District, the maximum base height and maximum #building# height for #qualifying residential sites# shall be as set forth in the following table. For all #qualifying residential sites# in the #Greater Transit Zone#, the height and setback provisions applicable to an R5 District shall apply.

For #building# #street walls# fronting a #street# where either a #Commercial District# or a #Special Mixed Use District# is mapped along the entire #block# frontage, for the portion of such #street wall# that exceeds the maximum base height, a setback shall be provided in accordance with the provisions of Section 23-423. Such setback shall be provided at a height not lower than a minimum base height of 20 feet and not higher than the maximum base height set forth in the following table.

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS

District	**Maximum Base Height (in feet)**	**Maximum Height of #Buildings or other Structures# (in feet)**
R3	35	45
R4	35	55
R5	45	65

Permitted obstructions shall be permitted pursuant to Sections 23-41, 24-51 or 43-42. In addition, for #all buildings or other structures#, a dormer may be provided in accordance with the provisions of

paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

However, for M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights between the applicable #Manufacturing District# regulations set forth in Section 43-46, or the applicable #Residence District# regulations set forth in this Section, depending on the particular M1 District and #Residence District# pairing.

Additional height and setback provisions are set forth in Section 123-66, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.