Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

139-23 - Special Height and Setback Regulations

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139-23 - Special Height and Setback Regulations

LAST AMENDED
11/23/2021

The height and setback regulations of the applicable underlying districts are modified as follows:

(a) In #Commercial Districts#, the height and setback regulations of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS) shall apply to all #buildings#, as modified by the provisions of this Section, inclusive.

(b) In #Mixed Use Districts#, the height and setback regulations of Section 123-60 (SPECIAL BULK REGULATIONS) shall apply, as modified by the provisions of this Section, inclusive.

(c) In #Manufacturing Districts#, the underlying height and setback regulations of Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks), and 43-45 (Tower Regulations) shall not apply. In lieu thereof, minimum and maximum base heights and maximum heights for #buildings or other structures# shall be as set forth in this Section, inclusive. The other underlying regulations of Article IV, Chapter 3 (Bulk Regulations) shall apply, as modified by the provisions of this Section, inclusive.

(d) The special #bulk# regulations applicable in the #waterfront area# of Section 62-30 (SPECIAL BULK REGULATIONS) shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall control.

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

139-231 - General provisions

LAST AMENDED
11/23/2021

For the purposes of applying the applicable #bulk# regulations, the boundaries of #waterfront public access areas#, as well as #lot lines# abutting #public parks#, shall be considered #narrow# #street lines#.

Where a continuous sidewalk widening is provided along the entire frontage of a #zoning lot#, the interior boundary of such widening shall be considered a #street line# for the purpose of applying the height and setback regulations of this Chapter, except that where a sidewalk widening is provided pursuant to Section 139-43 (Sidewalk Widening Requirements), any setback required by this Section may be reduced by one foot for each foot by which the sidewalk is widened, provided that no setback shall be less than seven feet in depth.

Where a provision of this Chapter allows a modification to the maximum #building# height, and multiple modifications apply to a #building#, such modifications shall be applied cumulatively.

139-232 - Permitted obstructions

LAST AMENDED

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

(a) Balconies

Balconies provided in accordance with the provisions of Section 23-62 may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section 139-51 (Area-wide Modifications).

(b) Dormers

For any #building or structure#, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b)(1) of Section 23-413 (Permitted obstruction in certain districts), except that dormers shall not be permitted in setback areas adjoining tower portions of #buildings# or setback areas facing #shore public walkways#.

139-233 - Special height and setback regulations in Subdistrict A

LAST AMENDED
12/5/2024

In Subdistrict A, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

The #street wall# location requirements of paragraph (a) of Section 35-631 (Street wall

location) shall apply to #street# frontages along #wide streets#, and the #street wall# location requirements of paragraph (b) of Section 35-631 shall apply along #narrow street# frontages.

(b) Base heights and setback requirements

For all #buildings or other structures#, the height and setback provisions of Section 35-632 (Maximum height of buildings and setback regulations) shall apply.

139-234 - Special height and setback regulations in Subdistrict B

LAST AMENDED
12/5/2024

In Subdistrict B, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

In #Manufacturing Districts#, 30 percent of the #street wall# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

In #Mixed Use Districts#, the #street wall# location provisions of paragraph (a) of Section 123-651 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section.

(b) Minimum and maximum base heights

In all districts, #street walls# shall rise without setback to a minimum base height set forth in this paragraph (b) or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). In #Manufacturing Districts#, minimum and maximum base heights and maximum heights of #buildings or other structures# shall be as set forth in Table 1 below. In #Mixed Use Districts#, such regulations shall be as set forth in Table 2.

Table 1

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR M1-4 DISTRICTS (in feet)

	Minimum base height	Maximum base height	Maximum #building# height
in Subarea B1	15	95	115
in Subarea B2	15	65	85

Table 2

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR MIXED USE DISTRICTS (in feet)

	Minimum base height	Maximum base height	Maximum #building# height
M1-4/R6B	30	45	55

M1-4/R6A	40	65	85
M1-4/R7A	40	75	95
M1-4/R7X	60	105	145

For #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, and located in a #Manufacturing District#, a #building# containing non-#residential uses# may exceed the maximum #building# heights established in Table 1 by 30 feet.

For #zoning lots# adjoining the portion of Degraw Street located between Nevins Street and Third Avenue, the heights listed in Table 2 are modified so that within 100 feet of Degraw Street, the maximum base height is 95 feet, and the maximum #building# height is 125 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided which complies with the requirements of Section 23-433 (Standard setback regulations).

139-235 - Special height and setback regulations in Subdistrict C

LAST AMENDED
12/5/2024

(a) Street wall location

The #street wall# location provisions of paragraph (a) of Section 123-651 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

Except as otherwise specified in this paragraph (b), #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). However, no minimum base height shall be required for #street walls# facing a #shore public walkway#.

(1) Along Bond Street, the minimum base height shall be 30 feet, and the maximum base height shall be 55 feet. No portion of a #building# located within 65 feet of Bond Street may rise above a height of 65 feet.

(2) Along Union Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(3) Along Degraw Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(4) Along all other #streets#, as well as along the Gowanus Canal, the maximum base height shall be 65 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback with a minimum depth of 15 feet shall be provided. Such setback shall also comply with the requirements of Section 23-433 (Standard setback regulations).

(d) Tower regulations

Where #waterfront public access areas# are considered #streets#, such #streets# shall be considered the boundaries of #blocks# for the purposes of this paragraph.

(1) Tower location

Any portion of a #building# located above a height of 85 feet shall be considered a "tower". No portion of a tower may be located:

(i) within 30 feet of the #street line# of Nevins Street;

(ii) within 65 feet of Bond Street;

(iii) for #buildings# with only one tower portion, south of the centerline of the #block#; or

(iv) within 30 feet of a #waterfront yard#.

However, for #zoning lots# located south of Carroll Street, any tower may be located south of the centerline of the #block#, and within 30 feet of the #waterfront yard# adjoining the First Street Basin, provided such tower portion is located at least 10 feet from the #waterfront yard# adjoining the First Street Basin.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all

such towers shall not exceed 130 feet.

However, for #zoning lots# located south of Carroll Street, the combined #street wall# width of all towers located west of the required #visual corridor# shall not exceed 150 feet.

(3) Tower coverage

Above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

The maximum height of a tower shall be 225 feet.

(5) Regulations for multiple towers

For #buildings# with two tower portions, there shall be a difference in height between such towers of at least 50 feet. The taller of the two towers shall be located north of the centerline of the #block#, except that:

(i) for #zoning lots# located south of Carroll Street, the taller of the two towers shall be located west of the required #visual corridor#. The shorter of the two towers shall be located east of the required #visual corridor#, and no less than 65 feet from Carroll Street; and

(ii) for the #zoning lot# adjoining the intersection of Degraw Street and Nevins Street, for any #building# located north of Sackett Street, the shorter of the two towers shall be located north of the centerline of the #block#, and shall not

exceed a height of 125 feet.

139-236 - Special height and setback regulations in Subdistrict D

LAST AMENDED
12/5/2024

(a) Street wall location

The #street wall# location provisions of paragraph (a) of Section 123-651 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

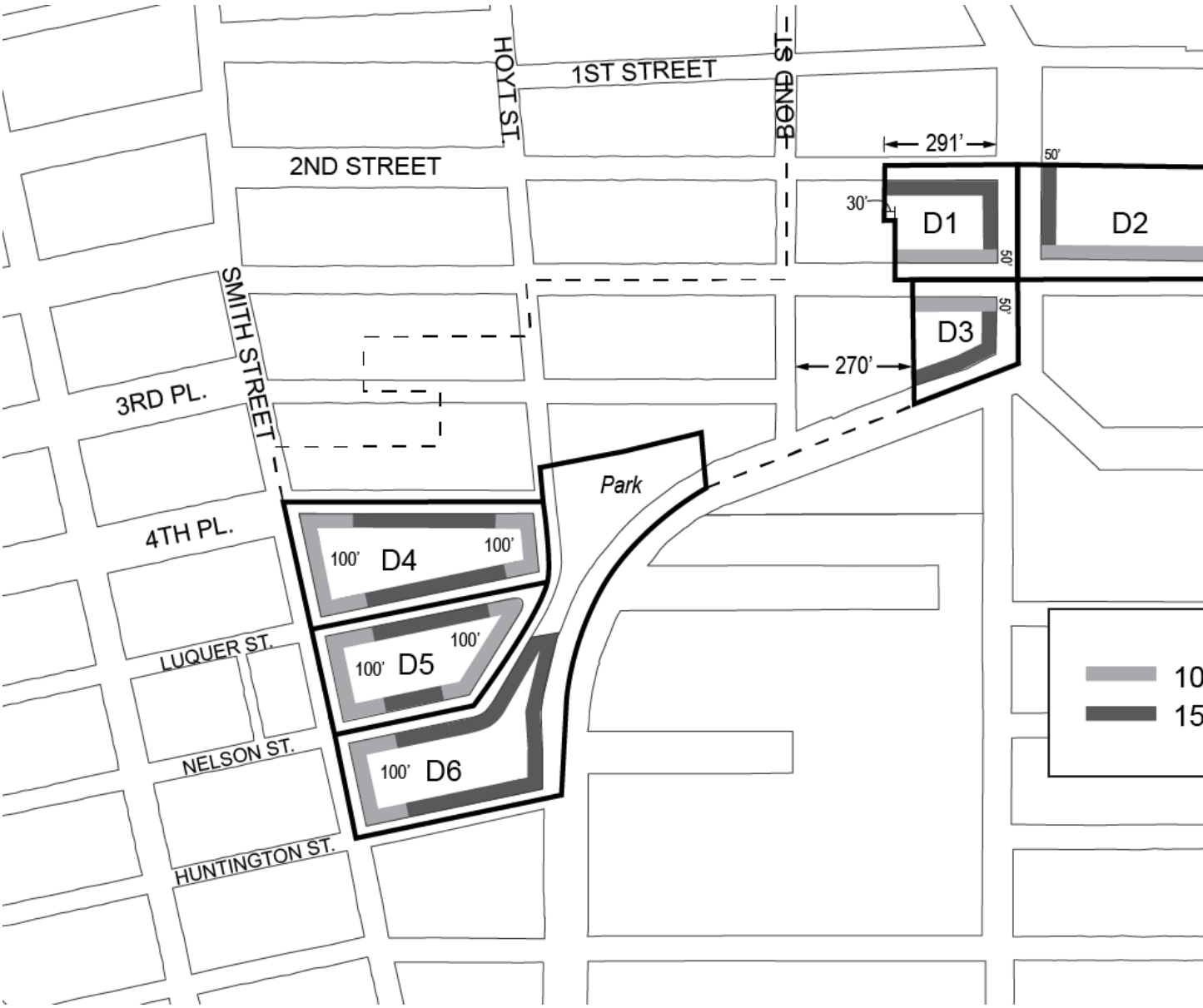
For #zoning lots# in Subareas D1 through D6, #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in the map in this paragraph (b). However, this requirement shall not apply to the #aggregate width of street walls# facing a #shore public walkway#.



(c) Setback requirements

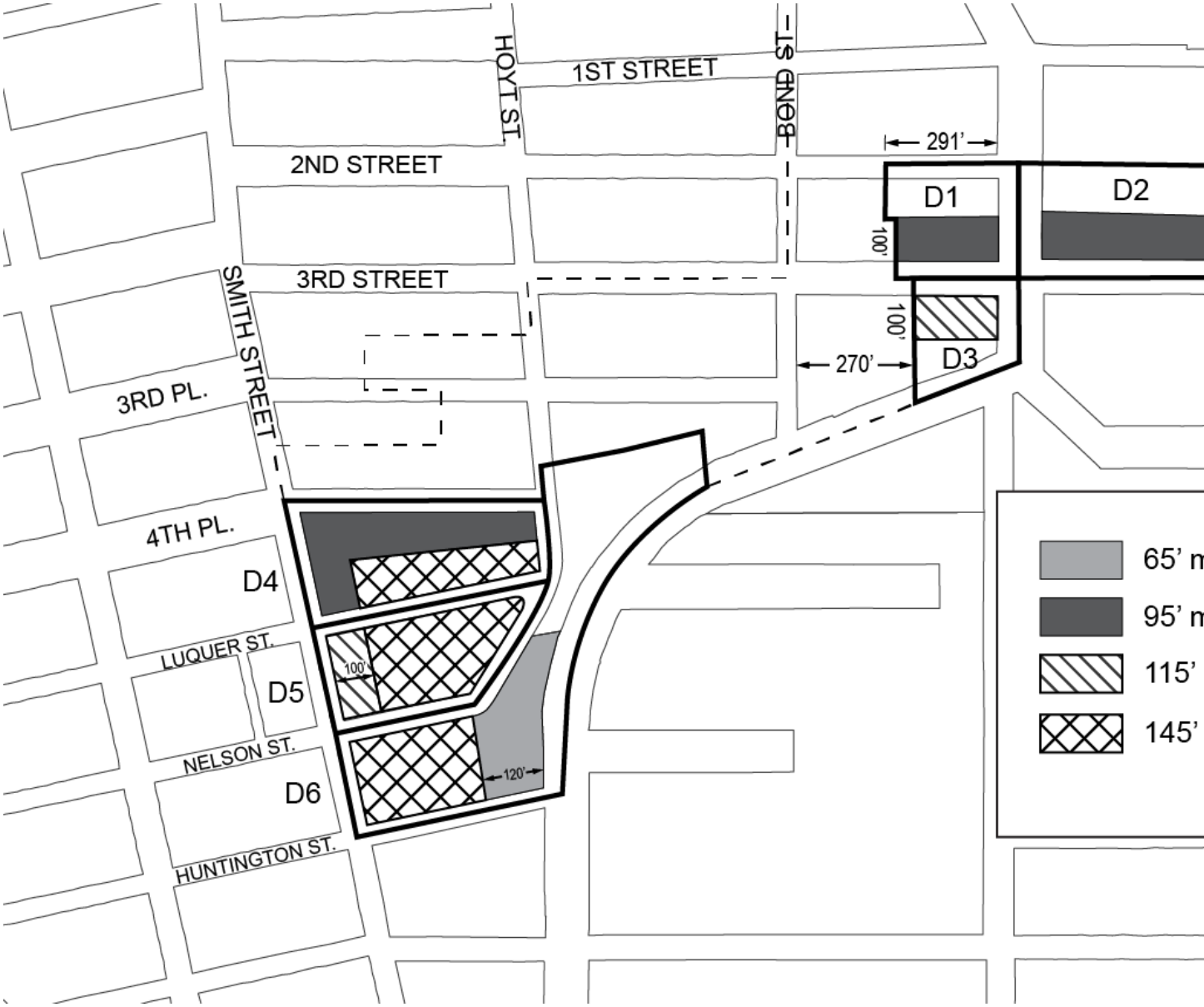
At a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided with a minimum depth as set forth in the map in this paragraph (c).

Such setbacks shall also comply with the provisions of Section 23-433 (Standard setback regulations).



(d) Transition heights

Any portion of a #building# located above the setback required by paragraph (c) of this Section shall be permitted to rise to a maximum "transition height" as set forth in this paragraph (d). Any portion of a #building# located above the maximum transition height shall be considered a "tower" and shall comply with the provisions of paragraph (e) of this Section. Except as otherwise set forth in the map in this paragraph (d), such maximum transition height shall be 85 feet.



(e) Tower regulations

(1) Tower location

Any portion of a #building# located above the maximum transition height set forth in paragraph (d) shall be considered a "tower". No portion of a tower may be located:

(i) in Subarea D4, within 150 feet of Smith Street or within 150 feet of Hoyt Street;

(ii) in Subarea D5, within 80 feet of Smith Street or within 200 feet of Smith Street north of the mid-#block# line; or

(iii) within 30 feet of a #waterfront yard#.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, in Subarea D4, where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 170 feet.

(3) Tower coverage

In Subareas D1, D2, and D3, above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

In Subareas D5 and D6, the portion of any tower containing the top four #stories# of such tower shall set back such that it occupies a # lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

Except as otherwise specified in this paragraph (e)(4), the maximum height of a tower shall be 225 feet.

(i) In Subarea D4, towers shall be permitted to rise to a height of 285 feet.

(ii) In Subarea D5, towers shall be permitted to rise to a height of 245 feet.

(iii) In Subarea D6, towers shall be permitted to rise to a height of 305 feet.

(5) Regulations for multiple towers

(i) In Subareas D1 and D2, no more than two towers shall be permitted on a #zoning lot#.

(ii) In Subareas D4 and D5, no more than two towers shall be permitted in each subarea.

(iii) In Subareas D3 and D6, no more than one tower shall be permitted in the subarea.

(iv) Wherever two towers are provided on the same #zoning lot#, there shall be a difference in height between such towers of at least 50 feet.

In addition, in Subarea D1, the taller of the two towers shall be located within

100 feet of Third Street.

139-237 - Special street wall articulation requirements

LAST AMENDED
12/5/2024

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. In addition to dormers permitted pursuant to Section 139-232 (Permitted obstructions), any other projection shall be considered a permitted obstruction into a required setback, provided that the depth of such projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of paragraph (b)(1) of Section 23-413 shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

139-238 - Special height regulations for zoning lots containing schools

LAST AMENDED
11/23/2021

In Subdistrict C, and in Subareas D1, D2, and D3, for #zoning lots# containing #schools# regulated by Section 139-214 (Special floor area provisions for zoning lots containing schools), the maximum tower

height specified by the regulations in this Section, inclusive, may be increased as-of-right by 40 feet. This allowance may be further modified by the provisions of Section 139-47 (Authorization for sites containing schools).