Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, 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
7/26/2001

Height and setback regulations for \textit{zoning lots} within \textit{waterfront blocks} shall be governed by the provisions of this Section. However, airports, heliports, seaplane bases and, in C8 or \textit{Manufacturing Districts}, developments comprised \textit{predominantly} of WD \textit{uses} or \textit{uses} in Use Group 16, 17 or 18 shall be exempt from the requirements of this Section.

62-341 - Developments on land and platforms

LAST AMENDED
10/11/2012

All developments on portions of a \textit{zoning lot} landward of the \textit{shoreline} or on \textit{platforms} shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the \textit{shoreline} of a \textit{zoning lot} is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the \textit{shoreline}, developments shall be exempt from the requirements of this Section. Height and setback regulations for developments on \textit{piers} and \textit{floating structures} are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(1) \textit{Street lines}\n
For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section 62-354, a \textit{shore public walkway}, \textit{visual corridor}, \textit{upland connection} or \textit{supplemental public access area} shall be considered a \textit{street} and its boundary shall be treated as a \textit{street line}. Any \textit{visual corridor} or \textit{upland connection} that measures at least 75 feet in width, or any \textit{shore public walkway} or \textit{supplemental public access area}, shall be considered a \textit{wide street}. Any other \textit{visual corridor} or \textit{upland connection} shall be considered a \textit{narrow street}.

(2) \textit{Initial setback distance}\n
For the purposes of paragraph (c) of this Section, an \textit{initial setback distance} shall be a horizontal distance measured for a depth of 15 feet from a \textit{narrow street line} and 10 feet from a \textit{wide street line}. However, an \textit{initial setback distance} shall have a depth of 30 feet from the boundary of a \textit{shore public walkway}. Wherever a \textit{supplemental public access area} is provided as a widened \textit{shore public walkway}, such widened area shall be included in the \textit{initial setback distance}.

(3) Measurement of height

The height of all \textit{buildings or other structures} on \textit{waterfront blocks} shall be measured from the \textit{base plane}, except where modified by the provisions of Article VI, Chapter 4. For \textit{buildings} with pitched roofs, maximum \textit{building} height shall be measured to the midpoint of such pitched roof, except for \textit{buildings} subject to Section 23-631 (General provisions).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432, shall apply. In addition, the following regulations regarding permitted obstructions
shall apply:

(i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in paragraph (d) of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-621.

(ii) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height, specified in Table A, by not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of this paragraph, (a)(4)(ii), the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

(iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this paragraph, (a)(4)(iii). In R6 through R10 Districts, #Commercial Districts#, other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, C7 and C8-1 Districts, and #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.

In C4-1, C7, 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.

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#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 C7 C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

(1) #Buildings# containing #residences#

(i) In R1 and R2 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, no #building# containing #residences#, except for a #predominantly# #community facility building#, shall exceed a height of 35 feet.
(ii) In R3, R4 and R5 Districts, and in Commercial Districts governed by the bulk regulations of such Residence Districts, the underlying height and setback regulations for buildings containing residences shall apply, except for predominantly community facility buildings.

(2) **Predominantly community facility buildings**

The underlying height and setback regulations shall not apply. In lieu thereof, 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) **Buildings containing commercial uses**

The underlying height and setback regulations for commercial uses are modified as follows: no building containing commercial uses shall exceed a height of 30 feet, except for mixed buildings as set forth in paragraph (b)(1) of this Section or predominantly community facility buildings as set forth in paragraph (b)(2) of this Section.

(4) **Other structures**

All structures other than buildings shall be limited to a height of 35 feet, except that in C4-1, C7, 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.

(c) **Medium and high density non-contextual districts**

R6 R7 R8 R9 R10

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-2 C8-3 C8-4

M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3

Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such Residence Districts, the underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

(1) **Maximum base height**

Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, the height of a building or other structure or portion thereof located within an initial setback distance may not exceed the maximum base height specified in Table A of this Section.

(2) **Maximum building height**

Except for penthouses permitted in accordance with paragraph (a)(4)(ii) of this Section, the height of a building or other structure or portion thereof may not exceed the maximum building height specified in Table A.

(3) **Floor area distribution**
Zoning lots with buildings that exceed the maximum base height listed in Table A shall have a minimum floor area coverage comprising at least 30 percent of the lot area at a height of 20 feet. For the purposes of determining this requirement, the lot area of waterfront zoning lots shall be deemed to be the area of the zoning lot landward of the shoreline. In the event the site plan involves construction on only a portion of the zoning lot, sufficient calculations shall be provided to show that such partial construction does not preclude compliance with the minimum floor area coverage requirements of this Section at the time the site is fully developed.

(4) Maximum residential tower size

Each residential story of a building located entirely above the maximum base height specified in Table A shall not exceed a gross area of 7,000 square feet on zoning lots less than 1.5 acres, and 8,100 square feet on larger zoning lots. On all zoning lots, dormers permitted within an initial setback distance in accordance with the provisions of paragraph (a)(4)(i) of this Section shall not be included in such gross area.

(5) Maximum width of walls facing shoreline

The maximum width of any story of a building that faces a shoreline and is entirely above the maximum base height specified in Table A shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each story entirely above the maximum base height. 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. (See illustration).

(6) Ground floor streetscape provisions

For the purposes of this Section, “ground floor level” shall mean the floor of a building, the level of which is located within five feet of the finished level of the adjacent sidewalk.

For street walls that are more than 50 feet in width and within 50 feet of a waterfront public access area or street, the following rules shall apply:

(i) at least 50 percent of the width of such street walls shall be occupied by floor area at the ground floor level; and

(ii) where such street walls do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such street walls shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any street or private drive which is also an upland connection shall be screened in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-655.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS*
<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Base Height</th>
<th>Maximum Height of Buildings or other Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>R6</td>
<td>60</td>
<td>110</td>
</tr>
<tr>
<td>C1 or C2 mapped within R6 C7 C8-2 C8-3 M1-2 M1-4 M2-1 M2-3 M3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R7-1 R7-2</td>
<td>60</td>
<td>135</td>
</tr>
<tr>
<td>C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C4-3 C4-4 C4-5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R7-3</td>
<td>65</td>
<td>185</td>
</tr>
<tr>
<td>C1 or C2 mapped within R7-3 C8-4 M1-3 M1-5 M2-2 M2-4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R8</td>
<td>70</td>
<td>210</td>
</tr>
<tr>
<td>C1 or C2 mapped within R8 C1-7 C6-1 C6-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R9</td>
<td>80</td>
<td>225</td>
</tr>
<tr>
<td>C1 or C2 mapped within R9 C1-8 C2-7 C6-3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R9-1</td>
<td>90</td>
<td>280</td>
</tr>
<tr>
<td>C1 or C2 mapped within R9-1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R10</td>
<td>110</td>
<td>350</td>
</tr>
<tr>
<td>C1 or C2 mapped within R10 C1-9 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For predominantly community facility buildings, the applicable regulations shall be determined from Table B of this Section.
### TABLE B

**APPLICABLE HEIGHT AND SETBACK REGULATIONS FOR PREDOMINANTLY COMMUNITY FACILITY BUILDINGS**

<table>
<thead>
<tr>
<th>District in which #Predominantly# #Community Facility Building# is Located</th>
<th>Applicable Regulations from Table A</th>
</tr>
</thead>
<tbody>
<tr>
<td>R6 R7-1 R7-3 C1 or C2 mapped within R6,R7-1 or R7-3 C4-2 C4-3 C8-2 M1-2</td>
<td>R7-3</td>
</tr>
<tr>
<td>R7-2 R8 C1 or C2 mapped within R7-2 or R8 C1-6 C1-7 C2-6 C4-4 C4-5 C6-1 C6-2 C8-3 C8-4 M1-3 M1-4 M1-5</td>
<td>R9</td>
</tr>
<tr>
<td>R9-1 C1 or C2 mapped within R9-1</td>
<td>R9-1</td>
</tr>
<tr>
<td>R9 R10 C1 or C2 mapped within R9 or R10 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6</td>
<td>R10</td>
</tr>
</tbody>
</table>

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A
In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Section 23-662 shall apply. For #Commercial Districts#, the applicable #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used in applying such provisions. In addition, in all applicable districts, 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), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth in Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

MAXIMUM WIDTH OF BUILDING WALL FACING SHORELINE

(62-341d.1)
62-342 - Developments on piers

LAST AMENDED
2/2/2011

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 23-62, 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 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) 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 of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms), 74-711 (Landmark preservation in all districts) or 74-79 (Transfer of Development Rights From Landmark Sites).

62-343 - Developments on floating structures

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

<table>
<thead>
<tr>
<th>#Residential District#</th>
<th>#Commercial District#</th>
<th>#Manufacturing District#</th>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Maximum Structure Height</td>
<td>Maximum Height of Repurposed Vessels</td>
</tr>
<tr>
<td>R1 thru R5</td>
<td>C1 or C2 mapped in R1 thru R5</td>
<td></td>
<td>23 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td></td>
<td>C3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R6</td>
<td>C1 or C2 mapped in R6</td>
<td>M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2</td>
<td>40 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td></td>
<td>C4-1 C7 C8-1 C8-2 C8-3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R7 R8</td>
<td>C1 or C2 mapped in R7 or R8</td>
<td>M1-3 M1-5 M2-2 M2-4</td>
<td>50 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td></td>
<td>C1-6 C1-7 C2-6 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C8-4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R9 R10</td>
<td>C1 or C2 mapped in R9 or R10</td>
<td>M1-6</td>
<td>60 ft.</td>
<td>150 ft.</td>
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<tr>
<td></td>
<td>C1-8 C1-9</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>C2-7 C2-8</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>C4-6 C4-7</td>
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<td></td>
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<tr>
<td></td>
<td>C5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9</td>
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</table>