Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

96-103 - Height and setback regulations

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LAST AMENDED
12/5/2024

The underlying height and setback regulations shall apply, except as modified in this Section, inclusive. All height shall be measured from #curb level#.

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, the #street wall# provisions of paragraph (a) of Section 35-631 shall apply.

For #zoning lots# with #narrow street# frontage, the #street wall# provisions of paragraph (a) of Section 23-431 shall apply and extend along the entire #narrow street# frontage of the #zoning lot#.

(b) #Building# height

Within 100 feet of a #wide street#, the underlying height and setback regulations applicable to an R7A District shall apply. Beyond 100 feet of a #wide street# the underlying height and setback regulations applicable to an R8B District shall apply, except that the maximum base height set forth in Section 23-432 (Height and setback requirements) shall be modified to be 66 feet.

(c) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet

beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution. except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in Section 27-111 (General definitions), to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the Commission shall find that:

(1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;

(2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;

(3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.