



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 123-66 - Height and Setback Regulations

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## 123-66 - Height and Setback Regulations

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LAST AMENDED

4/22/2009

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the provisions of Section [123-661](#) (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply. On #waterfront blocks#, as defined in Section [62-11](#), where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section [62-34](#), inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section [123-661](#) shall apply.

In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R10 District, the provisions of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall apply. However, in certain zoning districts in certain #Special Mixed Use Districts#, such provisions are modified by the special rules of Section [123-663](#) (Special rules for certain districts in certain Special Mixed Use Districts).

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

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### 123-661 - Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations

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LAST AMENDED

7/26/2001

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections [23-62](#), [24-51](#) and [43-42](#) (Permitted Obstructions) shall apply to any #mixed use building#.

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### 123-662 - All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

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LAST AMENDED

3/22/2016

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15

feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section [23-662](#) shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section [23-662](#), the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section [26-52](#) (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section [23-663](#). 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 within Sections [23-662](#) and [23-664](#) for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#.

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections [23-62](#), [24-51](#) or [43-42](#). In addition, in all Districts, within a required setback area, a dormer may be provided in accordance with the provisions of paragraph (c)(1) of Section 23-621.

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section [62-11](#), shall comply with the height and setback regulations set forth for the designated #Residence District# as set forth in Section [62-34](#) (Height and Setback Regulations on Waterfront Blocks), inclusive.

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## **123-663 - Special rules for certain districts in certain Special Mixed Use Districts**

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LAST AMENDED

For zoning districts in certain #Special Mixed Use Districts# specified by this Section, the height and setback regulations of paragraphs (a) and (b) of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall be modified as follows:

(a) In R8X Districts within #Special Mixed Use District# 2:

- (1) the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the underlying maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, "predominantly" shall mean at least 75 percent of the #floor area# of a #building#; and
- (2) in Historic Districts designated by the Landmarks Preservation Commission, the maximum base height of a #street wall# may vary between the maximum base height of this Section, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than such maximum base height. For the purposes of this paragraph, a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.

(b) In R7-2 Districts within #Special Mixed Use District# 15:

- (1) a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet;
- (2) at least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent

of the #aggregate width of street walls# shall be located within eight feet of the #street line#; and

(3) existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(c) In R6A Districts within #Special Mixed Use District# 23, where such R6A District is paired with an M1-5 District, the underlying height and setback regulations applicable to an R7A District shall apply.