



## Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

# **104-30 - SPECIAL HEIGHT AND SETBACK REQUIREMENTS**

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## **104-30 - SPECIAL HEIGHT AND SETBACK REQUIREMENTS**

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LAST AMENDED  
5/12/2021

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, et seq.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, such line shall be used instead of the #street line# for all purposes of Section 104-30, et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

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### **104-31 - Maximum Building Height**

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LAST AMENDED  
2/2/2011

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter and specified in Appendix B of this Chapter. In Subdistricts B, C and the Other Area east of Broadway, the maximum #building# heights are shown on Map 5. No #building# shall exceed the maximum #building# height set forth in such Map or Appendix B of this Chapter.

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### **104-32 - Rooftop Regulations**

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LAST AMENDED  
12/19/2007

The special rooftop regulations of Section 104-32, inclusive, shall apply in Subdistricts A and C.

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### **104-321 - Mechanical equipment**

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LAST AMENDED  
2/2/2011

Mechanical equipment, open or enclosed, may be located on the roof of a #building# in accordance with the following provisions:

- (a) Mechanical equipment shall not exceed the maximum height of mechanical equipment specified for each Parcel as set forth in Appendix B of this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such mechanical equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.

- (b) Such mechanical equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104-322. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.
- (c) Such mechanical equipment shall not overhang any recess in the #building# wall that is open to the sky.

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## 104-322 - Permitted Obstructions

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LAST AMENDED  
4/30/2012

The following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for mechanical equipment set forth in Appendix B of this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-321 (Mechanical equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of mechanical equipment as set forth in Section 104-321. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

- (a) Antennae and structural support thereto;
- (b) Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet;
- (c) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (d) Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment;
- (e) Flagpoles or aerials;
- (f) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;
- (g) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (h) Pipes and supporting structures;
- (i) Railings;
- (j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings#

constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

- (k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
  - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
    - (i) a height of 15 feet; and
    - (ii) when located on a bulkhead or other obstruction, pursuant to paragraph (d) of this Section, a height of six feet;
  - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (n) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q) Window washing equipment mounted on the roof;
- (r) Wire, chain link or other transparent fences.

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## **104-33 - Mandatory Street Walls**

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LAST AMENDED  
2/2/2011

Six types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for

which are set forth in Sections 104-331 through 104-336. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Heights), in Appendix A of this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet, such #street wall# may in its entirety comply with the rules for an #upper street wall#.

(a) #Lower street wall#

- (1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;
- (2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;
- (3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130th Street.

(b) #Upper street wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B or the height of the #building#, whichever is less.

- (c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.
- (d) Where a #building# is located on more than one Parcel, the requirements of Sections 104-331 through 104-336, with respect to the locations of the #upper street wall# and the #lower street wall#, may apply to the entire #street frontage# of the Parcels.
- (e) On Parcels C3 and C4, the applicable #lower street wall# provision may be applied to the entire #building#.
- (f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street wall# requirements shall be those provisions applicable to Parcel D2.

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## 104-331 - Type 1 street wall location

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LAST AMENDED  
12/19/2007

Type 1 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.
- (c) No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of a Parcel.
- (d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.
- (e) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

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## 104-332 - Type 2 street wall location

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LAST AMENDED 12/19/2007

Type 2 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of either paragraph (a) or (b) of this Section.

- (a) The #street wall# shall be located within two to five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable, and shall rise without setback to a minimum height of 45 feet. A #street wall# fronting on West 125th Street shall extend along at least 70 percent of the length of the #street line# of the Parcel; a #street wall# fronting on West 130th Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line#. No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of the Parcel on West 125th Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130th Street; or
- (b) Where the #lower street wall# is set back from the #upper street wall#:
  - (1) the provisions of Section 104-334 (Type 4 street wall location) shall apply to #street walls# facing West 130th Street;
  - (2) the provisions of Section 104-331 (Type 1 street wall location) shall apply to #street walls# facing West 125th Street; and
  - (3) for #street walls# facing 12th Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

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## 104-333 - Type 3 street wall location

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LAST AMENDED  
12/19/2007

Type 3 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located within two feet of the 12th Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the

12th Avenue #widened sidewalk line# by a minimum distance of either:

- (1) 20 feet, if such setback area faces both 12th Avenue and a #narrow street#; or
  - (2) 10 feet, if such setback area faces only 12th Avenue.
- (b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to the remaining portion of the #lower street wall# frontage of a Parcel.
- (c) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

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### **104-334 - Type 4 street wall location**

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LAST AMENDED  
12/19/2007

Type 4 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable, and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.
- (c) No #street wall# location regulation shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

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### **104-335 - Type 5 street wall location**

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LAST AMENDED  
12/19/2007

Type 5 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of paragraph (a) or (b) of this Section:

- (a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building#, whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or
- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 street wall location) shall apply.

No #street wall# location regulations shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

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### **104-336 - Type 6 street wall location**

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LAST AMENDED  
12/19/2007

Type 6 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

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## **104-34 - Street Wall Recesses**

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LAST AMENDED  
12/19/2007

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section.

For portions of the #lower street wall# required pursuant to the provisions of Section 104-33, the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section 104-33, and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet, set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.