**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 127-233 - Base heights and setback regulations

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## 127-233 - Base heights and setback regulations

LAST AMENDED
12/5/2024

(a) Along primary #street# frontages

Along primary #street# frontages, as shown on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter, the following shall apply:

(1) The minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 105 feet along College Point Boulevard and 75 feet along all other primary #street# frontages.

(2) Along Type 1 primary #street# frontages, at a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (a) of Section 23-433 (Standard setback regulations). However, where a sidewalk widening is required pursuant to this Section, as indicated on Map 4 (Waterfront Access Plan: Parcel Designation), the minimum depth of the required setback above the maximum base height may be reduced to five feet, as measured from the #street wall# ; and

(ii) the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any

such recessed portion of a #street wall# with a setback of less than seven feet, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level.

(3) Along Type 2 primary #street# frontages, a #building# may rise without any setback above the maximum base height.

(b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, the following shall apply:

(1) Along the #shore public walkway#, the maximum base height shall be 75 feet, and any portion of a #building# that exceeds the maximum base height shall be set back at least 10 feet from the #street line#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in such setback distance.

(2) Along other secondary #street# frontages, the minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 75 feet. However, along secondary #street# frontages facing an #upland connection# with a width of less than 30 feet pursuant to the applicable provisions of paragraph (a) of Section 127-532 (Upland connections), the minimum base height shall be 15 feet. At a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (a) of Section 23-433. However, where a sidewalk widening is required pursuant to this Section, as specified on Map 3, the portion of a #building# located above the maximum base height need not set back more than 10 feet from the #street line#, provided such #building# portion meets the requirements of paragraph (d) of Section 127-234 (Tower regulations), as applicable; and

(ii) the depth of such required setback may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback of less than 10 feet, or the reduced setback distance pursuant to the provisions of paragraph (b)(2)(i) of this Section, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level; and

(c) Additional allowances along all #street# frontages

(1) Within a required setback area, dormers provided in accordance with the provisions of paragraph (b)(1) of Section 23-413, shall be considered permitted obstructions, provided that:

(i) the height of such dormers does not exceed 135 feet in Subdistrict A and 175 feet in Subdistrict B, as measured above the #base plane#; and

(ii) no dormers shall be permitted along #street walls# fronting on the #shore public walkway#.

(2) Notwithstanding the applicable setback regulations in paragraphs (a) and (b) of this Section, portions of #buildings or other structures# located:

(i) within 150 feet of a publicly accessible area, and either

(ii) adjacent to such publicly accessible area, or

(iii) along a #street# across from such publicly accessible area located on the same #zoning lot#,

may rise without a setback, provided that such publicly accessible area is in compliance with the provisions of Section 127-43 (Publicly Accessible Area). In addition, all #street walls# facing such publicly accessible area shall be subject to the articulation requirements of Section 127-235 (Supplemental articulation regulations).