

# Proposed AIA Text Amendments 10.29.07

Matter in underline is new, to be added;  
 Matter in ~~strikeout~~ is to be deleted;  
 Matter with # # is defined in Section 12-10;  
 \*\*\* indicates where unchanged text appears in the Zoning Resolution

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## Article II Chapter 3: Bulk Regulations for Residential Buildings in Residence Districts

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### 23-145 For residential buildings developed or enlarged pursuant to the Quality Housing Program

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

However, no maximum #lot coverage# shall apply to any #corner lot# of 5,000 square feet or less.

#### MAXIMUM LOT COVERAGE AND FAR FOR QUALITY HOUSING BUILDINGS (in percent)

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot#	#Interior Lot# or #Through Lot#	
R6	80	60	2.20
R6**	80	60	2.43
R6* R6A R7B	80	65	3.00
R6B	80	60	2.00
R7	80	65	3.44
R7* R7A	80	65	4.00
R7X	80	70	5.00
R8 R8A R8X	80	70	6.02
R8*	80	70	7.20
R8B	80	70	4.00
R9 R9A	80	70	7.52
R9X	80	70	9.00
R10	100	70	10.00

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23-147

For non-profit residences for the elderly

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R6A R6B R7A R7B R7X

(b) In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table.

However, no maximum #lot coverage# shall apply to any #corner lot# of 5,000 square feet or less.

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MAXIMUM LOT COVERAGE AND FAR  
FOR  
NON-PROFIT RESIDENCES FOR THE ELDERLY  
(in percent)

Maximum #Lot Coverage#		Maximum #Floor Area Ratio#	District
#Corner Lot#	#Interior Lot# or #Through Lot#		
80	65	3.90	R6A
80	60	2.00	R6B
80	70	5.01	R7A
80	65	3.90	R7B
80	70	5.01	R7X

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23-33

Special Provisions for Existing Small Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, in accordance with the number of #dwelling units# allowed in the applicable zoning district, one or more #dwelling units# may be built upon a #zoning lot# consisting entirely of a tract of land that:

Deleted: either one #single-family detached residence# or, where permitted, one #single-# or #two-family residence#

(a) has less than the prescribed minimum #lot area# or #lot width# or, in #lower density growth management areas# in the Borough of Staten Island, does not comply with the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences); and

(b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit or, in R2X, R3A, R3X or R4A Districts, both on the effective date of establishing such district on the #zoning maps# and on the date of application for a building permit or, in #lower density growth management areas#, both on December 8, 2005, and on the date of application for a building permit; provided that:

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Deleted: (c) if #developed# as a #two-family residence#, meets the applicable density requirement of the zoning district in which such #zoning lot# is located.

the total number of #dwelling units# complies with the provisions of Section 23-20 (DENSITY REGULATIONS); and, for #buildings# with three or more #dwelling units#, such #building# complies with the height and setback regulations of an R8B district or the height and setback regulations of the applicable zoning district, whichever is more

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restrictive.

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## 23-62

### Permitted Obstructions

In all #Residence Districts#, except as provided in Section 23-621 (Permitted obstructions in certain districts), the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# set forth in Sections 23-63 (Maximum Height of Walls and Required Setbacks), 23-64 (Alternate Front Setbacks) or 23-69 (Special Height Limitations):

- (a) Balconies, unenclosed subject to the provisions of Section 23-13;
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (c) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached single-# or #two-family residence#;
- (d) Elevators or stair bulkheads, roof water tanks or cooling towers or other #accessory# mechanical equipment (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, provided that:
  - (1) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage, or
  - (2) where no such obstructions are located within 20 feet of a #wide street# and 25 feet of a #narrow street#; the following alternative rules may be applied:
    - (i) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or
    - (ii) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet;
- (e) Flagpoles or aerials;
- (f) Parapet walls, not more than four feet high;
- (g) Wire, chain link or other transparent fences;
- (h) Green roof planting beds, solar energy panels, including photovoltaic panels or other solar panels, or other sustainable technologies, provided that such structures do not exceed a height of four feet above any applicable height limit.

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## 23-621

### Permitted obstructions in certain districts

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R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

(c) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within the required setback distances specified by Sections 23-633(b) and 23-663(b).

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Such dormers may exceed the maximum base height specified for such district provided that:

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(1) on any #street# frontage, the aggregate width of dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height; and, for each foot of height above the maximum base height, the aggregate width of such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height;

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(2) on any rear #building# wall, the aggregate width of dormers at the maximum base height facing the #rear lot line# does not exceed 60 percent of the length of wall of the #building# facing a #rear lot line# at the highest #story# entirely below the maximum base height; and, for each foot of height above the maximum base height, the aggregate width of such dormers shall be decreased by one percent of the length of the wall of the #building# facing the #rear lot line#, which wall is the highest #story# entirely below the maximum base height; and

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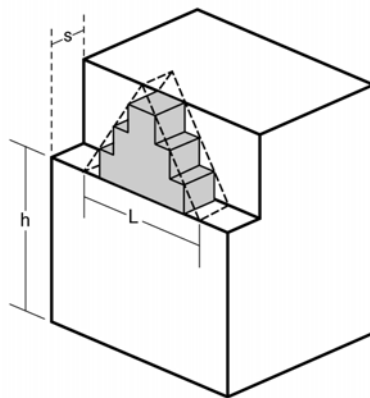
(3) where building walls face more than one street or lot line, calculations for dormer width shall be made independently for each building wall.

Deleted: . Such dormer may exceed a maximum base height specified for such district provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.¶

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### DORMER



h - Maximum base height  
s - Required setback or initial setback distance  
L - Maximum length of dormer at maximum base height  
(60% of street wall length or rear building wall length of highest story entirely below maximum base height)

■ Dormer

### R5D

(d) ~~In R5D Districts, permitted obstructions shall be as set forth in Section 23-62, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage.~~

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23-633

Street wall location and height and setback regulations in certain districts

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R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

- (b) Setback regulations for portions of buildings that exceed the maximum base height

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(4) Where the height of an existing adjacent #building# exceeds the maximum base height specified in the table in this Section, the setback regulations of this paragraph (b) (4), shall apply to the new #development# or #enlargement# at a height not exceeding the height of such existing adjacent #building#, or the adjusted maximum base height specified in the table in this Section, whichever is less. For the purposes of this paragraph (b) (4), the height of the existing adjacent #building# shall be the height of a #street wall#, before setback, if applicable, of that portion of an existing #building# that fully abuts, at every level, the new #development# or #enlargement#, fronting on the same #street line# and located on the same or adjoining #zoning lot#. However, the provisions of this paragraph (b) (4) shall not apply where the adjacent building has been constructed pursuant to tower regulations.

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- (c) Maximum building height

No #building or other structure# shall exceed the maximum building height specified in the table in this Section, except as otherwise provided below:

R10X

In the district indicated, any #building# or #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-653), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Such tower or towers may exceed a height limit of 85 feet above the #base plane# provided:

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- (1) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;
- (2) the base of such tower complies with the #street wall# location provisions of paragraph (a) of this Section and the setback provisions of paragraph (b) of this Section; and
- (3) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

District	Minimum Base Height	Maximum Base Height	<u>Adjusted Maximum Base Height</u>	Maximum Building Height
R6B	30	40	<u>50</u>	50
R6**	30	45	<u>55</u>	55
R6* inside Core***	40	55	<u>65</u>	65
R6A R6* outside Core***	40	60	<u>70</u>	70
R7B R7** R7* inside Core***	40	60	<u>75</u>	75
R7A R7* outside Core***	40	65	<u>80</u>	80
R7X	60	85	<u>100</u>	125
R8B	55	60	<u>75</u>	75
R8**	60	80	<u>100</u>	105
R8A R8*	60	85	<u>105</u>	120
R8X	60	85	<u>105</u>	150
R9A** R9**	60	95	<u>115</u>	135
R9A R9*	60	102	<u>125</u>	145
R9X**	60	120	<u>145</u>	160
R9X*	105	120	<u>145</u>	170
R10A** R10**	60	125	<u>150</u>	185
R10A* R10*	125	150	<u>185</u>	210
R10X	60	85	<u>100</u>	****

\* Refers to that portion of a district which is within 100 feet of a #wide street#.

\*\* Refers to that portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#.

\*\*\* Core refers to #Manhattan Core#.

\*\*\*\* #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section.

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## 23-65

### Tower Regulations

#### R9 R10

In the districts indicated, except R9A, R9X, R10A and R10X Districts, a #building# may be constructed as a tower, provided such #building# complies with the provisions of Section 23-651 (Standard tower) or Section 23-652 (Tower-on-a-base), as applicable.

#### (a) Applicability of standard tower regulations

The standard tower regulations of Section 23-651 shall not apply to any #building# that meets the location and #floor area# criteria of paragraph (b) of this Section.

(b) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section 23-652 shall apply to any #building# utilizing tower regulations that:

- (1) is located on a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and
- (2) contains more than 25 percent of its total #floor area# in #residential use#.

However, the tower regulations of Section 23-65 inclusive, shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

**23-651**  
**Standard tower**

~~In the districts indicated, a~~Any #building# or #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section ~~23-651~~ 23-653 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower).

At all levels, such tower shall be located not less than 15 feet from the #street line# of a #narrow street# and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over open areas not occupied by towers.

~~The provisions of this Section shall not apply to any #building#, located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.~~

~~Furthermore, the provisions of this Section shall not apply to any #development# or #enlargement# that:~~

- ~~(a) — is located on a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and~~
- ~~(b) — contains more than 25 percent of its total #floor area# in #residential use#.~~

~~If a portion of such #development# or #enlargement# is #developed# as a tower the entire #development# or #enlargement# shall be subject to the provisions of Section 23-652 (Tower-on-a-base).~~

**23-652**  
**Tower-on-a-base**

**R9 R10**

In the districts indicated, aAny #development# or #enlargement# utilizing tower regulations that meets the location and #floor area# criteria of paragraph (b) of Section 23-65 shall ~~that will contain more than 25 percent of the total #floor area# for #residential use#~~ may be constructed as a tower-on-a-base, in accordance with the regulations set forth in this Section. The height of all #buildings or other structures# shall be measured

from the #base plane#.

(a) Tower regulations

(1) At any level above a building base (referred to hereinafter as a "base"), any portion of a #building# (referred to hereinafter as a "tower") shall occupy in the aggregate:

- (i) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percentage set forth in Section ~~23-651~~ 23-653 (Towers on small lots); and
- (ii) not less than 30 percent of the #lot area# of a #zoning lot#.

However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

\* \* \*

~~23-651~~ **23-653**  
**Towers on Small Lots**

~~R9 R10~~

~~In the districts indicated,~~ a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS  
ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

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**Article II**  
**Chapter 4: Bulk Regulations for Community Facility Buildings in Residence Districts**

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**24-11**  
**Maximum Floor Area Ratio and Percentage of Lot Coverage**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for any #community facility building# or any #building# used partly for a #community facility use# on any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# shall not exceed the #floor area ratio# and #lot coverage# set forth in the table in this Section, except as otherwise provided in the following Sections:

- Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)
- Section 24-14 (Floor Area Bonus for a Residential Plaza)
- Section 24-15 (Floor Area Bonus for Arcades)
- Section 24-17 (Special Provisions for Zoning Lots Divided by District Boundaries).

However, in R6 through R10 districts, no maximum #lot coverage# shall apply to any #corner lot# of 5,000 square feet or less.

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# in an R9 or R10 District shall not exceed 12.0.

In R9A, R9X, R10A and R10X Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Residential Plaza) and 24-15 (Floor Area Bonus for Arcades) shall not apply and the maximum #floor area ratio# shall not exceed that set forth in the following table:

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE  
#Lot coverage# (percent of #lot area#)

#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#	District
1.00	60	55	R1
1.00	60	55	R2
1.00	60	55	R3
2.00	60	55	R4
2.00	60	55	R5 R5A R5B
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	R5D R6B
4.80	70	65	R7-1
6.50	70	65	R7-2
4.00	80	65	R7A
3.00	80	65	R7B
5.00	80	70	R7X
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B*
6.00	80	70	R8X

10.00	75	65	R9
7.50	80	70	R9A
9.00	80	70	R9X
10.00	75	65	R10
10.00	100	70	R10A R10X

\* In R8B Districts, within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10.

However, the #floor area ratios# listed in this table shall not apply to #community facility uses# that are subject to the provisions of Section 24-111 (Bulk regulations for certain community facility uses).

Within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.

In R9 or R10 Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Residential Plaza) or 24-15 (Floor Area Bonus for Arcades) shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

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#### **24-51 Permitted Obstructions**

In all #Residence Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (c) Elevators or stair bulkhead, roof water tanks or cooling towers or other #accessory# mechanical equipment (including enclosures), ~~each having an #aggregate width of street walls# equal to not more than 30 feet. However, provided that:~~
  - (1) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage, or
  - (2) where no such obstructions are located within 20 feet of a #wide street# and 25 feet of a #narrow street#; the following **alternative** rules may be applied:
    - (j) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or
    - (ii) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of

the #building#, and the height of all such obstructions does not exceed 40 feet;

- (d) Flagpoles or aerials;
- (e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (f) Parapet walls, not more than four feet high;
- (g) Spires or belfries;
- (h) Wire, chain link or other transparent fences;
- (i) Green roof planting beds, solar energy panels, including photovoltaic panels or other solar panels, or other sustainable technologies, provided that such structures do not exceed a height of four feet above any applicable height limit.

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**Article III**  
**Chapter 3: Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

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**33-42**  
**Permitted Obstructions**

In all #Commercial Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (c) Elevators or stair bulkhead, roof water tanks or cooling towers or other #accessory# mechanical equipment (including enclosures), ~~each having an #aggregate width of street walls# equal to not more than 30 feet. However, provided that:~~
  - (1) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage, or
  - (2) where no such obstructions are located within 20 feet of a #wide street# and 25 feet of a #narrow street#; the following alternative rules may be applied:
    - (i) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or
    - (ii) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet;
- (d) Flagpoles or aerials;

- (e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (f) Parapet walls, not more than four feet high;
- (g) Spires or belfries;
- (h) Wire, chain link or other transparent fences;
- (i) Green roof planting beds, solar energy panels, including photovoltaic panels or other solar panels, or other sustainable technologies, provided that such structures do not exceed a height of four feet above any applicable height limit.

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**Article III**  
**Chapter 5: Bulk Regulations for Mixed Buildings in Commercial Districts**

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**35-24**  
**Special Street Wall Location and Height and Setback Regulations in Certain Districts**

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

- (c) Setback regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, all #developments# or #enlargements# shall comply with the following provisions:

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(3) Where the height of an existing adjacent #building# exceeds the maximum base height specified in the applicable table in this Section, the setback regulations of this paragraph (c) (3) shall apply to the new #development# or #enlargement# at a height not exceeding the height of such existing adjacent #building#, or the adjusted maximum base height specified in the applicable table in this Section, whichever is less. For the purposes of this paragraph (c) (3), the height of the existing adjacent #building# shall be the height of a #street wall#, before setback, if applicable, of that portion of an existing #building# that fully abuts, at every level, the new #development# or #enlargement#, fronting on the same #street line# and located on the same or adjoining #zoning lot#. However, the provisions of this paragraph (c) (3) shall not apply where the adjacent building has been constructed pursuant to tower regulations.

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TABLE A  
HEIGHT AND SETBACK FOR BUILDINGS  
IN CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	<u>Adjusted Maximum Base Height</u>	Maximum Building Height
C1 or C2 mapped in R6B	30	40	<u>50</u>	50
C1 or C2 mapped in R6A C4-2A C4-3A	40	60	<u>70</u>	70
C1 or C2 mapped in R7B	40	60	<u>75</u>	75
C1 or C2 mapped in R7A C1-6A C2-6A C4-4A C4-5A	40	65	<u>80</u>	80
C1 or C2 mapped in R7X C4-5X	60	85	<u>100</u>	125
C1 or C2 mapped in R8B	55	60	<u>75</u>	75
C1 or C2 mapped in R8A C1-7A C4-4D C6-2A	60	85	<u>105</u>	120
C1 or C2 mapped in R8X	60	85	<u>105</u>	150
C1 or C2 mapped in R9A** C1-8A** C2-7A** C6-3A**	60	95	<u>115</u>	135
C1 or C2 mapped in R9A* C1-8A* C2-7A* C6-3A*	60	102	<u>125</u>	145
C1 or C2 mapped in R9X** C1-8X** C2-7X** C6-3X**	60	120	<u>145</u>	160
C1 or C2 mapped in R9X* C1-8X* C2-7X* C6-3X*	105	120	<u>145</u>	170
C1 or C2 mapped in R10A** C1- 9A** C2-8A** C4-6A** C4-7A** C5-1A** C5-2A** C6-4A**	60	125	<u>150</u>	185
C1 or C2 mapped in R10A* C1-9A* C2-8A* C4-6A* C4-7A* C5-1A* C5-2A* C6-4A*	125	150	<u>185</u>	210
C1 or C2 mapped in R10X C6-4X	60	85	<u>100</u>	***

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- \* Refers to that portion of a district which is within 100 feet of a #wide street#
- \*\* Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#
- \*\*\* #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section

TABLE B  
HEIGHT AND SETBACK FOR BUILDINGS  
IN NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	<u>Adjusted Maximum Base Height</u>	Maximum Building Height
C1 or C2 mapped in R6** C4-2** C4-3**	30	45	<u>55</u>	55
C1 or C2 mapped in R6* inside Core*** C4-2* inside Core*** C4-3* inside Core***	40	55	<u>65</u>	65
C1 or C2 mapped in R6* outside Core*** C4-2* outside Core*** C4-3* outside Core***	40	60	<u>70</u>	70
C1 or C2 mapped in R7** C1 or C2 mapped in R7* inside Core*** C1-6** C1-6* inside Core*** C2-6** C2-6* inside Core*** C4-4** C4-4* inside Core*** C4-5** C4-5* inside Core*** C6- 1** C6-1* inside Core***	40	60	<u>75</u>	75
C1 or C2 mapped in R7* outside Core*** C1-6* outside Core*** C2-6* outside Core*** C4-4* outside Core*** C4-5* outside Core*** C6-1* outside Core***	40	65	<u>80</u>	80
C1 or C2 mapped in R8** C1-7** C4-2F** C6-2**	60	80	<u>100</u>	105
C1 or C2 mapped in R8* C1-7* C4-2F* C6-2*	60	85	<u>105</u>	120
C1 or C2 mapped in R9** C1-8** C2-7** C6-3**	60	95	<u>115</u>	135
C1 or C2 mapped in R9* C1-8* C2-7* C6-3*	60	102	<u>125</u>	145
C1 or C2 mapped in R10** C1-9** C2-8** C4-6** C4-7** C5** C6-4** C6-5** C6-6** C6- 7** C6-8** C6-9**	60	125	<u>150</u>	185
C1 or C2 mapped in R10* C1-9* C2-8* C4-6* C4-7* C5* C6-4* C6-5* C6-6* C6-7* C6-8* C6-9*	125	150	<u>185</u>	210

\* Refers to that portion of a district which is within 100 feet of a #wide street#

\*\* Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#

\*\*\* Core refers to #Manhattan Core#.

\* \* \*

**35-63  
Special Tower Regulations for Mixed Buildings**

In the districts indicated below, when a #mixed building# is subject to tower regulations, the #residential# tower regulations of paragraphs (a) and (b) or the commercial tower regulations of paragraph (c) of this Section shall apply to the entire #building#.

(a) In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, a #mixed building# that meets the location and #floor area# criteria of paragraph (b) of requirements of a tower on a base set forth in Section 23-65 (Tower Regulations) shall be governed by the provisions of Section 23-652 (Tower-on-a-base), except that paragraph (b) of Section 23-652 (Building base regulations) shall be amended as follows:

\* \* \*

(b) In C4-6, C5-1 or C6-3 Districts, the #residential# portion of a #mixed building# that in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in ~~Section 23-651~~ 23-653 (Towers on small lots), may be constructed in conformance with the provisions of Section 23-651 (Standard tower regulations), provided the following conditions are met:

- (1) at least 65 percent of the total allowable #floor area# on a #zoning lot# under the applicable district regulations is occupied by #residential uses#;
- (2) all non-#residential uses# within such #mixed building# comply with the provisions of Section 32-42 (Location within Buildings); and
- (3) no non-#residential# portion of a #mixed building# penetrates the #sky exposure plane# as set forth in Sections 33-432 or 33-442 (In other Commercial Districts).

(c) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the tower regulations applicable to any #mixed building# shall be the regulations set forth in Section 33-45.

However, in C4-7, C5-2, C5-4, C6-4, C6-5 or C6-8 Districts, when no more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations applicable to the #residential# portion of such #mixed building# may be governed by Sections ~~23-65 or~~ 23-651 (Standard tower regulations).

All non-#residential uses# within such #mixed building# shall comply with the provisions of Section 32-42.

The tower regulations shall not apply in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, or in C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts.

\* \* \*

**Article IV  
Chapter 3: Bulk Regulations**

\* \* \*

**43-42**

**Permitted Obstructions**

In all #Manufacturing Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

- (a) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (b) Elevators or stair bulkhead, roof water tanks or cooling towers or other #accessory# mechanical equipment (including enclosures), ~~each having an #aggregate width of street walls# equal to not more than 30 feet.~~ However, provided that:
  - (1) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage, or
  - (2) where no such obstructions are located within 20 feet of a #wide street# and 25 feet of a #narrow street#; the following alternative rules may be applied:
    - (k) the product in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or
    - (ii) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet;
- (c) Flagpoles or aerials;
- (d) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (e) Parapet walls, not more than four feet high;
- (f) Spires or belfries;
- (g) Wire, chain link or other transparent fences;
- (h) Green roof planting beds, solar energy panels, including photovoltaic panels or other solar panels, or other sustainable technologies, provided that such structures do not exceed a height of four feet above any applicable height limit.

\*\*\*

**Article VII**

**Chapter 3: Special Permits by the Board of Standards and Appeals**

\*\*\*

**73-623**

**Waiver of side yard requirement when adjacent lots are vacant**

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In R3-1, R3-2, R4, and R5 Districts, but not in R4A, R4-1, R4B, R5A, R5B or R5D Districts, the Board of Standards and Appeals may permit one or more #side yards# to be waived for a #residential building#, provided that:

- (a) the adjacent #zoning lot(s)# along the #side lot line(s)# where the waiver is requested are vacant or #land with minor improvements#;
- (b) the width of the #zoning lot# for which the waiver is requested is less than 30 feet; and
- (c) the zoning lot consists entirely of a tract of land that was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and
- (d) further provided that, in R3-1 Districts, one #side yard# of at least 8 feet is provided.

The Board shall find that waiving the required #side yard(s)# will not adversely affect neighboring properties, alter the essential character of the neighborhood or district in which the building is located, nor impair the future #use# or #development# of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on neighboring properties and on the character of the surrounding area.

\*\*\*

**Article VII  
Chapter 7: Special Provisions for Zoning Lots Divided by District Boundaries**

**77-29  
Tower Regulations**

If 50 percent or more of a #zoning lot# is located within a district to which the provisions of Sections 23-65, 24-54, 33-45 or 43-45 (Tower Regulations) apply, and the remaining portion of the #zoning lot# is within a district to which such provisions do not apply, any #building# or portion thereof which, in the aggregate, occupies not more than 40 percent or, on small lots, the percentage set forth in Sections 23-~~653~~, 24-541, 33-454 or 43-451 (Towers on small lots) of the #lot area# of the entire #zoning lot# (which #building# or portion thereof is hereinafter referred to as a tower) may penetrate any applicable established #sky exposure plane#, provided that such tower shall comply with the applicable setback requirements or restrictions on aggregate area that may be occupied within 50 feet of a #narrow street# or 40 feet of a #wide street#, as set forth in Sections 23-65, 24-54, 33-45 or 43-45.

\*\*\*

**Article VIII – Special Purpose Districts**

**Chapter 1  
Special Midtown District**

\*\*\*

**81-752  
Special street wall and setback regulations within the Eighth Avenue Corridor**

- (c) Additional regulations applying west of Eighth Avenue
  - (1) West of Eighth Avenue, at any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not more than 40 percent of the #lot area# of the #zoning lot#, except that for #zoning lots# of less than 20,000 square feet of #lot area# this percentage may be increased as set forth in Section 23-~~653~~ (Towers on small lots). At any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not less than 33 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall not apply to the highest four #stories# of the #building#.

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## Article VIII - Special Purpose Districts

### Chapter 2 Special Lincoln Square District

\*\*\*

#### 82-36 Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

- (a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:
  - (1) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percent set forth in Section 23-653 (Tower on small lots); and
  - (2) not less than 30 percent of the #lot area# of a #zoning lot#.

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However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of the #story# directly below it.

\*\*\*

## Article VIII – Special Purpose Districts

### Chapter 4 Special Battery Park City District

\*\*\*

#### 84-135 Limited height of buildings

\*\*\*

- (e) ~~Sections 23-62 (Permitted Obstructions) and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:~~
  - (1) ~~The following shall not be considered obstructions and may thus penetrate a maximum height limit:~~

~~Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level~~

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosure walls), provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage at #curb level#, or the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet~~

~~Flagpoles and aerials~~

~~Heliostats and wind turbines~~

~~Parapet walls, not more than four feet high~~

~~Wire, chain link or other transparent fences~~

In addition to obstructions permitted pursuant to Sections 23-62 and 33-42, heliostats and wind turbines may penetrate a maximum height limit.

\*\*\*

### 84-333

#### Limited height of buildings

The maximum height of any #building#, or portion thereof, shall not exceed 400 feet on any portion of subzone C-1 shown as a #special height location# in Appendix 3.2, except that permitted obstructions pursuant to Section 33-42 shall be allowed to penetrate a maximum height limit.

The maximum height of any #building#, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above #curb level#, except that:

- (a) the maximum height of any #building#, or portion thereof, shown as a #special height location# shall not exceed the height set forth in Appendix 3.2; ~~and~~
- ~~(b) Sections 23-62 and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:~~
  - ~~(1) The following shall not be considered obstructions and may this penetrate a maximum height limit:~~

~~Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;~~

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other accessory mechanical equipment (including enclosure walls), provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #buildings# facing such frontage at #curb level#, or the #lot coverage of all such obstructions, does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet;~~

~~Fences, wire, chain link or other transparent type;~~

~~Flagpoles and aerials;~~

~~Parapet walls, not more than four feet high;~~

- ~~(2) b) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:~~

~~(i) 1) the width of such additional enclosure wall at each building face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Sections 23-62 and 33-42;~~

~~(ii) 2) the additional area of the enclosure wall at each building face is not more than 50 percent of the area permitted as-of-right; and~~

(iii 3)the enclosure wall is compatible with the building# and the urban design goals of the Special District and complements the design by providing a decorative top.

- (c) Notwithstanding the above, in no event shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

\*\*\*

## Article IX – Special Purpose Districts

### Chapter 3 Special Hudson Yards District

\*\*\*

#### 93-41 Rooftop Regulations

- (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Hudson Yards District#. ~~, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.~~ In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts)

\*\*\*

## Article IX – Special Purpose Districts

### Chapter 8 Special West Chelsea District

\*\*\*

#### 98-422 Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except as modified as follows:

- (a) ~~Permitted Obstructions~~ Dormers

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a #sky exposure plane# or a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.~~ In addition, ~~d~~Dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum building height in Subareas C, F and G where the maximum base height and maximum building height are the same.

\*\*\*

## Article X – Special Purpose Districts

### Chapter 1 Special Downtown Brooklyn District

\*\*\*

#### 101-221 Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#.  ~~, except that elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosures) may penetrate a maximum height limit, provided the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet.~~ In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

\*\*\*

## Article XI – Special Purpose Districts

### Chapter 1 Special Tribeca Mixed Use District

\*\*\*

#### 111-104 Special provisions for Areas A1, A2, A3, A4 and B2

\*\*\*

#### (d) Area A4

Except as set forth herein, the bulk regulations of the underlying district shall apply.

- (1) Table A of Section 35-24 shall be modified in C6-3A Districts to permit a maximum building height of 160 feet within 100 feet of a #wide street#.
- (2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Area A4.  ~~, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.~~ In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

\*\*\*

Article XI – Special Purpose Districts

Chapter 4  
Special Bay Ridge District

\*\*\*

114-121  
Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except as follows: ~~the provisions of paragraph (c) of Section 33-42 shall not apply.~~ In lieu thereof, the following regulations shall apply:

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~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 20 feet.~~

- (a) Subsection (d)(2) shall apply to all buildings in the #Special Stapleton Waterfront District# regardless of building height, and except that the height of obstructions under subsection (d)(2)(ii) shall not exceed 20 feet;
- (b) In addition, Dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

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Article XI – Special Purpose Districts

Chapter 6  
Special Stapleton Waterfront District

\*\*\*

116-231  
Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in the #Special Stapleton Waterfront District#, except as follows: ~~the provisions of paragraph (c) of Section 33-42 shall not apply.~~ In lieu thereof, the following regulations shall apply:

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that either:~~

- (a) ~~the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or~~
- (b) ~~the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 20 feet.~~

- (c) Subsection (d)(2) shall apply to all buildings in the #Special Stapleton

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Waterfront District# regardless of building height, and except that the height of obstructions under subsection (d)(2)(ii) shall not exceed 20 feet;

- (d) ~~In addition,~~ Dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

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## Article XII - Special Purpose Districts

### Chapter 1 Special Garment Center District

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#### 121-32 Height of Street Walls and Maximum Building Height

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- (b) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) of Section 23-621, may penetrate the #sky exposure plane#.

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