



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **33-44 - Alternate Front Setbacks**

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### 33-44 - Alternate Front Setbacks

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, for #buildings# other than #Quality Housing buildings#, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

### 33-441 - In C1 or C2 Districts with bulk governed by surrounding Residence District

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LAST AMENDED

6/6/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

#### ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#			
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)		
On #Narrow Street#	On #Wide Street#		On #Narrow Street#		On #Wide Street#
		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within R1, R2, R3, R4, R5, R5A or R5B Districts					

15	10	30	1.4	to 1	1.4	to 1
Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8, R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1

However, in accordance with the provisions of Section [32-42](#) (Location within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the height above #street line# shall be 35 feet.

### 33-442 - In other Commercial Districts

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LAST AMENDED  
6/6/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

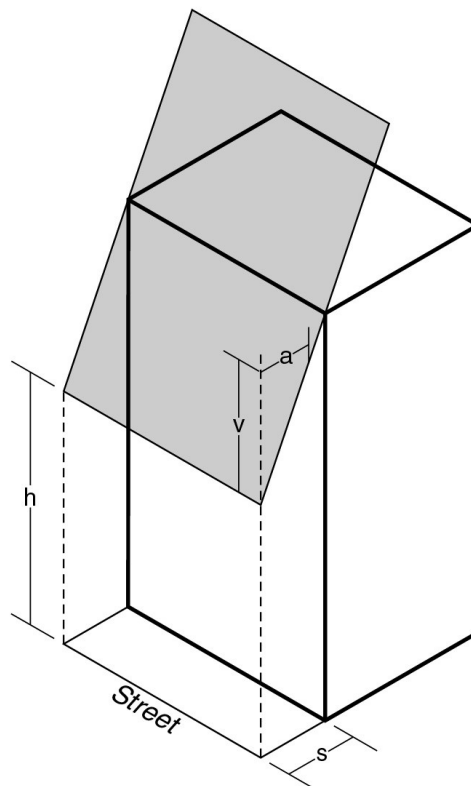
#### ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
On #Narrow Street#	On #Wide Street#		On #Narrow Street#	On #Wide Street#		
		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	

Within C3 C4-1 C8-1 Districts						
15	10	30	1.4	to 1	1.4	to 1
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C5 C6 C8-4 Districts						
15	10	85	3.7	to 1	7.6	to 1

However, in accordance with the provisions of Section [32-42](#) (Location Within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, the maximum height above #street line# shall be 35 feet or three #stories#, whichever is less.



- a - Horizontal distance
- h - Height of sky exposure plane above street line
- s - Depth of the optional front open area
- v - Vertical distance

Sky Exposure Plane

**ALTERNATE SKY EXPOSURE PLANE**

([23-64](#), [24-53](#), [33-442](#), [43-44](#))