

# **Zoning Resolution**

THE CITY OF NEW YORK

CITY PLANNING COMMISSION

Eric Adams, Mayor

Daniel R. Garodnick, Chair

# 35-60 - MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

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#### 35-60 - MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

LAST AMENDED 12/5/2024

Height and setback regulations are set forth in Section <u>35-62</u> for #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District and Section <u>35-63</u> inclusive, for #Commercial Districts# mapped within or with a R6 through R12 District. Special regulations governing certain areas are set forth in Section <u>35-64</u>, inclusive. Permitted obstructions to maximum heights are set forth in Section <u>35-61</u>.

#### 35-61 - Permitted Obstructions

LAST AMENDED 12/5/2024

In all #Commercial Districts#, the provisions of Section <u>33-42</u> (Permitted Obstructions) shall apply to any #building or other structure#. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section <u>23-413</u> (Permitted obstructions in certain districts).

# 35-62 - Height and Setback Requirements in Commercial Districts With R1 Through R5 Equivalency

LAST AMENDED 12/5/2024

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, for the purposes of applying the provisions of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, the applicable #Residence District# regulations shall apply, including as modified by the provisions of Section 35-22 (Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District).

However, for non-#qualifying residential sites#:

- (a) located within R3 and R4 Districts, the height and setback regulations for R4 Districts without a letter or number suffix shall apply; and
- (b) located within R5A or R5B Districts, the height and setback regulations for R5 Districts without a letter suffix shall apply.

Furthermore, for the purposes of applying the provisions of Section 23-423 (Standard setback regulations), for #building# #street walls# fronting a #street# where a #Commercial District# is mapped along the entire #block# frontage, for the portion of such #street wall# that exceeds the maximum base height, a setback shall be provided at a height not lower than a minimum base height of 20 feet and not higher than the maximum base height set forth in Section 23-424 (Height and setback requirements for qualifying residential sites).

Additional height and setback provisions are set forth in Section 35-64 (Special Provisions for Certain Areas), inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of

the #building# may be considered to be a separate #building#.

# 35-63 - Height and Setback Requirements in Commercial Districts with R6 Through R12 Equivalency

LAST AMENDED 12/5/2024

C1 C2 C4 C5 C6

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts, the #street wall# location of a #building# shall be as set forth in Section 35-631, and the height and setback provisions shall be as set forth in Section 35-632. Additional height and setback provisions are set forth in Section 35-633 and Section 35-64, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

#### 35-631 - Street wall location

LAST AMENDED 12/5/2024

C1 C2 C4 C5 C6

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the maximum base height and before the required setback as set forth in Section 23-432 (Height and setback requirements).

# (a) Line-up rules

For #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 through R12 Districts, when located within the #Manhattan Core#, the following #street wall# location provisions shall apply along #wide streets#:

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.
- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is lower, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (a)(1) of this Section.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section 23-431 may be applied.

# (b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a) of this Section the following shall apply:

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Sections 23-432, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section 23-431 may be applied.

# (c) Modifications for large #zoning lots#

Notwithstanding the provisions of paragraphs (a) or (b) of this Section, for #street walls# on #buildings# on a #zoning lot# that has a #lot area# of at least 40,000 square feet or occupies an entire #block#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less.

#### (d) Articulation allowances

In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

# 35-632 - Maximum height of buildings and setback regulations

LAST AMENDED 12/5/2024

# C1 C2 C4 C5 C6

In the districts indicated, where mapped within, or with a #residential equivalent# of an R6 through R12 district, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied in accordance with the provisions set forth in this Section.

#### (a) Height and setback requirements

The minimum base height, maximum base height and maximum #building# height shall be as set forth in the table in

Section <u>23-432</u> for the applicable #Residence District#. Separate maximum base heights and maximum #building# heights are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. For portions of a #building# #street wall# that exceed the maximum base height, a setback shall be provided at a height not lower than the minimum base height or higher than the maximum base height, in accordance with Section 23-433.

(b) Height and setback modifications on eligible sites

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 without a letter suffix, for #zoning lots# meeting the criteria of paragraph (a) of Section <u>23-434</u>, the maximum #building# heights may be increased in accordance with the table in Section <u>23-434</u> for the applicable #Residence District#.

(c) Tower regulations

In #Commercial Districts# mapped within, or with a #residential equivalent# of R9 through R12 Districts, other than R9A, R9X, R10A or R11A Districts, as an alternative to the maximum #building# heights set forth in Sections 23-432, towers shall be permitted pursuant to the provisions of Section 23-435.

# 35-633 - Additional height and setback provisions

LAST AMENDED 12/5/2024

The additional height and setback regulations set forth in Section 23-436 shall apply, except as follows:

- (a) for the purposes of applying such provisions, references to the #street wall# location provisions of Section 23-431 shall be superseded by those of Section 35-631; and
- (b) for the purposes of applying the #street wall# modifications on #corner lots#, where a #zoning lot# is bounded by only one #street line# along a #street# frontage where a #Commercial District# is mapped along the entire #block# frontage, the #street wall# shall be applied along such frontage.

# 35-64 - Special Provisions for Certain Areas

LAST AMENDED 12/5/2024

# 35-641 - Special tower provisions

LAST AMENDED 12/5/2024

C1 C2 C4 C5 C6

The tower provisions of Section 23-435 shall be modified in certain areas, as follows:

- (a) In #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9D or R10X District, the provisions of paragraph (a) of Section <u>23-441</u> shall apply.
- (b) In C1 or C2 Districts mapped within R9 or R10 Districts without a letter suffix, or in C1-8, C1-9, C2-7 or C2-8

Districts, for #mixed buildings# that meet the criteria of paragraph (b) of Section <u>23-441</u>, the tower-on-a-base provisions of such paragraph shall apply.

# 35-642 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED 12/5/2024

# (a) Borough of Manhattan

# (1) Community District 6

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (b) of Section 35-641 (Special tower provisions) shall be modified to require that the additional tower regulations of paragraph (b) of Section 23-441 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of paragraph (a)(2) of Section 23-442 (Special provisions for certain community districts).

# (b) Borough of Brooklyn

#### (1) Community Districts 8 and 9

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-631 and 35-632, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

#### (2) Community Districts 3, 5, and 16

For C4-4L Districts mapped within Community Districts 3, 5, and 16 in the Borough of Brooklyn with frontage along an elevated rail line, a sidewalk widening of 5 feet shall be provided.

#### (c) Borough of the Bronx

#### (1) Community District 1

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residences for seniors#, the applicable #residential equivalent# for the purposes of applying the height and setback provisions of Section 23-43, inclusive, shall be the eligible site provisions applicable to an R9-1 District.

# 35-643 - Special provisions in other geographies

LAST AMENDED 12/5/2024

(a)

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, the following shall apply:

- (1) the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply except that such #street wall# need not extend to the minimum base height set forth in Section 35-632. In lieu thereof, the #street wall# shall extend to a minimum base height of one #story# or 15 feet, whichever is lower; and
- (2) for #buildings# containing #multiple dwelling residences# that are not otherwise eligible for additional height pursuant to paragraph (c) of Section 35-632, the applicable maximum #building# heights may be increased by 10 feet in #Commercial Districts# mapped within, or with a #residential equivalent# of, R1 through R6 Districts, and by 20 feet in #Commercial Districts# mapped within, or with a #residential equivalent#, of R7 through R12 Districts.