Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

35-60 - MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

File generated by https://zr.planning.nyc.gov on 11/8/2026

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LAST AMENDED
12/5/2024

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

35-61 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Commercial Districts#, the provisions of Section 33-42 (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 23-413 (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 23-432 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 23-434, the maximum #building# heights may be increased in accordance with the table in Section 23-434 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 23-441 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 23-441, 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) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

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.