Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

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

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

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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#.