



## **Zoning Resolution**

**THE CITY OF NEW YORK**  
**Zohran K. Mamdani, Mayor**

**CITY PLANNING COMMISSION**  
**Sideya Sherman, Chair**

# **35-814 - Special height and setback regulations**

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## 35-814 - Special height and setback regulations

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LAST AMENDED

12/5/2024

In #Commercial Districts# that are mapped within, or have a #residential equivalent# of an R6 through R10 District without a letter suffix, for #sky exposure plane buildings#, the height and setback regulations set forth in Section [23-736](#) shall be modified as follows:

- (a) the #sky exposure plane# may be measured from a point above the #street line# instead of the #front yard line#. The maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial#, or #community facility building#, whichever permits the greatest maximum height;
- (b) in C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of paragraph (b) of Section [23-736](#) (Special height and setback regulations for sky exposure plane buildings) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#;
- (c) in #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9 or R10 District, towers may penetrate a #sky exposure plane# pursuant to Section [35-815](#) (Tower regulations).

- (d) Notwithstanding the foregoing, in C1 or C2 Districts mapped within, or with a residential equivalent of an R7-2, R8, R9 or R10 Districts, the provisions of Section [23-738](#) (Height limitations for narrow buildings or enlargements) shall apply to buildings with street walls less than 45 feet in width. However, the street wall location provisions of paragraph (e)(4) of such Section need not apply.