



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **35-652 - Maximum height of buildings and setback regulations**

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## 35-652 - Maximum height of buildings and setback regulations

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LAST AMENDED

6/6/2024

C1 C2 C4 C5 C6

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section.

The height of a #Quality Housing building# #or other structure# shall not exceed the maximum height limit specified for the applicable district set forth in paragraphs (a) or (b) of this Section, as applicable, except as specified in paragraph (d) of this Section and elsewhere in this Chapter.

Basic building heights for #Quality Housing buildings# are set forth in paragraph (a) of this Section. Such heights may be increased in certain districts for #Quality Housing buildings# with #qualifying ground floors# pursuant to paragraph (b)(1) of this Section. For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions are set forth in paragraph (b)(2) of this Section.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified in paragraphs (a) or (b) of this Section, and shall be provided in accordance with the provisions set forth in paragraph (c) of Section [23-662](#), except as modified in paragraph (c) below.

(a) Basic #building# heights

For #Quality Housing buildings#, the minimum and maximum base height, and maximum height of a #building or other structure# shall be as specified in paragraph (a) of Section [23-662](#) (Maximum height of buildings and setback regulations) for the #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the Tables in Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

(b) Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#

(1) Eligible #buildings#

Table 2 in paragraph (b) of Section [23-662](#) sets forth the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# within:

- (i) #Commercial Districts# mapped within, or with a residential equivalent of, R6 or R7 Districts without a letter suffix outside the #Manhattan Core# and within 100 feet of a #wide street#, or R8 or R10 Districts without a letter suffix within 100 feet of a #wide street#;
- (ii) #Commercial Districts# mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

(2) Supplemental ground floor provisions for #buildings# in certain districts

For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions shall apply as follows:

(i) Along #primary frontages#

For #buildings#, or portions thereof, with #primary frontage#, as defined in Section [37-311](#), #uses# on the first #story#, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for ground floor lobbies, entrances and exits to parking facilities, and entryways to #mass transit stations#, where applicable, provided in accordance with Section [37-33](#) (Maximum Width of Certain Uses). #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements). Each ground floor level #street wall# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

(ii) Along #secondary frontages#

For #buildings# or portions thereof, with #secondary frontage#, as defined in Section [37-311](#), #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section [37-35](#). However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(c) Setback modifications

(1) In C6-3D Districts, the provisions for R9D Districts set forth in Section [23-662](#) shall apply, except that:

- (i) the setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#; and
- (ii) where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the following shall apply:

- (i) a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 25 feet or two #stories#, whichever is lower, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is lower; and
- (ii) dormers shall not be a permitted obstruction within such setback distance.

(d) Maximum height modifications

(1) In C6-3D and C6-4X Districts, the maximum base heights for the applicable residential equivalents may be exceeded in accordance with the tower regulations of Section 35-653.

(2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height for a #building# with a #qualifying ground floor# shall be 105 feet or ten #stories#, whichever is less. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 100 feet.