**Zoning Resolution**

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

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 33-44 - Alternate Front Setbacks

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## 33-44 - Alternate Front Setbacks

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), or 33-45 (Tower Regulations), inclusive, no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

## 33-441 - In C1 or C2 Districts with bulk governed by surrounding Residence District

LAST AMENDED
12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such #Commercial District# is

mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

| Depth of Optional Front Open Area (in feet) | | Alternate #Sky Exposure Plane# | | | | |
|---|---|---|---|---|---|---|
| | | Height above #Street Line# (in feet) | Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance) | | | |
| | | | On #Narrow Street# | | On #Wide Street# | |
| On #Narrow Street# | On #Wide Street# | | Vertical Distance | Horizontal Distance | Vertical Distance | Horizontal Distance |
| Within R1, R2, R3, R4, R5, R5A or R5B Districts | | | | | | |
| 15 | 10 | 30 | 1.4 | to 1 | 1.4 | to 1 |
| Within R6 or R7 Districts | | | | | | |
| 15 | 10 | 60 | 3.7 | to 1 | 7.6 | to 1 |
| Within R8, R9, R10, R11 or R12 Districts | | | | | | |
| 15 | 10 | 85 | 3.7 | to 1 | 7.6 | to 1 |

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the height above #street line# shall be 35 feet.

## 33-442 - In other Commercial Districts

LAST AMENDED
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

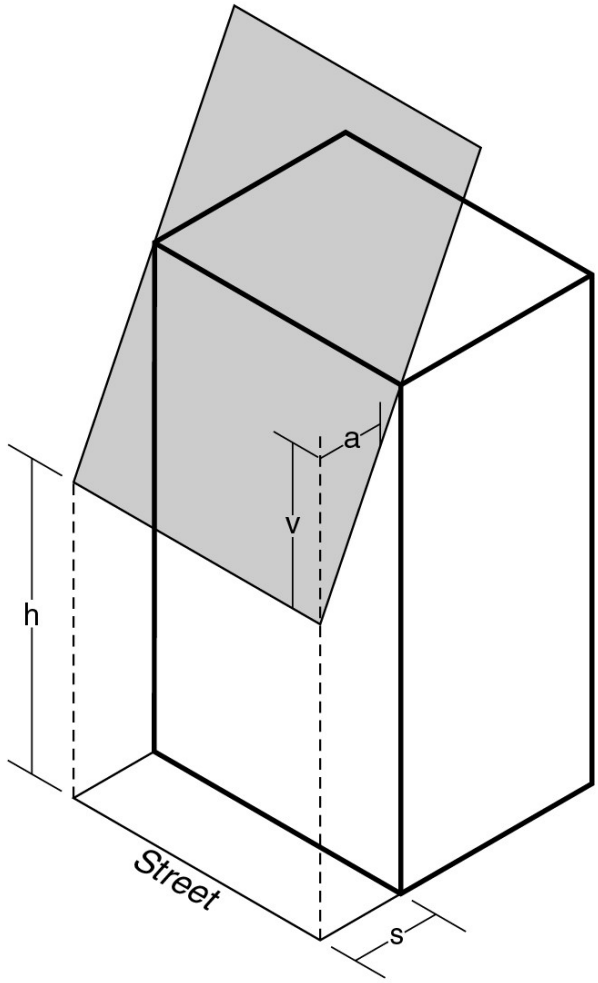
ALTERNATE REQUIRED FRONT SETBACKS

| Depth of Optional Front Open Area (in feet) | Alternate #Sky Exposure Plane# | | |
|---|---|---|---|
| | Height above #Street Line# (in feet) | Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance) | |
| | | On #Narrow Street# | On #Wide Street# |

| On #Narrow Street# | On #Wide Street# | Vertical Distance | Horizontal Distance | Vertical Distance | Horizontal Distance | |
|---|---|---|---|---|---|---|
| Within C3 C4-1 C8-1 Districts | | | | | | |
| 15 | 10 | 30 | 1.4 | to 1 | 1.4 | to 1 |
| Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts | | | | | | |
| 15 | 10 | 60 | 3.7 | to 1 | 7.6 | to 1 |
| Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 Districts | | | | | | |
| 15 | 10 | 85 | 3.7 | to 1 | 7.6 | to 1 |

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, the maximum height above #street line# shall be 35 feet or three #stories#, whichever is less.




a - Horizontal distance

h - Height of *sky exposure plane* above *street line*

s - Depth of the optional front open area

v - Vertical distance

*Sky Exposure Plane*

## ALTERNATE SKY EXPOSURE PLANE

(23-736, 24-53, 33-442, 43-44)