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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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.