



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

24-181 - Special provisions for certain buildings

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LAST AMENDED

12/5/2024

For **#sky exposure plane buildings#** in R6 through R9 Districts without a letter suffix, the applicable **#floor area ratio#** and **#open space ratio#** provisions of Section [23-73](#) (Special Provisions for Sky Exposure Plane Buildings), inclusive, shall be modified by the provisions of this Section.

(a) **#Open space ratio#** for **#residential#** portions of **#buildings#**

For **#zoning lots#** containing a **#residential building#** or for the **#residential#** portion of a **#mixed building#**, a minimum **#open space ratio#** shall be provided in accordance with Section [23-70](#). For the purposes of applying such regulations:

- (1) the **#floor area#** counted in determining the **#open space ratio#** shall be only that **#floor area#** in the **#residential#** portion of the **#building#**;
- (2) the **#lot coverage#** shall be deemed to be that portion of the **#zoning lot#** which, when viewed directly from above, would be covered by the **#residential#** portion of the **#building#** at any level; and
- (3) the applicable **#height factor#**, if the maximum permitted **#residential#** **#floor area ratio#** is less than the total **#floor area ratio#** permitted for such **#building#**, shall be the **#height factor#** of the **#residential#** portion of the **#building#**.

A non-**#residential#** **#use#** occupying a portion of a **#building#** that was in existence on December 15, 1961, may be changed to a **#residential#** **#use#** and the regulations on minimum required **#open space ratio#** shall not apply to such change of **#use#**.

(b) Location of #open space#

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of a #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on a #community facility# #building# or the #community facility# portion of a #building#, provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of a #building# used partly for #community facility# and #residential uses#. However, #open space# located on the roof of a #community facility# #building# separated by open area from #residential# #buildings# or #buildings# used partly for #community facility# and #residential uses# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

For the purposes of this Section, #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#.