



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, 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#.