Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

23-73 - Special Provisions for Sky Exposure Plane Buildings

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23-73 - Special Provisions for Sky Exposure Plane Buildings

LAST AMENDED
12/5/2024

23-731 - Applicability

LAST AMENDED
12/5/2024

The optional provisions for #sky exposure plane buildings# set forth in Section 23-73, inclusive, may be applied to #zoning lots# in R6 through R10 Districts without a letter suffix, except that such alternative provisions shall not apply to:

(a) #zoning lots# in R6-1, R6-2, R7-3 and R9-1 Districts;

(b) #zoning lots# in R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street; or

(c) #zoning lots# located in the #Limited Height Districts#.

23-732 - Floor area ratio and open space ratio in R6 through R9 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9

In the districts indicated without a letter suffix, for #sky exposure plane buildings#, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section. Where elected, such #floor area ratio# shall supersede the #floor area ratio# provisions of Section 23-22, and apply to all #residences#, including #qualifying affordable housing# or #qualifying senior housing#.

The minimum #open space# required through the application of a minimum #open space ratio# shall be applied in conjunction with the applicable regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS). The obstructions set forth in Section 23-311 shall per permitted in required #open space#.

MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

For #zoning lots# with a #height factor# of	**In R6 Districts**		**In R7 Districts**		**In R8 Districts**		**In R9 Districts**	
	Min. Req. #Open Space Ratio#	**Max. #Floor Area Ratio#**	**Min. Req. #Open Space Ratio#**	**Max. #Floor Area Ratio#**	**Min. Req. #Open Space Ratio#**	**Max. #Floor Area Ratio#**	**Min. Req. #Open Space Ratio#**	**Ma #Fl Ar Ra**
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.9
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.9
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.8
4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.6

5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.4
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.0
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.6
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.1
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.5
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.8
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.0
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.3
13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.4
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.5
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.5
16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.5
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.5
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.4
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.4
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.3

21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.2

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

District	**Minimum Required #Open Space Ratio# at #Height Factor# of 21**	**Additional Required #Open Space Ratio# for each Additional #Height Factor#**
R6	37.5	0.5
R7	25.5	0.5
R8	11.9	0.3
R9	9.0	0.4

For these #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{1}{FAR} = \frac{OSR}{100} + \frac{1}{HF}$$

23-733 - Floor area ratios in R9 and R10 Districts

LAST AMENDED
12/5/2024

(a) #Floor area ratios# in R10 Districts

In R10 Districts, the maximum #floor area ratio# on a #zoning lot# shall be 12.0 for #qualifying affordable housing# or #qualifying senior housing# and 10.0 for other #residences#.

(b) Additional #floor area# regulations in R9 and R10 Districts for #buildings# with towers

In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-737 (Tower regulations), the #floor area# provisions of Section 23-241 (Special tower provisions) shall apply.

23-734 - Permitted obstructions in open space

LAST AMENDED
12/5/2024

In R6 through R10 Districts without a letter suffix, the obstructions permitted for any #yard# set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted in any #open space# required on a #zoning lot#. For the purposes of applying such allowances to #open space#, all percentage calculations shall be applied to the area of the #open space# instead of the #yard#:

(a) balconies, unenclosed, subject to the provisions of Section 23-62;

(b) breezeways;

(c) driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed 50 percent of the required #open space# on any #zoning lot#;

(d) #energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(e) greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of the #open space##;

(f) parking spaces, off-street, enclosed, #accessory#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#;

(g) solar energy systems:

(1) on the roof of an #accessory# #building#, limited to 18 inches in height as measured perpendicular to the roof surface; or

(2) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;

(h) steps;

(i) swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#; or

(j) fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-311, 23-312, 23-341 (Permitted obstructions in required rear yards or rear yard equivalents) or 23-351 (Permitted obstructions in courts), as applicable.

23-735 - Special yard, court and other area regulations

LAST AMENDED
12/5/2024

For #sky exposure plane buildings#, the provisions of Section 23-30, inclusive, shall apply, except that:

(a) for #through lots#, the alternate location allowances set forth in paragraph (c)(2) of Section 23-343 (Rear yard equivalent requirements) may be applied to #rear yard equivalents#;

(b) the maximum #lot coverages# set forth in Section 23-36, inclusive, need not apply; and

(c) the minimum distance between #buildings# provisions of paragraph (c)(2) of Section 23-371, pertaining to two or more #buildings# on the same #zoning lot# that are not connected at any level, shall be modified as follows.

The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #building# and the particular wall condition and the presence of #legally required windows# in facing #building# walls.

For the purposes of this Section, wall condition shall be defined as follows:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

Such minimum distance shall be as indicated in the following table:

Wall Condition	**Maximum #building# height above #base plane# or #curb level#, as applicable**				
	25 feet	35 feet	40 feet	50 feet	Over 50 feet
Wall to wall	40	40	40	40	40
Wall to window	40	40	40	45	50
Window to window	40	45	50	55	60

However, for portions of #buildings# higher than 125 feet, the provisions of Section 23-371 shall continue to apply.

23-736 - Special height and setback regulations for sky exposure plane buildings

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #sky exposure plane buildings#, the height and setback regulations shall be as set forth in this Section, inclusive.

#Buildings# may elect to utilize the front setback provisions of paragraph (a) of this Section, or the alternate front setback provisions of paragraph (b) of this Section. Where elected, such provisions shall supersede the provisions of Section 23-43, inclusive.

In R9 or R10 Districts, towers may penetrate a #sky exposure plane# pursuant to Section 23-737 (Tower regulations).

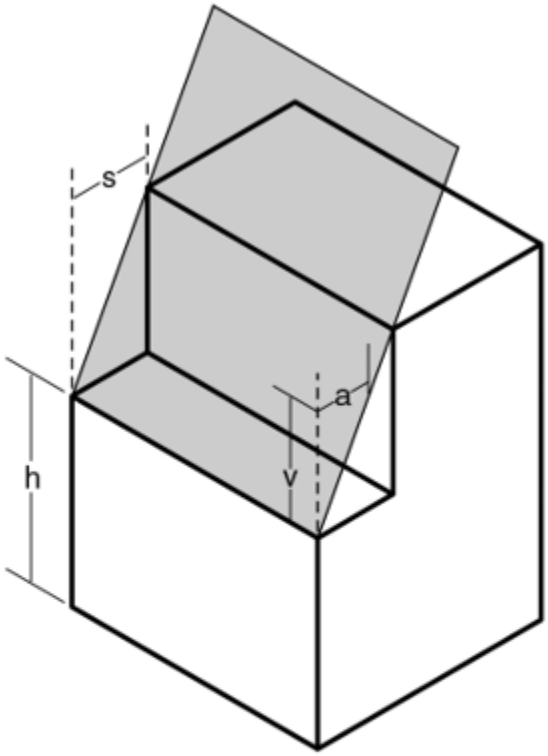
Notwithstanding the foregoing, for narrow #buildings#, the provisions of Section 23-738 shall apply, and within #Limited Height Districts# the provisions for Section 23-739 shall apply.

(a) Front setbacks

If the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above the #street line# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-737 (Tower regulations).

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a rati vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide Stree	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horiz Dist
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to
R8 R9 or R10 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

(b) Alternate front setbacks

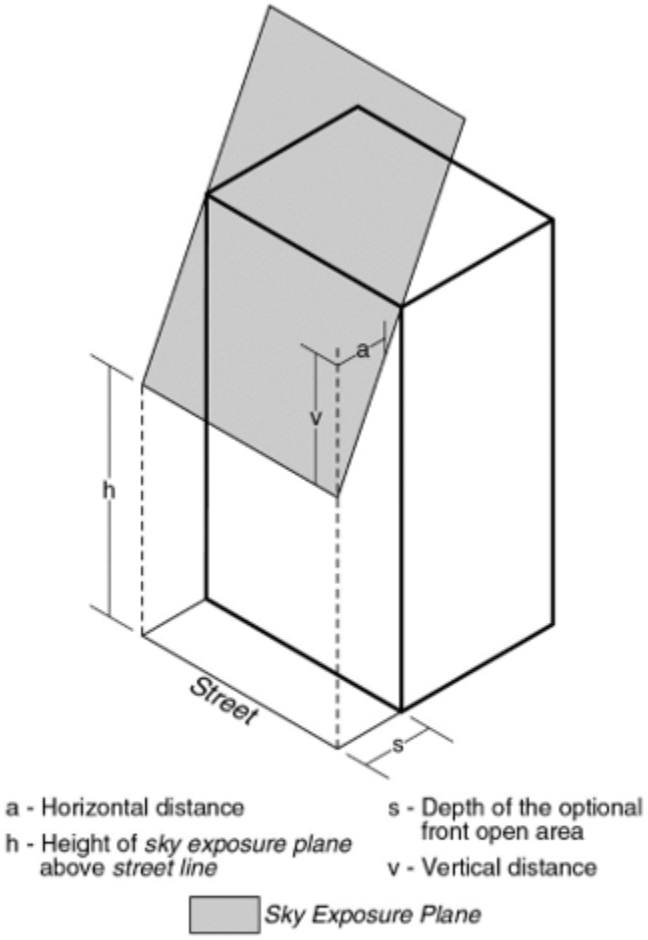
If an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the table in this Section, the provisions of this Section may apply in lieu of the provisions of paragraph (a) of this Section. The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-737 (Tower regulations).

In R9 or R10 Districts, the provisions of this paragraph shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the

#building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)		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
R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
R8 R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

23-737 - Tower regulations

LAST AMENDED

12/5/2024

In R9 or R10 Districts, for #buildings# that do not meet the criteria set forth in paragraphs (b)(1) and (b)(2) of Section 23-441, a tower may penetrate a #sky exposure plane# provided that such tower:

(a) does not occupy more than 40 percent of the #lot area# of a #zoning lot# for #zoning lots# with a #lot area# greater than 20,000 square feet, or more than 50 percent of the #lot area# for all other #zoning lots#; and

(b) is set back at least 10 feet from a #street line# along a #wide street# and at least 15 feet from a #street line# along a #narrow street#.

However, the provisions of this Section shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

23-738 - Height limitations for narrow buildings or enlargements

LAST AMENDED
12/5/2024

R7-2 R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

(a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;

(b) For #corner lots# bounded by only #narrow streets#, a height equal to the width of the narrowest of such #streets# on which such #street walls# front;

(c) For #corner lots# bounded by at least one #wide street#, a height equal to the width of the widest #street# on which it fronts, or 100 feet, whichever is less;

(d) The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded if:

(1) on a #wide street#, such portion of a #building# with a #street wall# less than 45 feet in width #abuts# an existing #building# with a #street wall# that exceeds such permitted heights. Such new #street walls# may reach the height of such #abutting# #building# or, where there are two #abutting# #buildings# that exceed such heights, such new #street wall# may reach the height of the tallest of such #abutting# #buildings#; or

(2) on a #narrow street#, such #street walls# #abut# two existing #buildings# with #street walls# that both exceed the heights permitted. Such new #street walls# may reach the height of the lowest of such #abutting# #buildings#; and

(3) such new #street walls# shall be fully contiguous at every level with such #abutting# #street walls#.

(e) In addition, the following rules shall apply:

(1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback regulations of paragraph (b) of Section 23-736 and the tower regulations of Section 23-737 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

(2) The provisions of this Section shall not apply to #street walls# of permitted obstructions or #street walls# located beyond 100 feet of a #street line#.

(3) For the purposes of determining the width of a #street wall#:

(i) the width shall be the sum of the maximum widths of all #street walls# of a #building# at every level. The width of a #street wall# shall be the length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#; and

(ii) #abutting# #buildings# on a single #zoning lot# may be considered a single #building#.

(4) For #buildings# with #street walls# less than 45 feet in width that front only on a #narrow street# and #abut# two existing #buildings#, the #street wall# of such #building# shall be no closer to the #street line# than the #street wall# of the #abutting building# that is closest to the #street line#.

(5) On a #through lot# containing #buildings# with #street walls# less than 45 feet in width, the alternative location provisions for #rear yard equivalents# set forth in Section 23-735 (Special yard, court and other area regulations) shall not apply.

23-739 - Limited Height Districts

LAST AMENDED

In the #Limited Height Districts#, for #zoning lots# that do not contain #qualifying affordable housing# or #qualifying senior housing#, the maximum height of #buildings or other structures# shall

be as shown in the following table:

#Limited Height District#	Maximum height above #curb level# or #base plane#, as applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet