Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

35-81 - Special Provisions for Sky Exposure Plane Buildings

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35-81 - Special Provisions for Sky Exposure Plane Buildings

LAST AMENDED
12/5/2024

35-811 - 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 #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R10 Districts without a letter suffix, except that such alternative provisions shall not apply to #zoning lots#:

(a) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6-1, R6-2, R7-3 and R9-1 Districts;

(b) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street;

(c) located in the #Limited Height Districts#; or

(d) in C4-2 Districts in the Borough of Staten Island.

35-812 - Floor area and open space ratios

LAST AMENDED
12/5/2024

For #sky exposure plane buildings# in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R9 District without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section 23-732 (Floor Area and Open Space Ratios in R6 through R9 Districts) 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 23-732. 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 #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on:

(1) the non-#residential# portion of a #mixed building#;

(2) a #commercial building#; or

(3) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed 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 #mixed building#. However, #open space# located on the roof of a #community facility# #building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

35-813 - Floor area provisions in certain towers

LAST AMENDED
12/5/2024

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-815, the #floor area# provisions of Section 35-361 (Special tower provisions) shall apply.

35-814 - Special height and setback regulations

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.

35-815 - Tower regulations

LAST AMENDED
12/5/2024

In C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within 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 (Special tower provisions), and in other #Commercial Districts# mapped within, or with a #residential equivalent# of R9 or R10 Districts, when a #mixed building# is subject to tower regulations, the following shall apply:

(a) where not more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations of Section 23-737 shall apply; and

(b) for other #mixed buildings#, the tower regulations of Section 33-45 shall apply.