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#.