



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

35-81 - Special Provisions for Sky Exposure Plane Buildings

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35-81 - Special Provisions for Sky Exposure Plane Buildings

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LAST AMENDED
12/5/2024

35-811 - Applicability

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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.
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35-812 - Floor area and open space ratios

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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 [35-362](#) (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

in ~~any Commercial Districts mapped within, or with a residential equivalent of, an R9 or R10 District~~ 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

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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.