Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

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#.