



## **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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## 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.