Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

35-30 - APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

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35-30 - APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

LAST AMENDED
2/2/2011

35-31 - Maximum Floor Area Ratio

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility# #use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, except as set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive. The total of all such #floor area ratios# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#, except where explicitly stated otherwise. Special rules for certain areas are set forth in Section 35-36 (Special Floor Area Ratio and Related Bulk Provisions for Certain Areas).

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

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 maximum #floor area ratio# shall

not apply to such change of #use#.

35-32 - Maximum Floor Area for Mixed Buildings on Qualifying Residential Sites

LAST AMENDED
12/5/2024

On #qualifying residential sites#, subject to the individual maximum #floor area ratios# for #commercial#, #community facility# and #residential uses#, the maximum #floor area ratio# for a #zoning lot# with #buildings# containing #residential# and non-#residential uses#, shall be as set forth in this Section.

Within the #Greater Transit Zone#, the maximum #floor area ratio# shall be 2.50.

Outside the #Greater Transit Zone#, the maximum #floor area ratio# shall be as set forth for the applicable #Residence District# the #Commercial District# is mapped within, or the #residential equivalent# of such #Commercial District#.

MAXIMUM FLOOR AREA RATIO FOR MIXED BUILDINGS
OUTSIDE THE GREATER TRANSIT ZONE

District	Maximum #floor area ratio# for #zoning lot#
R1 R2 R3-1 R3A R3X	1.50
R3-2	1.60
R4	2.00
R5	2.50

35-33 - Maximum Floor Area and Special Provisions for Mixed Buildings or Zoning Lots With Multiple Buildings Containing Community Facility Use in Certain Districts

LAST AMENDED
12/5/2024

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility# #uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations.

(a) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

	COLUMN A	COLUMN B
District	Maximum Ratio of #Floor Area# in #Building# to #Lot Area#	Maximum Ratio of #Floor Area# in #community facility# #use# to #Lot Area#

C1 or C2 mapped in R6	2.5	1.0
C1 or C2 mapped in R7-1	3.5	1.0

(b) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# that do not exceed the applicable ratio set forth in Column A in the table in paragraph (a) of this Section, the maximum #floor area ratio# for the #community facility# portion of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to any #building# that does not contain both #community facility# and #residential uses#. The maximum #floor area ratio# permitted for the #commercial# or #community facility# portions of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d).

(d) The total #floor area ratio# permitted for #commercial# or #community facility# #use# on the #zoning lot# shall be as set forth in Article III, Chapter 3, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

35-34 - Existing Public Amenities for Which Floor Area Bonuses Have Been Received

LAST AMENDED
12/5/2024

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction in size of existing public amenity

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

35-35 - Floor Area Bonus for a Public Plaza or Arcade

LAST AMENDED
12/5/2024

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6

In the districts indicated, and in C1 and C2 Districts mapped within R9 through R12 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #building# may be applied, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

(a) Prohibition of #public plaza# and #arcade# bonuses

In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A, R10X

or R11A Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

C1-8 C1-9 C2-7 C2-8

(b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 through R12 Districts, the bonus provisions of Section 33-13 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

(c) In the districts indicated, except C6-4X Districts, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) may be increased by six square feet.

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

(d) In the districts indicated, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections 33-13 and 33-14 shall apply.

C4-8 C4-9 C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9 C6-12

(e) In the districts indicated, the provisions of Sections 33-13 and 33-14 shall apply.

C6-4X

(f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

35-351 - Arcades

LAST AMENDED
12/5/2024

C1-8 C1-9 C2-7 C2-8

(a) In the districts indicated, or in C1 or C2 Districts mapped within R9 through R12 Districts, the provisions of Section 33-14 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5 C6

(b) In the districts indicated, the provisions of Section 33-14 (Floor Area Bonus for Arcades) shall apply.

35-36 - Special Floor Area Ratio and Related Bulk Provisions for Certain Areas

LAST AMENDED
12/5/2024

35-361 - Special tower provisions

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 paragraph (c) of Section 35-632, the provisions of Section 23-241 (Special tower provisions) shall apply:

(a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

35-362 - Special provisions for certain Community Districts

LAST AMENDED
12/5/2024

Borough of the Bronx

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the #floor area ratio# shall be that for an R9-1 District set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts).