



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, 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

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LAST AMENDED  
2/2/2011

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### 35-31 - Maximum Floor Area Ratio

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LAST AMENDED  
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, except as set forth in Section [35-311](#), 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, 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#. Special rules for certain areas are set forth in Section [35-35](#) (Special Floor Area Ratio Provisions for Certain Areas).

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential# #floor area ratio# may be increased pursuant to the provisions of Sections [23-154](#) and [23-90](#) (INCLUSIONARY HOUSING).

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility# #uses# shall be the base #floor area ratio# set forth in Section [23-154](#) for the applicable district.

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility# #uses# shall be either the base #floor area ratio# set forth in Section [23-154](#) plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial# #uses# in such district, whichever is less.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section [23-154](#) only through the provision of #affordable housing# pursuant to Section [23-90](#), inclusive.

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#.

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### 35-311 - Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts

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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, as set forth in Section [35-012](#) (Special provisions for certain community facility uses).

- (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#.

- (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).

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## **35-32 - Open Space Ratio for Residential Portions of Buildings**

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C1 C2 C3 C4 C5 C6

In the districts indicated, a #zoning lot# containing a #residential building# or the #residential# portion of a #mixed building# shall have a minimum #open space ratio# as required under the provisions of Sections [35-21](#) through [35-23](#), relating to Section [35-20](#) (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), except as otherwise provided in this Section.

For the purposes of this Section:

- (a) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (b) 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
- (c) 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.

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### **35-33 - Location of Open Space**

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LAST AMENDED

2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the open space required for a residential building or the residential portion of a mixed building under the provisions of Section [35-32](#) (Open Space Ratio for Residential Portions of Buildings) may be at a level higher than 23 feet above curb level. Such open space may be provided at ground floor level or upon the roof of:

- (a) the non-residential portion of a mixed building;
- (b) a commercial building; or
- (c) 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 such mixed building. 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.

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### **35-331 - Open space restrictions in C4-1 Districts**

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LAST AMENDED 3/22/2016

In C4-1 Districts, for zoning lots having a lot area in excess of four acres, open off-street parking spaces which are accessory to commercial uses are not permitted obstructions within required open space.

In C4-1 Districts, for zoning lots having a lot area in excess of four acres, open space provided on the roof of a commercial building that would otherwise qualify as open space shall be subject to authorization by the City Planning Commission. In permitting such roof area to qualify as open space, the Commission shall find that:

- (a) the location and layout of the roof area is directly accessible, useable and restricted for the residential occupants and their guests for whom no admission charge or membership fee is charged;
  - (b) such roof area contains recreational facilities, seating areas and landscaping; and
  - (c) all mechanical equipment or emissions therefrom are screened and no intake or exhaust duct faces directly into the open space.
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### **35-34 - Floor Area Bonus for a Public Plaza or Arcade**

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LAST AMENDED

2/2/2011

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

In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 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 C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

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

- (1) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.
- (2) Within the boundaries of Community District 7, Borough of Manhattan, 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 or R10 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 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

(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 [23-152](#) (Basic regulations for R10 Districts) may be increased by six square feet.

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

(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.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9

(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.

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## **35-341 - Arcades**

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LAST AMENDED  
2/2/2011

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

(a) In the districts indicated, or in C1 or C2 Districts mapped within R9 or R10 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#.

- (b) In the districts indicated, the provisions of Section [33-14](#) shall apply.

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## **35-35 - Special Floor Area Ratio Provisions for Certain Areas**

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LAST AMENDED  
2/14/2018

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### **35-351 - Special floor area regulations in C6-3 Districts within Community District 1, Borough of the Bronx**

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LAST AMENDED  
2/14/2018

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 #MIH developments# or #affordable independent residences for seniors#, the #residential# #floor area ratio# shall be that for an R9-1 District set forth in paragraph (d) of Section [23-154](#) (Inclusionary Housing) or in Section [23-155](#) (Affordable independent residences for seniors), as applicable.

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### **35-352 - Special floor area regulations for certain districts**

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LAST AMENDED  
5/29/2019

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 [35-64](#) (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas) 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#.