**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 23-24 - Special Provisions for Certain Areas

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## 23-24 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

## 23-241 - Special tower provisions

LAST AMENDED
12/5/2024

In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-435 (Tower regulations), any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:

(a) occupies the predominant portion of a #story#;

(b) is located above the #base plane# or #curb level#, as applicable, and below the highest story containing #residential floor area#; and

(c) exceeds an aggregate height of 25 feet within any given 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined

by aggregating the total height of such floor spaces, dividing by 25 feet, and rounding to the nearest whole integer.

## 23-242 - Special provisions for certain community districts

LAST AMENDED
12/5/2024

(a) Borough of Brooklyn

For R1 through R3 Districts south of Avenue H in Community Districts 11, 14 and 15 in the Borough of Brooklyn, the maximum #floor area ratio# for standard #zoning lots# set forth in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts) shall be increased to 1.0.

## 23-243 - 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) Nighttime closing of existing public open areas

In all #Residence Districts#, the 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).

(c) Elimination or reduction in size of existing public amenities

In all 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 Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).