Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

123-30 - SUPPLEMENTARY USE REGULATIONS

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123-30 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
12/10/1997

123-31 - Provisions Regulating Location of Uses in Mixed Use Buildings

LAST AMENDED
12/5/2024

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, #commercial# or #manufacturing# #uses# may be located only on a #story# below the lowest #story# occupied by #dwelling units#, except that this limitation shall not preclude the:

(a) extension of a permitted business #sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#;

(b) location of #commercial# or #manufacturing# #uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), as modified in Section 123-67 (Residential Conversion); or

(c) location of #commercial# or #manufacturing# #uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that:

(1) no access exists between such #uses# at any level containing #dwelling units#; and

(2) the environmental requirements set forth in Section 32-423 shall be met where #commercial# or #manufacturing# #uses# are located above any #story# containing #dwelling units#.

123-32 - Environmental Conditions

LAST AMENDED
12/10/1997

In #Special Mixed Use Districts#, all new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy.

123-33 - Health and Fitness Establishments

LAST AMENDED
6/6/2024

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the enclosure and environmental conditions for C7 Districts set forth in Section 32-16 (Use Group VI – Retail and Services), inclusive.