



Zoning Resolution

THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, 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
2/2/2011

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 paragraph (a) of Section 123-67 (Residential Conversion), or were previously so #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings); 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 the #commercial# or #manufacturing uses# are:
 - (1) located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) not located directly over any portion of a #building# 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.