



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 143-10 - SPECIAL USE REGULATIONS

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## 143-10 - SPECIAL USE REGULATIONS

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LAST AMENDED  
12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the #use# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

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## 143-11 - Modifications for Certain Uses

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LAST AMENDED  
12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the following #use# modifications shall apply:

- (a) the following #uses# listed in Use Group 3A shall not be permitted:
  - colleges or universities, including professional schools but excluding business colleges or trade schools
  - college or school student dormitories and fraternity or sorority student houses;
- (b) eating or drinking establishments, as set forth in Use Groups 6A, 6C, 10A or 12A, shall be limited to 8,500 square feet of #floor area# per establishment; and
- (c) all #uses# listed in Use Group 10A shall be permitted, provided that retail #uses# do not exceed the following size limitations:
  - (1) for establishments with a #primary entrance# along a #wide street#, 25,000 square feet of #floor area# per establishment; and
  - (2) for all other establishments, 10,000 square feet of #floor area# per establishment.

However, the City Planning Commission may, by special permit, allow retail #uses# in Use Group 10A that exceed the size limitations of this Section, pursuant to Section [143-31](#) (Special Permit for Certain Retail Uses).

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## 143-12 - Home Occupation

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LAST AMENDED  
12/15/2021

The #home occupation# provisions of Section [12-10](#) (DEFINITIONS - Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#, and such #home occupation# may occupy more than 500 square feet of #floor area#.

In addition, in connection with such #home occupation#, up to three persons not residing in such #dwelling unit# may be employed, and a #home occupation# may include any permitted #commercial use#, subject to the limitations set forth in paragraph (b) of the definition of #home occupation#.

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## 143-13 - Joint Living-Work Quarters for Artists

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LAST AMENDED

12/15/2021

#Conversions# to #joint living-work quarters for artists#, as listed in Use Group 17D, shall not be permitted after December 15, 2021, within the #Special SoHo-NoHo Mixed Use District#.

For #developments#, #enlargements# or #conversions#, for the purposes of applying Section [123-21](#), Use Group 17D #joint living-work quarters for artists# shall not be considered an existing #manufacturing# or #commercial use#.

For #joint living-work quarters for artists# existing on December 15, 2021, any #conversion# to a #residence# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Building that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #SoHo-NoHo Arts Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing the #conversion# a #joint living-work quarters for artists# to a #residence#.

The contribution amount shall be \$100.00 per square foot of #floor area# to be #converted# from a #joint living-work quarters for artists# to a #residential use# as of December 15, 2021, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the 12 months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received.

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## **143-14 - Non-residential Retention for Qualifying Buildings**

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LAST AMENDED

12/15/2021

For #developments#, #enlargements#, and #conversions# on #zoning lots# with #qualifying buildings# existing on December 15, 2021, #residential uses# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Buildings that the #zoning lot#, as it existed on December 15, 2021, will contain at least the amount of non-#residential# #floor area# that existed within such #qualifying buildings# on the #zoning lot# on December 15, 2021, or where the #qualifying building# will be #converted# to #residences# that are exclusively #income-restricted housing units#. For the purposes of this Section, non-#residential floor area# shall not include #residences#, including #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7-C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980, #joint living-work quarters for artists#, #community facility uses# with sleeping accommodations or #transient hotels#, where permitted.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within #qualifying buildings# on December 15, 2021, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register.

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## **143-15 - Ground Floor Use Requirements**

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LAST AMENDED

12/15/2021

The provisions of this Section shall apply to #developments# and #ground floor level enlargements#.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section [37-30](#) to this Chapter, any portion of a #ground floor level street# frontage along #streets# designated on Map 1 in the Appendix to this Chapter shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a

**#secondary street frontage#**. For the purposes of this Section, defined terms shall include those in Sections [12-10](#) and 37-311.

(a) **Along #primary street frontages#**

For **#buildings#**, or portions thereof, with **#primary street frontage#**, **#uses#** on the **#ground floor level#**, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-**#residential uses#**, except for Type 1 lobbies and entrances and exits to **#accessory#** parking spaces provided in accordance with the applicable provisions of Section [37-33](#) (Maximum Width of Certain Uses). **#Ground floor level street walls#** shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

(b) **Along #secondary street frontages#**

Any **#street wall#** width exceeding 50 feet with no transparent elements on the **#ground floor level#** shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section [37-361](#) (Blank wall thresholds).